

CITY OF TROUTDALE

AGENDA

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

NOTE: THE COUNCIL WILL CONVENE FOR A WORK SESSION AT 6:00 P.M. PRECEDING THE REGULAR MEETING.

7:00 P.M. -- JULY 12, 1994

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept Minutes - Regular Session 6/14/94 & 6/28/94
 - 2.2 Business Licenses - Month of JUNE, 1994
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 4. APPOINTMENT: Citizens Advisory Committee [Zone Industrial]
Elizabeth Orwat
- (A) 5. REQUEST: McMenamain's Edgefield Nights Concert Series - Temporary Overhead Utility Line
- (A) 6. PUBLIC HEARING/ORDINANCE: Amending Ordinance No. 491-0 Including: Section 4.300 Relating to Hillside and Erosion Control Overlay District, to Maintain Land and Water Quality by Minimizing Erosion and Sedimentation; Section 4.600, Relating to Flood Hazard and Water Quality Overlay District, to Minimize Erosion and Loss of Native Vegetative Cover, to Maintain Wetland within Floodplains, Maintain Flood Storage Capacities and Maintain and Improve Water Quality; Section 5.600, Relating to Erosion Control and Water Quality Standards, to Reduce Sediment and Pollution's reaching the public storm and surface water systems and adoption of additional definitions, Section 1.040, and Section 1.080, Relating to Floodplain, Hillsides, Erosion Control and Water Quality. **(SECOND READING)**
- (A) 7. PUBLIC HEARING/ORDINANCE: Repealing Chapter 2.08 of the Troutdale Municipal Code, Adopting Rules for the City Council, and Declaring An Emergency. **First Reading**

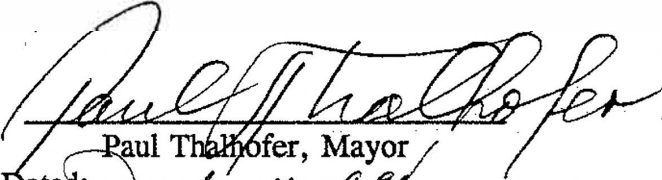
(A) 8. PUBLIC HEARING/ORDINANCE: Repealing Chapter 2.20 of the Troutdale Municipal Code; and Adopting a New Chapter 2.20 of the Troutdale Municipal Code, Relating to City Committees and Commissions. First Reading

(A) 9. DEPARTMENT REPORTS:

- Finance Gazewood
- Public Safety Berrest
- Community Development Faith
- Public Works Galloway
- City Attorney Sercombe
- Executive Christian

(A) 10. COUNCIL CONCERNS AND INITIATIVES

(A) 11. ADJOURNMENT.


Paul Thalhofer, Mayor
Dated: July 4, 1994

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

7:00 P.M. -- JULY 12, 1994

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called the meeting to order at 7:00 P.M. and welcomed Councilor Thompson back from a short illness and asked him to lead the Pledge of Allegiance.

Deputy City Recorder Martinez called the roll.

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

STAFF: Barker, Berrest, Christian, Faith, Galloway, Gazewood, Martinez, Sercombe

GUESTS: Howard Hanson, Jim Bleiz, Rex Slayton, Bill Herbert, Dick Caldwell, Cecilia Pavlik, Carolyn Taylor, Kay Henselman, Marilee Thompson

Christian stated that item 2.1, minutes, did not get finished in time to make the packet but they are finished.

2. CONSENT AGENDA: 2.1 Accept Minutes - Regular Session 6/14/94 & 6/28/94; 2.2 Business Licenses - Month of June 1994

MOTION: Councilor Ripma moved to adopt Consent Agenda Items 2.2 Councilor Thompson seconded the motion.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

3. PUBLIC COMMENT:

Mayor Thalhofer called this item.

Councilor Thompson stated that he would like to thank all of the citizens of Troutdale who expressed their wishes for my recovery from open heart surgery. I appreciate all of the cards and flowers and expressions of concern and I especially appreciated the flower arrangement from the Gresham City Council and the cards from both Fairview and Wood Village. I would like to publicly thank everybody.

4. APPOINTMENT: Citizens Advisory Committee [Industrial Zone]

Mayor Thalhofer called this item and stated that the appointment was made but was omitted from the appointments at the last council meeting. The selection committee recommended that Elizabeth Orwat be appointed to the CAC to represent the Industrial Zone.

Christian stated that Mrs. Orwat called and would not be able to attend but would be at the CAC meeting tomorrow night.

MOTION: Councilor Ripma moved to appoint Elizabeth Orwat to the CAC. Councilor Kight seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

5. REQUEST: McMenamin's Edgefield Nights Concert Series - Temporary Overhead Utility Line

Mayor Thalhofer called this item.

Mike Quinn, Monquie Presents, distributed to the council a cost sheet and stated that they would like to apply for a temporary power line service for the stage at Edgefield. Section 12.11.030 of the code calls for all utility lines to be undergrounded unless it is technically or economically infeasible to do so. We hope to show you that it is economically infeasible to go underground.

Mark Emerman, Monquie Presents, stated that the first page of the cost outline shows the estimate for overhead utility service and this was based on a conversation with PGE, who looked at the site and determined what would be needed to run a line across Halsey overhead, this would run somewhere in the range of \$5,200. and then we would have a lighting company come in and connect to the temporary line.

Quinn stated that they are currently using generators that are very expensive, troublesome, and noisy. This would be a far better, cleaner way to go, it helps us make the shows cheaper thus making a cheaper ticket price, etc.

Emerman, stated the second page of the cost estimate is for going underground and as you can see it is dramatically more expensive, \$22,728. It would be a dramatic difference between the two costs, at least for this year. The permit that we have was granted for one season, we like to think that we are going to continue but at this point it is not feasible to spend nearly \$23,000. and maybe not do it next year.

Councilor Kight asked how long is this service going to be up for?

Quinn stated that the last show is August 25th so potentially it could come down after that.

Councilor Kight asked if it would be crossing Halsey?

Quinn stated that is correct, it would be done by PGE to there specifications.

Councilor Kight asked if the city would have any liability?

Sercombe stated that if it is on a utility right-of-way and constructed by the utility and goes into private property there is no liability.

Councilor Ripma stated that he has no problem with it, there is a very good case. Are you asking for just this year?

Quinn stated that they would be asking for a three year period.

Councilor Ripma asked if we were to O.K. this for a three year period, at that point would you underground it?

Quinn stated that he would do that if he could get a special use permit to go along with that three years, and everything was going good.

Councilor Ripma stated it wouldn't quite work like that, we would O.K. the construction of this power line, but it wouldn't guarantee that you would get a permit for your shows. What would happen is after the three years if you continued with the show you would have to come back to us to get an extension or we may have you underground if it looks like you are going to do this every year.

Mayor Thalhoffer stated that we have received alot of flack for this first concert and if we receive much more there probably won't be any subsequent years because we took a beating because of the noise and so on and we are very concerned about that so we

are going to be watching very closely. It seems that taking this on a year to year to basis would be more appropriate.

Councilor Kight asked if there are any utility poles there now?

Emerman stated that they have counted that they have counted twelve along that stretch of Halsey.

Councilor Kight stated that this would be going against our own policy of undergrounding and maybe we should do this on a year to year basis.

Quinn stated that they are addressing the concerns raised from the previous concerts. We want to see this work.

Councilor Thompson asked if they are considering constructing any permanent facilities at that site?

Quinn stated that there would only be a box on the pole to house the connections, no outbuildings.

Councilor Thompson stated that three years is not really his definition of temporary, more like one year.

Councilor Ripma asked if they could live with one year and reapply at that time?

Quinn asked if they do not get a renewal at the end of one year would they be responsible for taking it down, just curious?

Councilor Thompson stated that if the permit were not renewed then they would be responsible for taking it down.

Quinn stated that he could live with that.

Councilor Schmunk stated that she really didn't have a problem with it, one year is fine. I understand that there has been a problem with the noise, but McMenamins have been more then willing to work with the city and they want to make everything aesthetically pleasing and they want to be part of the historic preservation and those types of things to enhance the city, I don't think that they are going to put something up that is not aesthetically pleasing and for one year I don't think we are running any great risk.

Councilor Thompson stated that he personally would like to see the concert series become an annual thing.

MOTION: Councilor Thompson moved to grant a permit for a temporary overhead power line for a period of one year. Councilor Burger-Kimber seconded the motion.

Mayor Thalhofer asked if the motion should be more specific?

Councilor Burger-Kimber stated that she would withdrawal her second until the motion was more clearly defined.

MOTION DIED FOR LACK OF A SECOND

Councilor Kight asked if staff had been asked about this?

Galloway stated that he basically had told them no and if they wanted to appeal that decision then they would have to come before the council.

Councilor Burger-Kimber asked where the staff report was?

Galloway stated that he was not asked to prepare one. The no was based on a couple of things, the code requires undergrounding, and second they were asking for a period of five years and that is beyond temporary, and lastly, about a half mile to the east we just required the property owners to underground at considerable expense to them selves.

Councilor Burger-Kimber stated that she is a little disturbed by this and I am not challenging you on this. This is not coming to us as an appeal, or on a decision that you have made. I would have looked at this differently had I know how you felt, and the issues that you were concerned with. We need to consider what you have to say first.

Christian stated that was her responsibility, she felt that the letter was self explanatory. We require underground utilities and they were requesting relief from that.

Councilor Burger-Kimber asked if the argument could be made that we did in fact require other people to underground because the city was going through an effort to underground all utilities at the general fund expense but on that stretch of Halsey that is already overhead.

Galloway stated that is certainly a different situation than this.

Councilor Burger-Kimber stated we could argue then in fact, were we undergrounding all of that in the next year and this was overhead we could mandate that be undergrounded at the same time but since that is overhead we could justify an overhead in that area.

Galloway stated that is certainly a different situation, an advocate of this could make that argument, yes.

Councilor Thompson stated that he agrees with Galloways' assessment of the situation, the code does not provide for any temporary construction and this is a temporary construction so he really no authority to grant this and that is why it is before the council.

MOTION: Councilor Thompson moved to grant the permit for a period of one year with the intent that if it is not renewed by the council, the council would look at requiring it to be undergrounded if it is going to be an annual event. Councilor Ripma seconded the motion.

Councilor Burger-Kimber stated that the reason she withdrew her second is that the motion should be clear that they would be required to remove the line if the permit is not renewed.

Councilor Thompson stated that he would amend the motion to add the language to the motion that if the permit is not continued by the council then the existing temporary service must be removed.

Councilor Ripma approved of the amendment.

YEAS: 6
NAYS: 0
ABSTAINED: 0

6. PUBLIC HEARING/ORDINANCE - Amending Ordinance No. 491-O Including: Section 4.300 Relating to hillside and erosion control overlay district, to maintain land and water quality by minimizing erosion and sedimentation; Section 4.600, Relating to flood hazard and water quality overlay district, to minimize erosion and loss of native vegetative cover, to maintain wetland within floodplain, maintain flood storage capacities and maintain and improve water quality; Section 5.600, Relating to erosion control and water quality standards, to reduce sediment and pollution's reaching the public storm and surface water systems and adoption of additional definitions, Section 1.040, and Section 1.080, Relating to floodplain, hillsides, erosion control and water quality.

SECOND READING

Mayor Thalhoffer called this item.

Sercombe stated that the council had first reading of the ordinance at its' last meeting and had decided to put forward it forward, that reading was less than unanimous at that

time so the ordinance carried through at this time to second reading. Between the last meeting and this meeting there were a number of amendments to the text of the ordinance that were worked out between the staff, HBA, and some other interest groups and those amendments have been reviewed by the council at a work session at prior to this meeting. There are two ways to proceed if the council wishes to adopt this ordinance tonight. One would be to have a first reading of the ordinance with the amendments as filed with the council prior to the meeting through the staff report that came out last week and to adopt that ordinance through a first reading and if it is unanimous then proceed to the second reading tonight. The alternative is that the council could take up the ordinance that had first reading before and read into the record all of the amendments that had been discussed by the council at the work session prior to the meeting and have a second reading of that. The first method, if there unanimity of the council on the first reading, is more efficient.

Councilor Ripma stated that he would favor doing the first reading if the council is unanimous.

Councilor Burger-Kimber stated that she feels that the ordinance is about as ready as it is going to get and she would like to assure the council, since she voted against it the first time, that she will vote for it on first reading this time.

Councilor Lloyd stated that since he was the other nay vote he would also like to say that he would vote for it on first reading with the amendments.

Councilor Burger-Kimber stated that she would like the public to know what the changes are.

Mayor Thalhoffer stated that Greg Winterowd will be doing that.

Hausman stated that the council has already made its' mind up with out hearing the testimony tonight.

Councilor Lloyd stated that he does not believe that is correct. We have not made up our mind at all. We are just talking about procedure.

Mayor Thalhoffer recessed the Council Meeting and opened the Public Hearing at 7:35 P.M.

Greg Winterowd stated that the staff and council has been very busy responding to the considerable testimony received to weeks ago in an effort to put together a package which represents a much broader consensus than we had achieved two weeks ago. The changes are as follows, 1. There were issues about constitutional takings, which were raised two weeks ago. We met with the HBA and made changes so that they no longer believe there is a taking issue. We made dedication to the city of land as open space

no longer mandatory. 2. There is a standard erosion control plan option for lots of less than 5% or less 20,000 sf. that we have placed right up front in the ordinance. Finally there was a controversial provision that for every acre of land that is built on in constrained areas that the property owner would reclaim in native vegetation another acre. The feeling was that there was no policy on how to maintain this open space so the provision is now out of there. Now it is simply a matter of if you disturb land you need to replant it so that it does not erode. There were a number of other house keeping changes that clarify issues.

Councilor Burger-Kimber asked Winterowd to outline the first set of changes to the ordinance.

Winterowd stated that there were five previous changes. 1. The areas that were already developed were removed from the map of constrained use areas. 2. There was confusion or dislike for the term, native vegetation, so we changed that to a very precise list of pre-approved vegetation. 3. We exempted from the flood plain restrictions industrial land. 4. There was some lack of some common understanding of what the top of the bank was, so that was clarified. 5. There was alot of testimony regarding the building code definition of structure which didn't match the flood plain definition, so we made them match.

Howard Hanson, stated that he did attend the rehearsal just before this meeting and would bet that this ordinance will be passed unanimously tonight. Ordinances are regulations, regulations mean prohibition of something, this may be a joke to you but this council will bear the burden of justifying the action it is about to take. The right to posses property is one of the rights of man. No man would become a part of a community of which he could not enjoy the fruits of his labor. Insist on the truth of why this ordinance needs to be past if at all. This ordinance is a targeted assault on land owners rights to use their property as they see fit. If this ordinance was in effect years ago this very city could not have been constructed. The Dolan case should be seriously considered before passage of this ordinance. This ordinance is overkill and will be in conflict of chapter 70 of the building code. I have noted during the public comment that several councilors are arrogant and border on rudeness to participants who do not agree with their political agenda.

Bill Herbert, 3820 SE Stott Circle, stated that he is here as a representative of the Friends of Beaver Creek. We supported the original proposal and are willing to go ahead with the proposed changes. After hearing some of the comments tonight I appreciate some of the changes were made. We want to be able to work with the community to make sure that Troutdale remains as good as it is.

Dick Caldwell, 520 SE 15th, stated that he hoped that the ordinance is adopted.

Cecelia Pavlick, 2219 SE Hudson Ct., Read into the record a letter of support of, and encouragement to adopt, the ordinance from Paul Rabe.

Herbert stated that he appreciated all of the time and effort that everyone has put into this document.

Mayor Thalhoffer stated that the concern was that the city have an ordinance that would protect the environmentally sensitive areas of the city, which are primarily Beaver Creek and the Sandy River.

Jim Blubaugh, Slayton and Blubaugh Construction, Gresham, stated that we build alot in Troutdale and we like building in Troutdale. The people in the Building Dept. are nice to work with. We can see that the city is getting bigger and bigger and with that comes more bureaucracy and what is going to end up happening with us is that if we end up getting alot of flack with costs then we have to past that cost on to the buyers, the public ends up paying for alot of these different things that you are trying to get through here. Chapter 70 was fine. Why are you so gung-ho on getting this passed. Right now there is the lowest erosion going on in this community, not a big issue this time of year. The 50 foot easement on Beaver Creek is alot of land to take from an individual, it could make a piece of property useless. I don't own land adjacent to Beaver Creek, I just don't think it is right. The easement should be changed to 30 feet and if it encroached upon there should be a definite fine. Look at the Gorge, the Sandy River, and all of the silt that has gone through them over the years and all of the fish and vegetation were never damaged until a few years ago when the fish runs started to decrease. This is not really a silt problem. There is no proof that silt or erosion is the cause of any problem on Beaver Creek or the Sandy River. There were a couple of council members last meeting who I thought were rude, they were talking during someones' presentation and that is out of place.

Mayor Thalhoffer stated that is his fault, he usually tries to keep things quite while people are talking.

Councilor Burger-Kimber stated that from her understanding of the damage of silt is not necessarily that it flows down the creek into the Columbia or where ever it goes, but the fact that it kills the life in the creek, the river bed needs to be clean and silt free for the fish to spawn, otherwise the fish will not thrive. There has been alot of death of the creek and that does not mean that it is the only issue, there are alot of other reasons why the fish are being killed and the other wildlife are going away, but silt in the water is a big issue for the fish and wildlife, it is just one the things that we are addressing.

Blubaugh stated that he agrees with what is being said but has not seen any evidence to that effect.

Sue Barker read a letter into the record, clarifying the Planning Commissions concerns raised at the previous Council Meeting, from Ray Regelson, a member of the Planning Commission.

Dr. Marvin Hausman, 633 Old Columbia Highway, stated that he has submitted a letter to the council and would like to address some points in that letter. When you change a part of the whole one has the right to see the whole and not just the part because the whole perspective changes. Why are special interest groups with the most money exempt from this regulation, the Industrial Group. Since most of the properties are already developed the greatest impact appears to be on two properties, that I am representing tonight, Columbia Gorge R.V. Park, and the white house which was purchased by the Cofer family. We have raised the issue of a taking and I think the courts have not adequately addressed that yet. One of the main undertakings that exemplify a taking is pre-mediation. Some of the answers still remain to be addressed, like the top of the bank, the set backs, etc. We have not addressed any property that has continuous borders on two water ways, the Sandy River and Beaver Creek, this may skeletonize properties that abut both and make them un-developable. There has been no recent surveys to show the impact of these ordinances and what you are relying on is an antiquated 1988 study, I am wondering why the city can not undertake an up to date study to show the impact on the properties which are addressed by this ordinance. I am aware that at the present time the city is actively polluting Beaver Creek, so the city is already in violation of its' own proposed ordinance. Have the funds been allocated to correct the citys' problem, the discharge of pollutants into Beaver Creek. When we built the R.V. park we were required to spend lots of money on protection of Beaver Creek as part of our development plan, yet the city continues to discharge pollutants into the creek. The City of Troutdale has not adequately studied this issue.

Councilor Lloyd asked what pollutants the city is discharging?

Hausman stated that he understood that when the generator goes out, two or three times a year, all of the waste goes into Beaver Creek.

Councilor Lloyd asked if he meant from the treatment plant.

Hauseman stated that he is not an engineer but it needs to be addressed.

Councilor Lloyd stated that he is just trying to understand the testimony.

Hauseman stated that he did not do the survey, he is only here to make comments and has been told that there is an ongoing discharge into beaver creek, I have not studied it. I only raise these issues not to defeat a law, but to ask you have we done adequate study.

Councilor Lloyd stated that he still was not clear on what pollutants.

Ted Cofer stated that when the power fails the pump no longer runs and it discharges into the creek.

Councilor Lloyd ask if it is raw sewage?

Cofer stated that it is raw sewage.

Councilor Burger-Kimber stated that she is concerned about the comments about special interest legislation, the industrial area and giving them special rights. The way the ordinance originally read was that any industrial areas that were in a floodplain would be restricted by 50% on development. We have alot of undeveloped industrial area that we would hope to develop, so we asked that that restriction be removed from the ordinance. We did not give them any special privilege, we took the restrictions away.

Hausman stated that it should apply equally. What is the difference between the industrial land and the R.V. park.

Councilor Schmunk asked where is the white house property that was mentioned earlier?

Hausman stated that it is the house and four acres that is adjacent to the R.V. park. and is probably the piece of property that is most effected by this law.

Winterowd clarified the difference between private land and industrial land.

Mayor Thalhofer closed the Public Hearing and reconvene the City Council Meeting at 8:35 P.M.

Sercombe stated that there has been issues raised about taking and whether of not the Federal of State Constitution prevents governments from adopting general regulations that affect what use can be put on property. This ordinance effects the quantity and of development and where the development can be put on a piece of property. These kinds of ordinances have been brought before the courts in the past and challenged on the grounds of takings and those challenges have failed.

Councilor Ripma stated that the suggestion was made by Hausman that the exemption of the industrial area was due to special interest groups. Our industrial lands are located along the freeway in flat areas. This ordinance is directed to protect the environmentally sensitive areas along stream banks, steep slopes, and in floodplains. I do not feel that the industrial area is environmentally sensitive. It is a good change. I was not contacted by anyone and we did not receive any testimony here regarding the industrial area. It was just a logical change.

MOTION: Councilor Ripma moved to give first reading to the ordinance Amending Ordinance No. 491-O Including: Section 4.300 Relating to hillside and erosion control overlay district, to maintain land and water quality by minimizing erosion and sedimentation; Section 4.600, Relating to flood hazard and water quality overlay district, to minimize erosion and loss of native vegetative cover, to maintain wetland within floodplain, maintain flood storage capacities and maintain and improve water quality; Section 5.600, Relating to erosion control and water quality standards, to reduce sediment and pollution's reaching the public storm and surface water systems and adoption of additional definitions, Section 1.040, and Section 1.080, Relating to floodplain, hillsides, erosion control and water quality. With the Amendments contained in the staff reports presented at the council meeting on June 28th and July 12th. Councilor Thompson seconded the motion.

Councilor Burger-Kimber stated that this process started a year ago, we wanted to bring a consultant in to look at Beaver Creek and other sensitive areas. I was very strongly in support of that and this is the end result of that. I was not happy with the ordinance that came before us, I made that clear, and the consultant was very responsive. I felt that it was extremely restrictive, I wanted protection but did not want to stop development in Troutdale. We have used alot of the revenue that is produced by development to apply to the community. This ordinance is still not 100%, but we have come along way. We have listened to everybody and made alot of really good amendments to the ordinance. I continue to watch this ordinance, I will be concerned about the enforcement of the ordinance and how it effects the builders, developers, and property owners in this area. The hearing process and education process that has gone on has been effective.

Councilor Lloyd stated that he is going to vote in favor of the motion that has been made. I feel that I need to explain that vote to both sides that have been involved. There were alot of things that I didn't like and wanted to change. I received alot of comments from people that felt I had the concerns of developers ahead of the concerns of the citizens, that really was not my approach. I do think however that land owners and developers are also citizens and they have a right to be heard and to have their interests adequately and properly considered and that is why I insisted that the process go forward and why I was instant that people like the homeowners be notified. The Precess is important. There have been significant improvements. This ordinance is a reasonable accommodation of all sides. The fact that we have a letter from the HBA supporting the ordinance as amended tells me that the process has been very effective.

Councilor Thompson stated that he would like to assure everyone that even though he was not present at the previous two council meetings, he did watch them on cable television. The difficult process that this has gone through has resulted in a

very good ordinance.

Mayor Thalhofer stated that this is an ordinance that was designed to protect our environmentally sensitive areas. In the beginning many of us thought it was too broad. The CAC and Planning Commission studied this issue but no one came to testify, they wait until it gets to the City Council. The ordinance is still very stringent but it is now more narrowly focused, but it can be amended.

YEAS: 6
NAYS: 0
ABSTAINED: 0

MOTION: Councilor Ripma moved to give second reading the following ordinance and that it be adopted, an ordinance Amending Ordinance No. 491-O Including: Section 4.300 Relating to hillside and erosion control overlay district, to maintain land and water quality by minimizing erosion and sedimentation; Section 4.600, Relating to flood hazard and water quality overlay district, to minimize erosion and loss of native vegetative cover, to maintain wetland within floodplain, maintain flood storage capacities and maintain and improve water quality; Section 5.600, Relating to erosion control and water quality standards, to reduce sediment and pollution's reaching the public storm and surface water systems and adoption of additional definitions, Section 1.040, and Section 1.080, Relating to floodplain, hillsides, erosion control and water quality. With the Amendments contained in the staff reports presented at the council meeting on June 28th and July 12th. Councilor Thompson seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Councilor Ripma thanked staff, Sue Barker, Greg Winterowd, Daryl Worthington, Tim Sercombe, Pam Christian, Valerie Lantz, and every one else, they put in alot of effort on this.

MOTION: Councilor Ripma moved to adopt the Findings on the ordinance just enacted as set forth in the pages distributed to council. Councilor Thompson seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Mayor Thalhofer stated that this has been a long process, it has not been hurried through. The Troutdale Building Inspectors have taken some flack over this issue and I am not sure that it was well found criticism.

The Council recessed for a break at 9:05 P.M. and reconvened at 9:23 P.M.

Councilor Thompson excused himself from the meeting during the break.

7. PUBLIC HEARING/ORDINANCE: Repealing Chapter 2.08 of the Troutdale Municipal Code, Adopting Rules for the City Council, and Declaring an Emergency. FIRST READING
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Mayor Thalhofer called this item.

Sercombe stated that this is an ordinance that is the product of the councils work sessions that began last September and continued through March of this year. The goal was to clean up and clarify the processes that under which the council works. To that end, council began to look at its' current council rules which are codified in Chapter 2.08 of the TMC. The current rules are 50 years old, they are very cumbersome, they are written in a parliamentary form that is essentially out moded and very different from the way this council practices and does business. This ordinance reflects the text of the rules that have been negotiated and worked out by the council in four or five work sessions. It has an emergency clause so that its' procedures will govern the council meetings from this point forward.

Mayor Thalhofer recessed the City Council Meeting and opened the Public Hearing at 9:25 P.M.

There was no testimony.

Mayor Thalhofer closed the Public Hearing and reconvened the City Council Meeting at 9:26 P.M.

Councilor Ripma stated that he would make a motion deleting the emergency part of the ordinance since these rules haven't been addressed in fifty years.

MOTION: Councilor Ripma moved to give the following ordinance first reading, An ordinance repealing Chapter 2.08 of the Troutdale Municipal Code, Adopting Rules for the City Council. Councilor Kight seconded the motion.

Sercombe stated that the current codified practice in the rules requires three readings of ordinances and not two, and it has very strange provisions about the

adoption of appropriation which are inconsistent with the local budget law. When this ordinance was being drawn up in May, I had hoped to have it before the council and adopted before completion of the local budget action and so that is one reason I wanted that emergency clause so that it would clarify any problem that might exist.

Mayor Thalhofer asked for the role to be called.

Councilor Burger-Kimber stated that we just had clarification for the emergency clause but you did not include the emergency in your motion.

Councilor Ripma stated that he did not but if someone wants to push the emergency provision that is fine, however since we have already adopted the budget, I don't see the emergency. I would like to use it in a real emergency. Is there another reason why we would be better of doing it.

Sercombe stated no, I don't want to push this one to much. It was written to take immediate effect because it has practical value, but there is no emergency in that there is going to be harm to the city if this does not take effect within the next 30 days.

Councilor Ripma stated that he understands why we might want it but declined to included it himself. If someone else wants to propose it as an amendment would not object.

Councilor Burger-Kimber stated that she would like to amend the motion to include the emergency clause so that we can enact it sooner than otherwise would be the case.

Councilor Ripma accepted it as a friendly amendment.

Councilor Ripma restated his motion - move to give the following ordinance first reading, An ordinance repealing Chapter 2.08 of the Troutdale Municipal Code, Adopting Rules for the City Council, and Declaring an Emergency.

YEAS: 5
NAYS: 0
ABSTAINED: 0

MOTION: Councilor Ripma moved that the following be given a second reading and that it be adopted, An Ordinance Repealing Chapter 2.08 of the Troutdale Municipal Code, Adopting Rules for the City Council, and Declaring an Emergency. Councilor Burger-Kimber seconded the

motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

8. PUBLIC HEARING/ORDINANCE: Repealing Chapter 2.20 of the Troutdale Municipal Code; and Adopting a New Chapter 2.20 of the Troutdale Municipal Code, Relating to City Committees and Commissions.

Mayor Thalhofer stated asked if anyone was present to testify to this item.

There was not anyone present.

Mayor Thalhofer stated that he would like to have this item set over until the next meeting because there are some questions as to the matter of form of the ordinance.

Councilor Burger-Kimber asked what matters of form mean in this case.

Sercombe stated that there are some matters of grammar and format that just need to be cleaned up.

9. DEPARTMENT REPORTS:

Mayor Thalhofer called this item.

Public Works

Galloway stated that he nothing to add but would be happy to respond to any questions.

Councilor Schmunk asked what Gabeins are?

Galloway stated that it is a means of securing a foundation, in this case it would be used at the toe of the slope. It is typically wire mesh.

Finance

Gazewood stated that as council is aware we have closed the second part of the G.O. Park Bonds during the month of June, an took possession of the full \$300,000.

Mayor Thalhofer stated that the report from the Tax Supervising and Conservation Commission which reflects highly on the staff. I would like to second their opinion

commend the staff for a job well done.

Community Development

Faith stated he is very pleased and thankful to have been selected as the new Community Development Director for the City of Troutdale and is looking forward to a very long, close and friendly relationship with the City Council, Planning Commission, various committees and staff. I have nothing to add to the department report due to my newness to the job. If there are any questions I will gladly defer them to Sue Barker.

Mayor Thalhoffer stated that the city is looking to a long relationship as well.

Public Safety

Berrest stated that this is not his first council meeting but it is his first opportunity to speak, and with that he would like to say he has nothing to add.

Councilor Kight stated that in the past officers on the night shift would note the street lights that are out and have Sam report them to PGE and Chief Berrest has said that they are planning to reinstate that procedure. The citizens can do this as well it is part of the franchise agreement.

Mayor Thalhoffer stated that the Chief, Christian, and himself are looking at way to address the problems of drowning at the Sandy River. That river is extremely cold and has a very strong current.

Councilor Burger-Kimber stated that she noticed a check for repair of a police vehicle, what happen?

Chief Berrest stated that he was not familiar with that.

City Attorney

Sercombe stated that he has been in contact with Waste Water Management, Inc. and they have invited the council to visit the plant before the council meeting on August 9th, at 6:00 P.M. for a tour of the facilities, they also mentioned a luncheon meeting.

Councilor Burger-Kimber stated that she has visited the facilities before and was very impressed, I don't think you would have trouble eating there, it is the neighbor, it's the Treatment Plant that you would have trouble eating at.

Executive

Christian stated that the city did participate in the transportation fair on Saturday and have heard that it was well attended. The City Parade is this Saturday and they are still looking for drivers if anyone is interested.

Councilor Ripma stated that he attended the Transportation Fair in Gresham and there was a steady stream of people and it was very well done.

Christian stated that the chamber maned our both and Paula Goldie did alot of the work for our display.

10. COUNCIL CONCERNS AND INITIATIVES:

Mayor Thalhofer stated that with the councils' indulgence he has asked the CAC to continue the study the speed hump issue along with Galloway and Berrest to determine the criteria for where the speed humps should be placed. Unless anyone has an objection to this, that is what shall be done.

Councilor Schmunk asked how the are going to set the criteria, is it going to be based on the petitions we received or what?

Mayor Thalhofer stated that they will decided that along with the help of Galloway and Berrest.

Mayor Thalhofer expressed his concern over the pending Gresham City Council decision on whether they are going to reduce their existing fire service. We have a contract with Gresham and this could effect us.

Mayor Thalhofer stated that we are not going to have a band in the parade and he would like to ask the citizens of Troutdale to form a Troutdale City Band. Anybody who desires to be a member of the band could contact the Mayor or City Administrator. Next year at the parade we could have our own band.

Councilor Burger-Kimber updated everyone on the Imagination station and the items that they still needed.

Lloyd asked about the suggestions for reporting productivity measures, where are we at with that?

Christian stated that they should be meeting soon, and everyone will be notified.

Councilor Kight stated that two members of the Friends of Beaver Creek approached him and brought up the matter of the sewer line that runs along the creek, this was brought up earlier, when there is a power failure dumps raw sewage into the creek. That pipe

currently handles about 450,000 gallons of raw sewage, hourly that is 18,750 gallons. Last year we had 2 to 3 outages. Councilor Burger-Kimber has been down there and smelled it. Galloway came up with a couple of solutions and one was to have a back-up generator incase there is a power failure, at a cost of around \$100,000. or less.

Galloway stated that in the FY 94-95 budget the are funds to design an upgrade the Beaver Creek Pump Station and that would include some sort of back-up power, and if the dollars are there we would try to include that. The pump station is constructed such that if there should be a long term power outage where the pumps could not continue to pump, it does back up into a wet well that holds a good quantity and eventually it backs up into some pipes that over flow into the creek, this could happen maybe 1 or 2 times a year.

Kight asked when would that would be available so that we could look at the cost?

Galloway stated that it would be several months, hopefully we will have some information so that we could plan for next years budget.

Councilor Burger-Kimber stated that she has had several calls and complaints from people along that highway, and the smell is so bad that some peoples' eyes have been burning from the odors. I went down there and walked all along that area, Galloway was not available so I talked with Sorenson and he said that there is a possibility that some of that odor is from not cleaning the pipes often enough. He felt that if there is more aggressive action then we might not have the methane escaping as readily. It look like there is alot more going on there than just the smell, the water is changing color occasionally.

Galloway stated that after the last couple of accusations of this happening I went to the site and looked around and could find no evidence that the pipes we used in recent times, so at this point I somewhat doubtful that it has occurred more frequently than what I have mentioned.

Kight asked if the pipes were cleaned more often would that help?

Galloway stated that he did not think so.

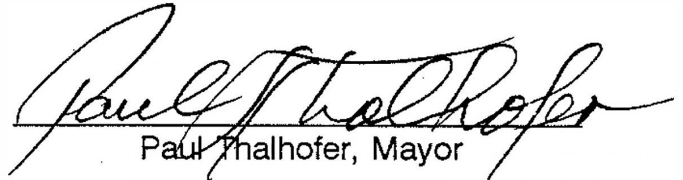
Councilor Ripma reminded everyone in addition to the parade there is a picnic at the city park directly following.

11. ADJOURNMENT:

MOTION: Councilor Schmunk moved to adjourn. Councilor Ripma seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Mayor Thalhofer adjourned the meeting at 10:19 P.M.


Paul Thalhofer, Mayor

Dated: 10-11-94

ATTEST:


George Martinez
City Recorder

CITY OF TROUTDALE

PUBLIC ATTENDANCE RECORD

MEETING DATE 7-18-94 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Sue Baker	City of Troutdale	
Rich Fark	City of Troutdale	
Mark Berrest	City of Troutdale	665-5175
HOWARD HANSON	2500 N.E. 20th Troutdale, OR 97060	665-1002
Jim Bliz	TROUTDALE	661-2682
Tex Stanton	Douglas	661-2682
Bill Herbert	Troutdale	667-3112
Dick Caldwell	520 SE 15th St Troutdale	667-9118
Christa Paul	2219 SE Hudson St Troutdale	667-4936
Charles Taylor	742 Jackson Park Rd Troutdale	667-4960

CITY OF TROUTDALE

PUBLIC ATTENDANCE RECORD

MEETING DATE _____ TYPE _____

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Kay Henselmann	5821 NE ELISAN, PORT	731-3264
Mailee Thompson	1850 SE KENNELYN TROUTDALE OR 97060	661-7861