

# 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. -- DECEMBER 14, 1993

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Session 11/09/93 and 11/23/93
  - 2.2 Business Licenses - Month of November, 1993
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. PRESENTATION: Audit Report FY 1992-93
- (A) 5. APPOINTMENTS: Selection Committees Recommendations for appointment to Planning Commission and Parks Advisory Committee
- (I) 6. STATUS REPORT: Proposed Draft Amendments to the Troutdale Comprehensive Land Use Plan Goal 3, Land Use and Goal 10, Housing to include references to Manufactured Housing as a Recognized housing type in LDR [Low Density Residential] and MDR [Medium Density Residential] Plan Designation.
- (I) 7. STATUS REPORT: Proposed Draft Amendments to the Troutdale Development Code to Include manufactured Dwellings as permitted uses in all Single-family residential Zoning Districts and Amending Chapter 9, Off Street Parking Regulations to Include Manufactured Dwelling Parking Standards
- (A) 8a. PUBLIC HEARING/ORDINANCE: Relating to juries in the Municipal Court, Amending Ordinance 156 [TMC 2.16 Article II]  
First Reading



**PUBLIC HEARING:**

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

(A) 8b. **ORDINANCE: Relating to juries in the Municipal Court, Amending Ordinance 156 [TMC 2.16 Article II]**

(A) 9a. **PUBLIC HEARING/ORDINANCE: Revising the Public Works Portions of the Troutdale Municipal Code**

**First Reading**

**PUBLIC HEARING:**

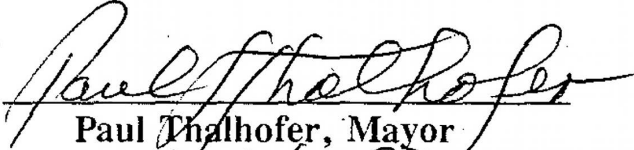
- .1: Open Public Hearing**
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- .9: City Council Questions**
- .10: Recommendation by Staff**
- .11: City Council Questions**
- .12: Close Public Hearing Process**

(A) 9b. **ORDINANCE: Revising the Public Works Portions of the Troutdale Municipal Code**

**First Reading**

(A) 10. **REQUEST FOR CLARIFICATION - Charter Review Committee**

- (A) 11. RESOLUTION: Declaring Certain Personal Property as Surplus and Authorizing Disposal [Bicycles]
- (A) 12. RESOLUTION: Approving an Amended Final Review Order
- (A) 13. RESOLUTION: Recognizing the Completion of the Public Facilities in Stuart Ridge Subdivision, Phase III and Accepting them Into the City's System as a Fixed Asset.
- (A) 14. DEPARTMENT REPORTS:
- Finance
  - Public Safety
  - Community Development
  - Public Works
  - City Attorney
  - Executive
- (A) 15. COUNCIL CONCERNS AND INITIATIVES
- (A) 16. ADJOURNMENT.

  
Paul Thalhofer, Mayor  
Dated: 12-14-93

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

**7:00 P.M. -- DECEMBER 14, 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.

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

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

**GUESTS:** Howard Hanson, Dave Schmidt, Bruce Stannard, Leslie Daoust, Marvin Daoust

Councilor Schmunk led the pledge of allegiance.

Christian stated there was an Agenda update that would move Item #4, the audit report to approximately 9:00 p.m. There was also an agenda correction for Item #12 to be a public hearing on the resolution amending the final review order. Interested parties were notified in writing of a public hearing. LCDC was also notified. The resolution was in the public notice 10 days prior to the meeting. Christian stated a contract review board would convene regarding another item.

**2. CONSENT AGENDA: 2.1 Accept Minutes - Regular Session 11/09/93 and 11/23/93;  
2.2 Business Licenses - Month of November, 1993**

Mayor Thalhoffer called this item.

Councilor Prickett stated he didn't have the Minutes of the November 9 meeting in his packet and the November 23 minutes showed he would accept, however, the minutes were tabled.

**MOTION:** Councilor Thompson moved to approve the consent agenda excluding the November 9 Minutes. Councilor Ripma seconded the motion.

**POSITION VOTE:**

**Burger-Kimber - Yea; Lloyd - Yea; Prickett - Yea; Ripma - Yea; Schmunk - Yea;  
Thompson -Yea** **MOTION PASSED**

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

Mayor Thalhfer called this item.

Leslie Daoust stated she was available to collect checks from persons that had donated funds for the park structure.

5. APPOINTMENTS: Selection Committees Recommendations for appointment to Planning Commission and Parks Advisory Committee

Mayor Thalhfer called this item. He reviewed the candidates that were interviewed and stated the selection committee recommended reappointment of Max Maydew and appointment of Gary Stonewall to the Planning Commission

**MOTION: Councilor Burger-Kimber moved to accept the recommended appointments of Max Maydew and Gary Stonewall to the Planning Commission. Councilor Prickett seconded the motion.**

**POSITION VOTE:**

**Burger-Kimber - Yea; Lloyd - Yea; Prickett - Yea; Ripma - Yea; Schmunk - Yea;  
Thompson -Yea** **MOTION PASSED**

Mayor Thalhfer discussed the appointments to the Parks Advisory Committee. Selection Committee recommendations were: One year terms Paul Rabe, Marvin Daoust and Pat Smith; 2 year appointments - Michael Orcutt, Cindy Troupe and 3 yrs; Leslie Daoust; Bruce Stannard; Carolyn Taylor.

**MOTION: Councilor Prickett moved and Councilor Thompson seconded the recommended appointments of one year terms: Paul Rabe, Marvin Daoust and Pat Smith; 2 year terms to Michael Orcutt, Cindy Troupe; and 3 year terms to Leslie Daoust, Bruce Stannard and Carolyn Taylor to the Parks Advisory Committee.**

**POSITION VOTE:**

**Burger-Kimber - Yea; Lloyd - Yea; Prickett - Yea; Ripma - Yea; Schmunk - Yea;  
Thompson -Yea** **MOTION PASSED**

6. STATUS REPORT: Proposed Draft Amendments to the Troutdale Comprehensive Land Use Plan Goal 3, Land Use and Goal 10, Housing to include references to Manufactured Housing as a Recognized housing type in LDR [Low Density Residential] and MDR [Medium Density Residential] Plan Designation.

Mayor Thalhfer called this agenda item.

Barker stated this item was a status report on requirements passed by the State Legislature relating to HB 2825 which mandated in fill of manufactured dwellings in all residential zoning districts. As a part of that bill, all cities were required to submit preliminary draft amendments to show good faith intentions that the City, in fact, are reviewing and adopting language no later than May 1 of this year. Staff had met with LCDC and the City Attorney to review the rules. Suggestions were to incorporate portions of the bill into a draft to be sent to DLCD and then to the consultant for reviews of Planning Commission and committees. The City was required to file that it was aware of the rules and there was an intent to follow them. Mr. Sitzman from DLCD had suggested that the City incorporate things from the State bill, a model ordinance, as well as current language in the subdivision rules. A draft to be sent to DLCD, once sent to them it would be referred to the consultant to be taken to the Planning Commission and all of the local reviews and back to City Council. She stated this was a very rough draft to satisfy the State requirements.

Councilor Prickett asked where the model ordinance came from?

Barker stated it was sent to the City by the Oregon Manufactured Housing Association.

Councilor Prickett stated there was a book that governed all codes in the State of Oregon. Pg. 11 to the end was discussing how the excavation and back fill should be done. Copying law into the rules didn't work. However, it should be written based on the law. Another thing done, which shouldn't be was a manufactured home with a pitched roof 4/12 pitch roof was required. A lower pitch would require a built up roof. The law states the manufactured home shall have a pitched roof, except..... this was copied into the code and it says absolutely nothing.

Councilor Prickett stated it was an excellent law other than those two items mentioned. The State was after giving an avenue for people that couldn't afford other types of housing. They can't have separate meters, they must look exactly like other types of housing.

Barker stated this was a preliminary draft to be reviewed by Planning Commission, City Attorney, Building Official and others. A disclaimer would be put on the permit stating there may be other laws and regulations.

Councilor Prickett voiced several objections stating it was in opposition to the Building Code.

He asked that several items needed to be amended. [Memo include these suggested changes] The manufactured dwelling standards [Section F, Item #2, Section F, item #3 and Section F.2.] He suggested section F.2. state: foundations for manufactured homes shall comply with Current OAR regulations. Homes be placed on an excavated and back fill foundation enclosed at the parameter such that the manufactured home is located not less than 8" nor more than 12" above grade. If the manufactured home is placed on a basement the twelve [12] inch limitation shall not apply. And Item F3 read as follows: the manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal 3' in height for each 12' in width. He asked if the State had it yet?

Barker stated no. The state required a draft amendment acknowledging the City intention of complying with HB 2835. That was the purpose of being before Council now.

Mayor stated the consultants would be taking this before Planning Commission and changes would be made before coming back to Council.

Councilor Ripma asked if Barker could incorporate the changes before it was sent to the State?

Barker, yes these changes would be incorporated before the draft would be sent to Salem.

Councilor Ripma stated Item #7, number 8, pg. 20 - "manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts." He asked that Barker add language "or a structure designated as a community resource by the City of Troutdale".

Barker stated that she would add this in addition to Councilor Prickett's suggestions.

Councilor Burger-Kimber asked about the time line?

Barker stated it was to be submitted by January 1.

Councilor Burger-Kimber stated in her discussion of this with Councilor Prickett, she wanted clarification of restrictions in the State code that the City would take full advantage to ensure that there wouldn't be substandard housing allowed in the neighborhoods.

This discussion took care of both Status Reports for Items 6 and 7.

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|---|
| 7. STATUS REPORT: Proposed Draft Amendments to the Troutdale Development Code to Include manufactured Dwellings as permitted uses in all Single-family residential Zoning Districts and Amending Chapter 9, Off Street Parking Regulations to Include Manufactured Dwelling Parking Standards |
|---|

See above comments.

8a. PUBLIC HEARING/ORDINANCE: Relating to juries in the Municipal Court,  
Amending Ordinance 156 [Troutdale Municipal Code 2.16 Article II] First Reading

Court Clerk, Paula Goldie, stated the current ordinance was old and this ordinance would take out language of free holders and marshall which would bring it into the current process and update the language. Jurors were paid \$4/day and there was maybe only one or two jury trials per year. She stated she generally polled 40 people trying to get 12 jurors.

Councilor Ripma asked if this ordinance was to be an action item tonight?

Christian stated this was before Council for first reading.

Mayor Thalhoffer called the public hearing.

PUBLIC HEARING:

- .1: Open Public Hearing - 6:35 p.m.
- .2: Declarations, Challenges, Ex Parte Contact -0-
- .3: Summation by Staff

Goldie's comments were to update language and bring the ordinance into what the current processes were. There was no additional financial impact from current procedures.

- .4: Public Testimony: Proponents - Staff recommended adoption.
- .5: City Council Questions
- .6: Public Testimony: Opponents -0-
- .7: City Council Questions
- .8: Rebuttal
- .9: City Council Questions
- .10: Recommendation by Staff - Passage of the ordinance
- .11: City Council Questions
- .12: Close Public Hearing Process - 7:35 p.m.

8b. ORDINANCE: Relating to juries in the Municipal Court, Amending Ordinance 156  
[FMC 2.16 Article II]

Mayor Thalhoffer called this item.

**MOTION: Councilor Ripma moved adoption of the ordinance. Councilor Prickett seconded the motion.**



**POSITION VOTE:**

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

**MOTION PASSED**

9a. PUBLIC HEARING/ORDINANCE: Revising the Public Works Portions of the Troutdale Municipal Code First Reading

Mayor Thalhofer called this item and read the title of the Ordinance.

**PUBLIC HEARING:**

- .1: Open Public Hearing - 6:36 p.m.
- .2: Declarations, Challenges, Ex Parte Contact -0-
- .3: Summation by Staff

Galloway reviewed stating that the City Attorney had comments late to this since changes in the past legislature would change some things. This was advertised and asked that this be carried over for first reading in January.

Clarification of language and change some language of fees into a resolution format rather than ordinance. Fees of solid waste would be better done by resolution. He would defer to Council questions.

- .4: Public Testimony: Proponents

Galloway asked that this item be continued due to the volume of material to be reviewed.

MOTION: Councilor Thompson moved to continue this to the first meeting in January.

Councilor Schmunk stated it was out of order, this was the public hearing process.

- .5: City Council Questions -0-
- .6: Public Testimony: Opponents -0-
- .7: City Council Questions
- .8: Rebuttal
- .9: City Council Questions

MOTION: Councilor Ripma moved to renew the motion made by Councilor Schmunk.

Sercombe stated the public hearing could be continued at a future date. Continue the public hearing, to a date certain.

Councilor Ripma asked if concluding the public hearing, could Council then have another public hearing at a future date?

Councilor Thompson stated staff was unprepared and stated it would be appropriate to continue it at this time.

**MOTION: Councilor Thompson moved to continue the hearing to January 11 allowing for additional public testimony. Councilor Burger-Kimber seconded the motion.**

**POSITION VOTE:**

**Burger-Kimber - Yea; Lloyd - Yea; Prickett - Yea; Ripma - Yea; Schmunk - Yea; Thompson - Yea. MOTION TO CONTINUE TO JANUARY 11 PASSED**

**10. REQUEST FOR CLARIFICATION - Charter Review Committee**

Mayor Thalhoffer stated that there was concern of the function of an alternate member named to this committee. The minutes of a work session were before Council and he asked for discussion of the function of the alternate.

Councilor Ripma stated it was clear that the function was to step into the place of someone that couldn't continue for some reason. The alternate did not have a vote until that would happen.

Councilor Thompson disagreed stating that it was confusing and when there was consensus he still didn't know what the consensus was other than 7 and an alternate. No mention was made of an alternate vote. He stated asking someone to put that much time into a committee without having a vote was not reasonable. An alternate should have a vote.

Councilor Ripma stated it was voted unanimously to have an alternate.

Councilor Thompson stated it doesn't state anything about the alternate voting before replacing a permanent member.

Councilor Ripma stated 4 members of Council were at the first Charter Review Committee meeting. It was a committee of 7 and how else could it be? Discussion of when the alternate would vote ensued.

Councilor Thompson disagreed. There was discussion on the number of the committee. He believed it should be a committee decision about whether or not the alternate votes.

Councilor Burger-Kimber stated she had suggested having an alternate because they were long terms with sophisticated items to be dealt with. The discussion was the alternate would not have voting

power in the Budget Committee. The alternate for this committee [CRC] there wasn't discussion and she assumed it would be the same as previously set with the Budget Committee. An alternate would be up to speed with the process if needed to be take a position if vacated.

Councilor Ripma stated the committee should decide.

Mayor Thalhoffer asked for a motion.

Councilor Lloyd asked if the alternate would be voting or not? There wasn't a resolution yet.

**MOTION: Councilor Lloyd moved to reconsider the amount of membership to no more than 8 and no less than 7 with all having voting powers. If the CRC dropped to 7 the Council would appoint another member. Councilor Thompson seconded the motion.**

**DISCUSSION:**

Councilor Ripma stated the motion was out of order. This would substantially change what had originally be agreed to. There was a unanimous decision to select 7 and one alternate. The issue had been discussed by the CRC. To change the membership would be out of order.

Councilor Thompson disagreed. Anything could be changed by a majority of the Council. Councilor Lloyd's solution was elegant. The committee be 8 members who could choose a Chairman who would be a non-voting member.

Councilor Ripma stated he wanted to defer this item and have a work session to reconstitute the committee. There were dedicated citizens on the committee and had agreed with Burger-Kimber and his position. He wanted a chance to discuss this with Council in a work session.

Councilor Lloyd stated he wouldn't have made the motion had there been agreement in a work session. He made the motion to clarify matters now.

Councilor Prickett stated this motion would deprive a person that was a member a vote, and give it to the alternate.

Councilor Schmunk stated this committee had 11 interested and interviewed which was narrowed to 8 for membership. It was agreed to have an alternate and there wasn't a reason to appoint the person to the committee. She agreed with Councilor Lloyd's motion.

Councilor Burger-Kimber stated the recommendation prior to hat rather than reconstituting the committee. It was a citizen committee entrusted with the Charter. The committee could make the decision and Council should honor the decision of the committee and let them decide whether they should be an 8 or 7 member committee. There were mis-perceptions about reconstituting the

committee. They would be recommending things much more important than this and Council should trust them to make the decision.

Councilor Lloyd disagreed since their position was to make decision on the Charter and not make up of the committee.

Walt Postlewait, 1624 SE 28th Court stated he was the alternate and had raised the question of voting. The CRC was an important committee and needed the least controversy as possible. Councilor Burger-Kimber and Ripma had their own agendas. He stated he would solve the problem and resign as of now.

Councilor Lloyd stated they should refuse the resignation but it didn't solve the problem in that another alternate would need to be appointed and there was no decision about voting.

Councilor Ripma stated item 10 implied they knew who would be picked and he had no agenda. He did wish to keep the numbers down. It was in the packet why they didn't want 8. He discussed the point of 8 causing a tie. He had no agenda and frankly the idea of resigning shouldn't stop the process. He was puzzled that advertising and re appointing was never a point.

Councilor Thompson stated adding another member could add the same problem with the vote. Council could change the makeup of the committee. There was no reason why not.

Dave Schmidt, 2700 SW Corbeth Lane spoke as a member of the Charter Review Committee. He believed the committee would be handcuffed if the alternate didn't get to vote. 6 would be a majority, there were times he knew he wouldn't be able to attend. The alternate should have a voting right if spending the time at the meetings. There were people adamant about going to 7 and not giving the alternate a vote. By January there would be other feelings. The committee didn't know that the Chairman wouldn't have a vote, that would put another stump in it. The alternate should vote.

Councilor Ripma stated right now all 7 members vote. The motion was to change the structure to have the Chair not vote. The Chair not voting was part of the motion made. As the committee was constituted, the Chair would be voting all 7 members would vote.

**AMENDMENT TO  
THE MAIN MOTION:**

**Councilor Thompson moved to amend the motion to have an 8 member committee but allow the alternate to vote. Councilor Prickett seconded the motion.**

Councilor Ripma stated he had the floor before Mr. Schmidt spoke.

**AMENDMENT  
TO THE MOTION:**

**Councilor Ripma moved to amend Bruce's motion.**

**MOTION TO AMEND FAILED LACK OF SECOND.**

Sercombe stated you cannot move to make an amendment.

**AMENDMENT  
TO THE MOTION:**

**Councilor Ripma moved to request the motion and second be withdrawn. He wished to defer this to a work session for Council discussion and don't give a mixed signal to this important committee. It was unanimous to date and he wished that to continue.**

**MOTION TO AMEND FAILED LACK OF SECOND.**

**AMENDMENT  
TO THE MOTION:**

**Councilor Ripma moved to amend Councilor Lloyd's motion and requested the motion be withdrawn and the second withdrawn.**

**MOTION TO AMEND FAILED LACK OF SECOND.**

Councilor Thompson stated Councilor Ripma was out of order.

Sercombe stated Councilor Ripma's intent was to table this item.

Mayor Thalhoffer asked Councilor Ripma to explain his intent.

Mayor Thalhoffer stated a Motion to amend the main motion was on the floor.

Councilor Ripma wanted to explain his motion before taking a vote. He urged a no vote on grounds it enlarges the quorum and there would be 8 votes which wasn't as good as 7.

Councilor Thompson stated 8 votes were better than 7. Everything done by the Committee would be before Council. If a tie vote occurred it wouldn't be fatal.

Mayor Thalhoffer stated there was a motion to amend the main motion on the floor.

**POSITION VOTE:**

**Burger-Kimber - Yea; Lloyd - Yea; Prickett - Yea; Ripma - No; Schmunk - Yea;  
Thompson - Yea**

**MOTION PASSED**

**MOTION: Councilor Ripma moved to table this item. Councilor Burger-Kimber seconded the motion.**

**MOTION: Councilor Ripma moved to amend the main motion to have discussion at a work session.**

Mayor Thalhoffer stated the Chair didn't accept that motion as an amendment. Mayor Thalhoffer stated the motion to table failed. The majority of the Council wanted to take action.

Sercombe stated his agreement with the defeated motion to table. There were other motions which could be made: 1] postpone further deliberation to a time and place certain. He agreed that the motion wasn't in order.

**MOTION: Councilor Ripma moved to amend the motion to postpone further deliberation until a work session in January prior to next scheduled meeting of the Charter Review Committee.**

Mayor Thalhoffer stated Councilor Ripma was out of order. He used the term to amend and the term to postpone to a time certain would be appropriate.

**MOTION: Councilor Ripma moved to postpone further deliberation until a work session sometime before the next scheduled meeting of the Charter Review Committee. Councilor Burger-Kimber seconded the motion.**

Councilor Ripma stated he wouldn't be making any more motions. He hoped there would be a unanimous charge to committee, a very important committee. If there were deliberations at a work session and a unanimous vote was taken it would be better, he feared there would be split vote at this meeting.

Councilor Thompson stated any idea this was a unanimous decision was already destroyed. No one's opinion will be changed in a work session. Vote now and get it out of the way.

Councilor Ripma would change his opinion but he wanted to discuss it first.

**MOTION TO POSTPONE FAILED - LACK OF MAJORITY**

Mayor Thalhoffer asked the City Recorder to read the main motion.  
City Recorder Raglione read the main motion.

**MOTION: Councilor Lloyd moved to reconsider the amount of membership to no more than 8 and no less than 7 with all having voting powers. If the CRC dropped to 7 the Council would appoint another member. Councilor Thompson seconded the motion.**

Councilor Ripma if the resignation stands and there are 7 members do we need to appoint an 8th member?

Mayor Thalhofler stated it would be okay with 7 or 8

**POSITION VOTE:**

**Schmunk - Yea; Ripma - No; Thompson - Yea; Prickett - Yea; Lloyd - Yea; Burger-Kimber - No**  
**MOTION PASSED**

Councilor Thompson asked if Walt Postlewait would reconsider his resignation?

Walt Postlewait stated it would be more appropriate for Council to reappoint.

Mayor Thalhofler stated it would be more appropriate for Postlewait to reconsider his resignation. Council was looking for 8 voting members.

Postlewait stated he didn't wish to cloud the committee.

Mayor Thalhofler stated Council had made its decision.

Postlewait withdrew his resignation if it was agreeable to the majority of the Council.

Mayor Thalhofler stated the committee had 8 members, all voting members. He stated he didn't want to appoint an alternate to any committee again. To go to all meetings, read the material and attend the meetings without privileges of being a member wasn't reasonable.

11. RESOLUTION: Declaring Certain Personal Property as Surplus and Authorizing Disposal [Bicycles]

Mayor called this agenda item.

Chief Collier spoke to this issue stating there were 25 bicycles which needed to be disposed. Ordinance 283 outlined methods for disposal of surplus, unclaimed, abandoned, impounded or confiscated personal property.

**MOTION: Councilor Thompson moved adoption of the resolution declaring certain personal property as surplus and authorizing disposal. Councilor Ripma seconded the motion.**

**POSITION VOTE:**

**Schmunk - Yea; Ripma - Yea; Thompson - Yea; Prickett - Yea; Lloyd - Yea; Burger-Kimber - Yea**  
**MOTION PASSED**

Chief asked for direction stating on April 9, 1991 the previous Council had moved to participate in Boeing's Operation Wheels for a community outreach program. He asked if this Council would confirm the method be carried on.

**MOTION:** Councilor Thompson moved with Councilor Prickett seconding the motion to donate the bicycles to Boeing's Operation on Wheels.

**POSITION VOTE:**

Schmunk - Yea; Ripma - Yea; Thompson - yea; Prickett - Yea; Lloyd - Yea; Burger-Kimber - Yea

**MOTION PASSED**

12a. PUBLIC HEARING/RESOLUTION: Approving an Amended Final Review Order

Mayor Thalhofer called this item. Council was adjourned and Public Hearing opened at 8:44 p.m.

**PUBLIC HEARING:**

- .1: Open Public Hearing - 8:44 p.m.
- .2: Declarations, Challenges, Ex Parte Contact -0-
- .3: Summation by Staff

Sue Barker stated the process began in 1986 and continued in 1990. The past two years the changes required by the State were made. All ordinances were included, notices were sent of the public hearing. DLCD representatives and City Attorney Sercombe had reviewed the materials. The State required the changes by the end of 1993.

Sercombe stated Periodic Review was a process for updating a Comprehensive Plan which had been adopted in 1991. The City was completing a process prior to 1991. The law required actions to bring the Plan into consistency with changes in State law, changing other things affecting the program. This matter had been before Council twice in the past. Controversy's largely were zoning on the County Farm property - regional purposes or not apply a mixed use zoning on the property. Other objections having to do with notice process for quasi judicial hearings, notification to special service districts in adoption of plan; and content of ordinances relating to manufactured dwellings. In light of those objections, ordinances were adopted and cured. By adopting the resolutions, the process could be concluded and those changes made a part thereof. This would also conclude the City obligations.

Barker stated sections needed to be renumbered from the second section 3 - thereby being 6 sections rather than 5.

- .4: Public Testimony: Proponents - City
- .5: City Council Questions
- .6: Public Testimony: Opponents
- .7: City Council Questions
- .8: Rebuttal



- .9: City Council Questions
- .10: Recommendation by Staff - Approval.
- .11: City Council Questions
- .12: Close Public Hearing Process - 8:50 p.m.

12b. RESOLUTION: Approving an Amended Final Review Order

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

**MOTION:** Councilor Thompson moved approval of the resolution. Councilor Prickett seconded the motion.

**POSITION VOTE:**

Schmunk - Yea; Ripma - yea; Thompson - Yea; Prickett - Yea; Lloyd - Yea; Burger-Kimber - Yea

**MOTION PASSED**

13. RESOLUTION: Recognizing the Completion of the Public Facilities in Stuart Ridge Subdivision, Phase III and Accepting them Into the City's System as a Fixed Asset.

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

Galloway stated this was a 44 lot subdivision. The Public Works portion was complete with one exception to be dealt with separately. That of a nature pond still at issue. Staff recommended approval.

Councilor Ripma asked if deferring the pond but later taking it in?

Galloway stated yes.

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

**POSITION VOTE:**

Schmunk - Yea; Ripma - Yea; Thompson - Yea; Prickett - Yea; Lloyd - Yea; Burger-Kimber - Yea

**MOTION PASSED**

4. PRESENTATION: Audit Report FY 1992-93

Neil Erickson, Grant Thornton, stated Council may wish to review documents and respond later. He then reviewed the document[s]. Three sections being: introductory; financial; statistical. He read last paragraph on pg. 3 - Report of Independent Certified Public Accountants. Revenues and

expenditures were fairly comparative to last year. Changes in expenditures were affected by the expansion of the wastewater treatment plant. More money than budgeted was not spent. \$3,995,278 was on deposit with the State Investment Pool [pg. 17] bottom. Pension notes, City participated in State's pension plan showed nearly \$1 million in assets over the pension benefit obligation. Erickson continued to point out highlights of the report for Council.

Councilor Lloyd assets booked at cost [pg. 14 footnote 9]. Top 10 businesses in the City [pg. 90] Gazewood stated 93-94 would show a more significant change in McMenamin's being included in top ten.

14. DEPARTMENT REPORTS:

- Public Safety - Chief reported that the hiring process for an additional officer was completed and a start date of 12/27 was set.

Councilor Ripma asked about a recent explosion in the City. Was the event anything that Council should be concerned about?

Chief stated no. News release was that an arrest wasn't made, however, the arson incident was submitted to the DA for consideration. They would be considering for Grand Jury.

Councilor Prickett asked how the process for the new Reserve Officers was doing?

Chief stated they were scheduled for an academy in January. They would be meeting with the liaison officer this Saturday for a brief orientation meeting.

- Finance - Gazewood discussed current year taxes compared to previous year. The amount in his report was 86% of the anticipated amount. The schedule showing annual current year taxes - there was 6-7% more to collect as of now. Increase in assessed value took the City out of the compression factor. He briefed Council on the report by Grant Thornton. The City was in good financial health. The number of businesses locating in the City had helped make things healthier too. The assessed value had nearly doubled since July 1, 1990.

Mayor Thalhofer stated he understood that Troutdale had a younger population and the certified PSU figure of 9,410 could, in reality be closer to 10,000.

- Community Development - Barker stated there were permits for 32,000 sq. foot expansion phase at the Factory Outlet.

Mayor Thalhofer asked how Swift transportation was doing?

Barker stated they were working on erosion control and would be a 14 acre regional facility for a nationwide operation. There would be 30-35 employees at Troutdale with 150 on a daily basis through Troutdale.

Councilor Lloyd asked about the Mazda Toyota recycling facility. Barker stated it was inside a building with car part 1-4 years old and sold the parts stacked on pallets.

- Public Works - Nothing to add.

Councilor Thompson asked about a letter to Wastewater Management and asked for an update.

Galloway stated the City Attorney had sent a letter based on a November Council meeting request. The second issue was insurance and whether they were covered for concerns occurring on City property. Sludge was moved to property not belonging to the City until DEQ approval was obtained. They had approved land application of the sludge. The insurance concern wasn't cleared up as yet. The violation of the permit 1] not having a PH value allowed; not keeping informed of status of their operation. After a meeting there were three representing Wastewater and violation of the agreement was found; corporate status was renewed and in full effect currently.

Councilor Prickett asked what property the sludge was placed on?

Galloway stated Bennett property nearby.

Councilor Ripma asked if DEQ had inquired about a formal request for the placement of the sludge? Galloway stated he wasn't sure of the exact status of that.

Councilor Ripma stated the submission didn't appear to have happened, formally. This means they are still accumulating the solids. He recalled they were sighted for improperly moving the solids before, is that proper?

Galloway stated that was asked of DEQ and it appeared they didn't perceive that to be a serious violation.

Councilor Ripma asked if Galloway was going to follow up? Galloway stated it wasn't his intent.

Councilor Ripma asked if the pre treatment specified how materials from industrial operations and disposed of properly - could that be included in the pre treatment ordinance? He wished to have an answer to this question. DEQ permit issued 6/17/93 allowed 6 months accumulation, then dispose of it. December 17 marks six months, he wanted the City to look

into it and is that a cap? Can that be pointed out to DEQ and is there any basis for them terminating until they have a formal plan in place.

Councilor Thompson asked if they were in violation in terms of their lease during the past 6 months?

Galloway stated they were accused of that, yes. Having sludge stored on property was in violation; they failed to provide as built within 90 days of the lease going into affect; and the question of insurance.

Sercombe stated the lease provided for a 60 day notice to address questions of default. They have until 1/14/94 to remedy the defaults served in the notice. The sludge accumulation on city property was resolved; 1/14/94 the as built would be provided; insurance had been provided to the City Attorney but not time to review yet.

Councilor Burger-Kimber discussed her understanding of the business originally when the lease was agreed upon. Now the nature of the business has entirely changed, isn't that a violation of the lease? Her concern was that the City was sustaining a business with tax dollars at this point. The nature of the business wasn't viable and now the burden was placed on the shoulders of the community to take responsibility and liability for a large dump of waste. Reality was if they can't do business and make money, using tax dollars to support that was a big concern she had. Could this be pushed more forward instead of playing a shell game of moving waste around.

Councilor Ripma stated that in a discussion with DEQ a permit was issued based on the business being for treatment not a land fill disposal. Councilor Ripma voiced concern over the forest service and ODOT consideration of abandoning Exit 18. Galloway stated it currently doesn't meet standards and isn't safe. Closing something down as opposed to spending millions to rebuild it could be their concern. Councilor Ripma stated that could be overcome by enough support from the community saying 'don't do that' by opposing closure since it would be detrimental to Troutdale. He urged taking a position and letting it be known.

Galloway stated he would carry the message forward.

Councilor Lloyd stated if the exchange was closed it would put a lot of traffic through downtown Troutdale. He supported taking a firm position to not close Exit 18.

**MOTION: Lloyd moved that the City oppose closure of Exit 18. Councilor Ripma seconded the motion.**

Mayor asked to prepare a resolution.

**MOTION: LLOYD City oppose closure of Exit 16B and Exit 18 and that two separate resolutions be prepared for presentation at the next Council meeting.**

**POSITION VOTE:**

**Schmunk - Yea; Ripma - Yea; Thompson - Yea; Prickett - Yea; Lloyd - yea; Burger-Kimber - Yea**

**AMENDMENT**

**TO MOTION:** Councilor Burger-Kimber moved to include 16B and draft a resolution.

Burger-Kimber stated she would like to see a resolution to preserve 16B

Mayor Thalhoffer asked Galloway if the lagoon was functioning now as it should?

Galloway stated it was now operational and there had been no further problems - could take sludge at any time.

- City Attorney -0-

- Executive - Christian stated there was a public notice in Saturday's Outlook regarding Public Contract Review Board. Chief Collier had a problem with the process of how to acquire the 800 mgh equipment. The law has changed since the last legislation allowing for piggy back purchasing by governmental bodies. That allows purchasing contracts negotiated by a governmental body, use by another governmental body as long as language states they will allow that use to occur. In deciding whether or not to call the contract review board in order to pursue the equipment purchase. City of Portland included with the vendor within boundaries within County and other counties recognized as part of legitimate users of the bid process - budgeted the lease purchase agreement and radio purchase agreement. Under City Code and new state law.

Sercombe stated it was correct that the issue was whether or not a special process to purchase the equipment was necessary. The contract met the new state law requirements and the Code as it presently exists which excludes need for bid process. He hoped to have something before Council around February to bring up to speed in that they could use some revision. There was currently no need for a contract review board for this purchase.

15. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer asked about when to act on the park acquisition?  
Christian stated 30 days from signing by the County Commission

Mayor was pleased with Council and the response to meetings that was needed to get things in order. In spirit of Christmas, try to keep any criticism towards other agencies as charitable as possible. A lot had been accomplished. Wished everyone merry christmas and happy new year.

Burger-Kimber asked if a letter of invitation had been sent to Hud Lasher inviting him to attend a meeting. Appointments to new committees - a directory format was desired and new listing of other representations; meetings attended by staff that citizens could be attending. Lots of time attending meetings and would like to see a list of committees participating in to recruit citizens to attend some of the meetings. It was her birthday and she couldn't think of a better way to spend her birthday.

Mayor stated staff and meetings was a subject of a future work session.

Councilor Lloyd was looking forward to more work sessions. Invitation to attend Troutdale Chamber business after hours 12/15/93 afternoon. Wished happy holidays.

Councilor Prickett enjoyed his first year on Council. Wished everyone happy holiday.

Councilor Thompson don't interpret disagreement as lack of effectiveness. Happy birthday, happy holidays.

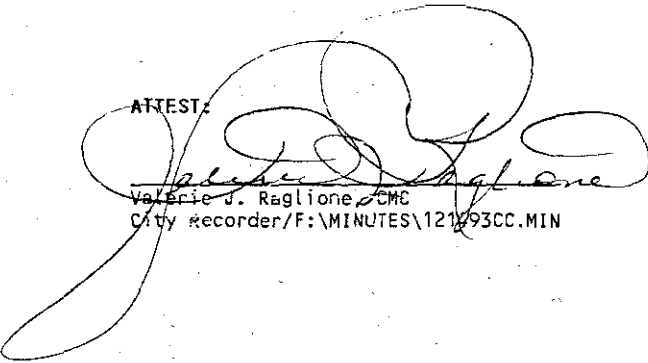
Councilor Ripma reported attendance at four city roads meeting with Councilor Schmunk on December 9. Cautiously hopeful that accomplishments can be made. A good, useful, positive meeting. Enjoyed working with the Council. Differences heartfelt but not taken personally.

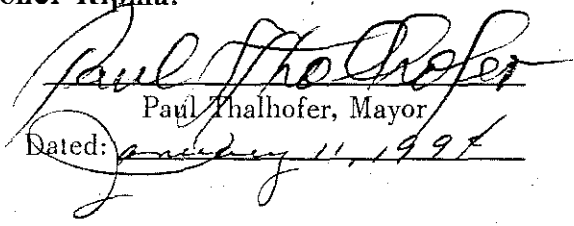
Councilor Schmunk wished to see 4 cities cooperate and get along. A lot was put on table for discussion and participation was amicable for the meeting. She was encouraged by the meetings. Happy birthday to Karen and happy holidays to all.

16. ADJOURNMENT.

MOTION: Motion to adjourn was made by Councilor Ripma.

ATTEST:

  
Valerie J. Raglione, CMC  
City recorder/F:\MINUTES\12\1993CC.MIN

  
Paul Thalhofer, Mayor

Dated: January 11, 1994

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 12-14-93 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Robert Collins	Troutdale, OR	503-555-5555
HOWARD HANSON	2500 N.E. 201st AVE TROUTDALE, OR 97060	665-1002
DAVE SCHMIDT	2700 SW <sup>TRUE</sup> <del>CONANT</del> Lane OR	412-1154
Eric Jannard	3475 SE Elizabeth St	665-1177
Leslie Davost	2725 SW Hope Cir	665-6375