



# CITY OF TROUTDALE

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

7:00 P.M. -- AUGUST 9, 1994

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Session July 12, 1994
  - 2.2 Business Licenses - Month of July, 1994
  - 2.3 Resolution - Accepting A Dedication of Real Property From Cascade Communities for the Stuart Ridge Greenway.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. PRESENTATION: Emergency Management within Multnomah County.  
Tanya Collier
- (I) 5. PRESENTATION: McMenamins - Relating to Concert Concerns.
- (A) 6. PUBLIC HEARING: Proposed City of Troutdale Charter.
- (A) 7. PUBLIC HEARING/ORDINANCE: Imposing a Privilege Tax Upon Electric Utilities.  
Second Reading
- (A) 8. PUBLIC HEARING/ORDINANCE: Adopting Manufactured Home Infill Regulations and Amending Ordinance No. 491-0, Chapter 3, Sections 3.012, 3.022, 3.025, 3.032, 3.042, 3.045 and Chapter 9, Section 9.010 as Required by HB 2835.  
Second Reading
- (A) 9. RESOLUTION: A Resolution Authorizing the Award of a Contract for Capacity and Load Limits Study of the Sewage Treatment Plant.
- (A) 10. RESOLUTION: A Resolution Setting the Terms, Conditions, and Amount of the Storm Sewer Utility Fee.

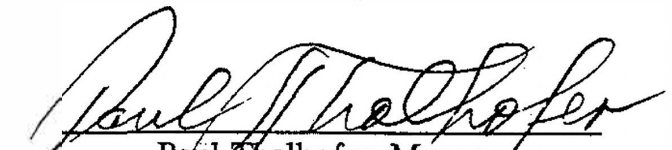
(I) 11. DEPARTMENT REPORTS:

- 10.1 Finance
- 10.2 Public Safety
- 10.3 Community Development
- 10.4 Public Works
- 10.5 City Attorney
- 10.6 Executive

Gazewood  
Berrest  
Faith  
Galloway  
Sercombe  
Christian

(I) 12. COUNCIL CONCERNS AND INITIATIVES:

(A) 13. ADJOURNMENT:

  
Paul Thalhofer, Mayor  
Dated: 8-4-94

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

AUGUST 9, 1994 - 7:00 P.M.

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

Mayor Thalhofer called the meeting to order at 7:00 and asked Councilor Kight to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

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

**ABSENT:** None

**STAFF:** Berrest, Christian, Faith, Galloway, Gazewood, Martinez

**GUESTS:** Steve Ando, Lorie Ando, Cindy Bunch, Troy Bunch, Scott Stepan, Brenda Stepan, Jim Lucas, Kim Lucas, Jim Bartley, Teresa Bartley, Chris Foley, Rex Bollermann

Thalhofer stated that the council had toured the Waste Water Management Facilities and the staff of W. W. Mgt. will give a short presentation directly following the public comment.

**2. CONSENT AGENDA: 2.1; Accept Minutes, Regular Session July 12, 1994, 2.2; Business Licenses July, 1994, 2.3; Resolution Accepting A Dedication of Real Property From Cascade Communities for the Stuart Ridge Greenway.**

Mayor Thalhofer called this item.

**MOTION:** Councilor Thompson moved to approve the consent agenda. Councilor Kight seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

3. PUBLIC COMMENT.

Mayor Thalhoffer called this item.

Cindy Bunch, 1203 SE Althaus, stated that she believes her house was built of sub-standard quality, concerned about the structural soundness of her home. Would like to have the council propose to have it re-inspected. A month after living there workers said there is a broken floor joice, they supposedly repaired it with two 2x4's, and now after five months the same thing is wrong again. Would like to see the council take care of the public walk ways through Sweetbriar Meadows Phase II, they are cracked, the one in front of her home was cracked by Grant Homes, they drove a bull dozer over it and my final graded yard. They won't repair it because they say it belongs to the city. I have called and left six messages for Tom Sheirbon, two of the messages were left with Jerry Ortega, he has been trying to help us, but Tom Sheirbon has not returned my calls in two weeks. I am very unhappy with the quality of my house and I moved here thinking I was going to live here until I died and my house won't be standing before it is paid off. My roof was not flashed, I'm concerned about the inspectors and the quality of their work. The code on my water heater strap went into effect 12 days after I bought my house and grant homes won't even put the \$5.00 strap on, even though I have a one year warranty.

Mayor Thalhoffer stated that the city is doing a very thorough investigation at this time, Rich Faith is leading this investigation. The problems you have are serious problems. We need to find out if we were at fault for not doing an adequate inspection. Our building inspectors are top flight people, however they may have over looked something and we are going to find out with this very detailed investigation. The results we be submitted at the next council meeting. We will each and everyone of your concerns. We care about everyone who lives in Troutdale but unfortunetly we don't have control over the builders. If a house is built according to the minimum standards of the uniform building code than that puts it into the builders arena.

Councilor Ripma asked if the city has taken title of the sidewalks, the public improvements in that subdivision?

Galloway stated that he did not recall if we have accepted the public improvements but typically the sidewalks are usually put in with the development of each building, so normally they would not be accepted when we take possession of the facilities.

Councilor Ripma asked if the city owns the sidewalks typically?

Galloway stated yes.

Councilor Ripma asked if someone did drive a car over them and they are cracked do we have some way of taking action?

Galloway stated that he believed that we could.

Councilor Ripma asked what the builder had to say about the broken floor joice?

Bunch stated that she had told the builder and it was taken care of originally the same day but it was completely hush, hush. Now I can bounce on the floor and send my jewelry box across the room. I have problems with the flashing, my garage door is completely buckled because I put on a opener on it and they won't even take it away so I can put up a new one. They had to come back and repaint my house and now it is even worse, every place they putty the nails shows through because they used white putty and painted the house grey, it has freckles. The caulking is coming unsealed again and the siding is warping. It would have cost them \$40 more to buy me an insulated garage door that did not need reinforcing. I bought my house with the assumption that the garage door would be appropriate for a \$113,000. house in Troutdale, they cut every corner. I am devastated, I have this perfect neighborhood and this perfect community and then I have my house. I can't imagine what our street is going to look like in 5 years from now, there is two cracks on each driveway almost the entire length of the street.

Mayor Thalhoffer stated that it will be looked into.

Brenda Stepān 1207 SE Althaus stated that this all should have been resolved before it got to this point. I am sure you all saw the article in the paper today. They have been to my home to repair things 76 times. All of my neighbors have problems, what do I have that I don't know about yet. We waited 12 years to buy this house and it has been the house from hell. If we could sell the house, it would be sold. My repairs have pretty much been done, but I have had to be a raving idiot to get them done, and it shouldn't be that way. When the contractors come and leave their equipment on our streets, they leave those trucks there for a month at a time without moving them. The police station said they would have someone out to ticket the trucks to make sure they are moved. They move them to two feet down the street. Then the police come out and tell me this is a construction zone and they can park them wherever they want for as long as they want. I pay taxes, I should be able to look out my window and not see a construction truck parked there for three months.

Mayor Thalhoffer stated that we will do everything within our power to correct what hasn't been corrected and talk to the builder and see if we can't get more cooperation and a better attitude. I am sure the Chief will investigate the parking issue.

Jim and Kim Lucas, 1200 SE Althaus Dr., Jim stated that they are the owners of the house had no sewer, from the foundation to the street there was no sewer line at all. What is the correct procedure in inspecting the sewer system?

Mayor Thalhoffer stated that is part of our investigation.

Councilor Ripma stated that he did inquire as to this question and he found out that they look at the connection to the house and the connection to the street, and not necessarily the middle part, which was apparently missing in your case, which is unbelievable. In your case I don't see how they could of even seen the connections.

Jim Lucas stated that they have heard of discredited subcontractors doing this on purpose because they were made at Grant homes. We were fortunate that they dirt was packed into the open pipe so that after three days it started backing up into our bath tubs and everything. We went 6 days of real havoc. Grant homes did a real sloppy job of replacing the concrete which they had to break up in our driveway. There are nicks on our house where the back hoe hit it. Not a big deal but yet it was not taken care of and it should of, at least for the inconvenience that we went through.

Kim Lucas stated they had 5 days of raw sewage being dumped directly into our front yard. They shut off our water and we went those five days of either having no water or dumping raw sewage being dumped into our yard.

Jim Lucas stated that he has been regrading his yard by hand because they did such a bad job. They didn't take the bad dirt, they just left it. We are unhappy with grant homes.

Councilor Kight stated that he spoke with the inspectors and what they did is that they photographed your sewer line and they have it on record and they also did a flow test. The only thing that they can speculate that happened is that somebody came in and pulled out that line.

Kim Lucas stated that it is very possible and it is not the first time we have heard that. We have been on the phone all day with subcontractors, who will not give their names, but who have speculated to me all day about poor work performance and going back and deliberately sabotaging things because they have not been paid by grant homes.

Mayor Thalhoffer stated that the city will have a full report about this matter in two weeks.

Kim Lucas asked if their is any way the city can stop Grant Homes from building in phase three.

Mayor Thalhoffer stated that the city would look into that with the City Attorney.

Teresa Bartley, 1103 SE Althaus, stated that they have several problems with their home. All of the floors move, you can walk across the floor and the furniture moves. We paid \$1,600. extra for a front porch and all of the wood is bad, it has warped. They painted the house without covering the nail holes, and they painted over the numbers on the house. I have siding on the garage that has big cracks going up and down it. The only thing that they have done is some caulking around the windows and molding. They replaced my pantry door because they put it on backwards. They left a vent of the roof and they finally fixed that. They told us they are doing repairs in order of who moved in first. I have been their 4 months and am tired of the floors and the paint job, the porch gets worse as the weeks go by. This is my very first home

and if this is the way homes are built then I don't want another one, I won't be able to sell this one anyway. I have lived in other places and the floors didn't move like this.

Councilor Kight asked what has Grant Homes said about the problems that they have not fixed at your home?

Bartley stated they keep telling me as soon as my neighbors home is done they are going to come and repair mine. I have also had problems with the parking of construction vehicles.

Mayor Thalhoffer stated we are doing a very through investigation.

Councilor Lloyd stated that years ago he had a similar problem and the neighborhood filed a class action suit.

Councilor Burger-Kimber stated that she sympathized with the home owners, they should look into a suit.

Councilor Thompson stated that there is no one on the council who wants anyone doing business like this in Troutdale.

Doug Daoust, 2725 SW Hope Circle, stated that he is here to invite the community to help build the Imagination Station Play structure. Starting Wednesday, August 17th, we will be building the largest play structure in Oregon and it is going to take tremendous community support to wrap up the construction. Lesile has given each of you a list of community support and donations. We still need volunteers to help with construction.

The Council discussed this issue.

Rex Bollerman, 1250 SW McGinnis, stated that he is concerned about the speeds on residential streets including his own, 12th, 13th and McGinnis. Since the completion of the development this area has become a race track. The Police Department has been very cooperative, they put up the wagon that shows people how fast they are going. Would like to see something done, speed bumps or whatever.

Mayor Thalhoffer stated that the C.A.C. is studying the issue and where to put a pilot project of speed humps. We have also budgeted for another officer. We are very aware of this issue and are trying to do something.

PRESENTATION - Waste Water Management. Bob Holman, Manager, stated that this afternoon we had the council walk through for a tour just so we could give them an update on some of the things that we have been doing. We have updated our machinery. Hopefully we are in line with everything that has been laid out in our lease and our pre-treatment agreement.

Mayor Thalhoffer stated that the tour was very informative.

Councilor Ripma asked if they have a permanent disposal site for the sludge?

Holman stated that you have to use more than just one site, there are load restrictions. We now have three, one is filled, the second is almost filled and the third is ready to go.

Councilor Ripma asked how long do they have disposal capacity for?

Holman stated it depends on the solid content that we are taking in, it fluctuates considerably. We are only allowed to store 6 months worth of soils on the property at a time and once we get to that limit everything has to be taken off.

Councilor Ripma asked are the sites are equal in capacity?

Holman stated that he is not sure. DEQ will determine the capacity of the third site. We have enough to go for about six months.

Councilor Thompson stated that the staff report shows that you are still unable to meet the BOD limit.

Holman stated that it fluctuates, that is what some of the new machinery is for. It has been getting lower progressively.

Councilor Thompson asked are you seeking other sites.

Holman stated they are continuously getting sites.

#### 4. PRESENTATION: Emergency Management Within Multnomah County.

Tanya Collier, Multnomah County Commissioner, stated that she is here tonight to talk about the resolution to join a committee to look at how we are delivering our emergency management and disaster preparedness functions within the cities and the county. We would examine the management structure of how we are doing that and to come up with some ways that will do one of two things that will either save money or deliver service or both. The goals of the committee is to identify recommended standards of local preparedness and an organizational structure to get us there, try to improve quality and levels of service, analyze accessibility and accountability of how we our served, analyze the costs, how we will evaluate the program and make sure we are all satisfied with it, and make a recommendation for service deliver and implementation plan and schedule. You are the last of the NE cities to have us come before the council and the next step will be if you approve this will be to take it before the county commissioners and the City of Portland for their approval. We asked that Councilor Schmunk serve on this committee as a representative for the three NE cities and when it is done we will coordinate all of the cities plan in to one regional plan.



Mayor Thalhoffer voiced concerns about creating another government structure.

Collier stated that she would be very surprised if that is what the committee recommends, that would just add to the problem we are trying to address.

Collier added that the committee will hopefully have a recommendation by the end of the year so that if needed there could be budget adjustments for the next year.

Schmunk stated that is a very tight time line, the roads thing took eight months.

Collier stated that they want a good product out of this, if it doesn't get done in for months that is fine.

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

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

Christian stated that the resolution is the countys' and we will have one to be ratified at the next meeting.

**5. PRESENTATION: McMenamins - Relating to Concert Concerns**

Mayor Thalhoffer stated that the summer series of concerts have started and they have been very successful, entertaining for a lot of people. McMenamins have done a good job of security and crowd control, parking and so forth. After the first concerts there were numerous complaints about the noise level and that is a big concern. McMenamins said they would take steps to reduce the noise level. There were two more concerts with very little problems. This last concerts brought more complaints and again we addressed this with McMenamins. The way the stage is set the music travels up into the neighborhoods, I live about a mile from the site and I could here the last concert like it was on my street corner. We hope we can work with McMenamins to reduce the noise level so that this won't happen again.

Councilor Kight asked why they can't turn the stage around to face the freeway and not up the hill towards the neighborhoods and also they could install a sound shell?

Mayor Thalhoffer stated that they said it was not economically feasible.

Councilor Burger-Kimber stated she must have missed something in the spring when we went through this process. I thought that when the permit came that it was for 4 Thursday night concerts. All of the sudden we are dealing with a bunch of concerts. They have been a very

good neighbor and very generous to the community. I think there is a conflict here and I really wanted to say this to the representatives, what do they want to be when they grow up, that is the problem. I thought it was going to be a resort that people could go and relax and enjoy the gorge, I thought european hotel concept. With this concert series they are making a conflicting values statement here. They should reevaluate and see if this is of value to their business or not. I can here this through the walls of my house, what about the people that are renting rooms there. I don't want to tear down any bridges with them but I had 4 phone calls from people about the last concert.

Christian asked which concert where the calls about?

Councilor Burger-Kimber stated it was the very last one.

Christian stated that the city had zero calls on that one.

Councilor Burger-Kimber stated well then maybe it was the one with all of the calls, yea it was sunday. Now I can hear all of the words distinctly.

Mayor Thalhofler stated that Sunday nights are not a good night to have these anyway.

Councilor Lloyd stated that he thinks they need to seriously look at turning the stage around towards the freeway. I have heard the music both times and I just thought it was the neighbors have a yard party and I think that people just need to learn to live with some of this. We live in a crowded area and if I gripe every time one of my neighbors has a party then it is going to be a pretty miserable neighborhood to live in so I think we need to find a balance. I can hear the Jazz concert and I think it is kind of nice.

Bollerman stated that is once a year.

Councilor Lloyd stated that he understands that but all I am saying is that they do need to improve it, I don't argue with that, my suggestion is that they need to turn it around, but we can't nit pick everything.

Councilor Schmunk stated that she seconds Councilor Lloyds' comments and I live very close to the jazz festival and I think it is all just good clean fun. Outdoor concerts are part of summer and we should be happy to have good weather. If you go to the zoo you expect to see animals but you get jazz up there to, so I don't understand the comments about it doesn't fit. I hear the college activities all year long, they are very noisy, but they don't really bother me, it is things that we have to endure when we live in a urban area.

Councilor Thompson stated that he agrees with what Lloyd and Schmunk have already said, but some sort of mitigation is in order. Turning the stage around would be a good solution.

Councilor Ripma stated that he agrees with Lloyd, Schmunk, and Thompson, but we might look at what type of concerts they have. I think McMenamins will cooperate with the city in this matter. Next year we may have to give them a few more restrictions but we should try to continue to make it a success. It is putting Troutdale on the map and it has been great for edgefield.

Rex Bollerman stated that he lives just above Edgefield. I understand the jazz festival but it is just once a year. We have called the city and the police said if they had taken 30 complaints and to call OLCC. The next day I called them and they said they had nothing to do with the noise. I called the city and just got passed around. Last Sunday at 10:00 p.m. we had the same problem, all of the doors and windows were closed and it still didn't help, we still couldn't sleep. McMenamins certainly is an improvement to Troutdale, but it has nothing to do with these concerts, they are going two directions. You should revoke their permit, it is absolutely unacceptable.

Mayor Thalhofer called for a 10 Minute break at 8:57 p.m and reconvened the meeting at 9:10 p.m.

6. PUBLIC HEARING: Proposed City of Troutdale Charter

Mayor Thalhofer recessed the council meeting and opened the public hearing at 9:12 p.m. and stated if there are no objections to having a Work Session on this issue the 16th of August, that is what he would like to do, after discussing it with the Charter Committee tonight.

David Schmidt, 2700 SW Corbeth Lane, stated I think as a whole the committee feels that we are happy with the document, we wouldn't have submitted it if we weren't, so we are here to answer any questions.

Councilor Ripma stated in general I am very pleased, so don't take any of this personally. On page 5, section 2, regarding councilor influence on city administrator, was that controversial among you, what was it's origin, basically where did it come from?

Schmidt stated that the origin came through testimony, the wording came from the City Attorney.

Councilor Ripma asked if it was unanimous?

Schmidt stated that once we had the final version we were all satisfied with it.

Councilor Ripma stated that his concern has to do with elected officials responsibilities, we have council rules to deal with this sort of thing. This being in the charter strike me as being unwise, it is not clear on what influencing is.

Don McGinnis, 151 SW 257th, stated it is not unique in charters, this has nothing to do with the present administration or council, it is an attempt to protect professional people from undue pressure from councilors.

Troy Jenkins, 337 SW Cherry Park, stated that when I was working in the City of Gresham Building Department one council member over there gave all of the Building Department employees a bad time because he worked in the building industry and he wanted them to rule on state laws the way he wanted it and he would come down hard. When this came in I remembered that personnel experience, and I do think it is a good idea.

Councilor Ripma asked about Section 28, Section 2, Filling a Vacancy, you have a very good solution to filling vacancies on council, but why is the mayor position different?

Schmidt stated that they felt the Mayor's position should be filled by an election. The president of the council could fill in until the election.

Councilor Ripma asked if that was controversial among the committee?

McGinnis stated that it was.

Councilor Ripma stated that the way it is worded the mayor could stand for election twice in the same year. I would like to see it the same for the mayor and council.

Councilor Ripma asked about Section 31, it is different from other charters, in this one it requires a unanimous vote and the emergency must be stated in the ordinance and it must show how the ordinance solves the emergency. Could we simplify this, was it controversial?

McGinnis stated, when I was first selected for this committee I mentioned that there is a distrust in government in general. The normal procedure takes a month and with this emergency clause it only takes a few minutes, we felt it better be an emergency.

Council discussed this provision.

Mayor Thalhoffer asked what is the mayor's job in the committee appointment process, it says the mayor appoints with the prior approval of council, so the council is actually making the appointment?

McGinnis stated that they committee felt that the mayor needed the agreement of the council before the appointee takes office.

Councilor Burger-Kimber stated that it could be written more clearly.

Councilor Thompson stated that it is the same way it happens now, it is very clear.

Council discussed this provision.

Mayor Thalhoffer suggested changing the wording in section 20, change "boards" to "committees" to be consistent with the recently passed ordinance that sets up the city's committees and commissions.

Councilor Lloyd asked if the Charter Committee was unanimous on the mayor having a vote?

Schmidt stated he thought it was unanimous.

Councilor Kight stated that he thought it was, because the public wants to know how the mayor stands on the issues.

Lloyd stated that he testified in front of the committee in favor of the mayor having a vote, but now he is not sure, maybe the mayor should remain neutral as the presiding officer.

Councilor Ripma stated that he shared Lloyds comments.

Councilor Burger-Kimber raised concerns about Section 21, it says "the City Administrator is responsible to the mayor for the continuous administration of the affairs of the city" the CA only answering to the mayor instead of the entire council could put us in a precarious situation with a over powerful mayor. Did you address this issue, shouldn't the CA be responsible to the council as whole, since the mayor is being given executive and legislative power?

Councilor Thompson stated that would mean the CA would have on boss instead of seven.

Schmidt stated that it would be easier for the CA to deal with one individual, business funnels through the mayor to the council.

Councilor Burger-Kimber stated that sometimes it does, in some cases you could get a mayor that didn't funnel anything to the council and then what is the point of having the council.

Schmidt stated that we saw potential problems where an individual would have more than one boss.

Councilor Burger-Kimber stated that is the way the CA is supposed to respond to the council as a whole.

McGinnis stated that the CA does at every council meeting and councilor can bring up and thing they want at the meeting. The continuous day to day operations is what we are talking about.

Councilor Burger-Kimber stated that it has happened in other situations where you get a mayor in the position of overseeing the executive and legislative could buffer the council from and opportunities to deal with the CA.

Council discussed this provision.

The Council discussed a Work Session schedule.

The Council reached a consensus on Monday, August 15th, 7:00 p.m. for a Charter Review Work Session and invited the Charter Review Committee to attend.

**MOTION:** Councilor Lloyd moved to continue this item, Councilor Ripma seconded the motion.

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

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 10:00 p.m.

7. PUBLIC HEARING/ORDINANCE: Imposing a Privilege Tax Upon Electric Utilities <b>SECOND READING</b>
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Mayor Thalhoffer recessed the council meeting and opened the public hearing at 10:01 p.m.

Galloway stated that this is the second reading on the proposed ordinance imposing a privilege on electric utilities. Most of the background material shown in the packet remains unchanged, the two changes that were proposed at the last session prior to the first reading have been incorporated so the document that you have in front of you is current.

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 10:03 p.m.

**MOTION:** Councilor Ripma moved to give the ordinance second reading and be adopted. Councilor Kight seconded the motion.

Councilor Burger-Kimber stated that she would not belabor the point you know how I feel. I do support the visual impact, but I am very concerned about whether we can afford to do this. Underlying all of this, my general interest in this whole thing is making sure that when we do impose taxes or fees that we understand where those monies are going and how we are going to spend them. I appreciate the fact that the staff did some research and what had been indicated to me would be an impossible task of determining how much undergrounding there was to be done, we actually did come up with some figures. I am concerned that one of our council goals is Economic Development and one of the things that we want to do in the future is to recruit business to this community. I am not worried about asking the community to pay its' share, but we need to be very careful about the business community and the impact these sorts of things will have on them. They are in fact going to be impacted considerably by this. High tech businesses use a lot of electricity.

Mayor Thalhoffer stated that he thinks the council has been sensitive to any type of fee increase and the livability of this town.

Councilor Lloyd stated that he share Burger-Kimbers' concerns, but this is a modest, reasonable approach to take advantage of the targeted opportunities for undergrounding, which has been a city goal for a long time and most of our residents are for it. This is a pay as you go program, which will be much more efficient than a bond measure.

Councilor Thompson stated that this is a modest beginning to one of our goals. This is not a large enough tax that is going to scare any businesses away. This is not a huge tax it is very modest. Not in favor of a bond measure.

YEAS: 5  
NAYS: 1 (BURGER-KIMBER)  
ABSTAINED: 0

8. PUBLIC HEARING/ORDINANCE: Adopting Manufactured Home Infill Regulations and Amending Ordinance No. 491-0, Chapter 3, Sections 3.012, 3.022, 3.025, 3.032, 3.042, 3.045 and Chapter 9, Section 9.010 as required by HB 2835 SECOND READING
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Mayor Thalhoffer recessed the council meeting and opened the public hearing at 10:15 p.m.

Faith stated that this ordinance the development code as required by state law to allow for the provision of Manufactured Dwellings as infill development on individual lots within the city. As you will recall this set of amendments also specify various conditions that are being attached for the location and placement of Mfg. Homes within the residential zones. The amendments will not supersede existing deed restrictions.

Councilor Kight asked what should the people do if they have a vacant lot and do not want a Mfg. Home in their neighborhood?

Faith stated that the only recourse that I can think of that those people can take is to form a homeowners association if they do not already have one, or at least they should hire legal counsel to establish some deed restrictions and incorporate within these covenants a restriction on Mfg. Homes. I can't say that I have researched the legality of if they can do that after the fact. The only other thing is to appeal to the legislature to repeal this mandate.

Councilor Ripma stated that the only way would be if they owned the lot, restrictions are put on a lot when it is commonly owned.

Councilor Burger-Kimber stated that at the last council meeting I brought up the possibility of notification of the neighbors. I went home and really thought about it and the thing that bothers

me about this is that there are state laws governing notification on changes in land zoning and that sort of thing. The reason those regulations are in place is to protect property owners and home owners. I still think that it is not inappropriate to put a notice on the property that it is being considered for a Mfg. Home.

Councilor Thompson stated that he doesn't believe that this is the same thing it is not a zone change. This applies to all property that is in that type of zoning there is no change.

Councilor Schmunk stated that it is classified as a residential dwelling and you can't single it out. They are trying to make it them all equal.

Faith stated the problem I see is this is a permitted use, there is nothing the city can do to deny the applicant the permit, so if we were to, as a curtesy, post the property to notice the adjoining property owners there is no recourse or appeal, procedurally there is nothing that the neighbors could do that would stop that Mfg. Home from going in, so what is accomplished.

Councilor Thompson stated that the only real thing that we can do is talk to the legislature.

Councilor Ripma stated that this is special interest legislature by a special interest group. We can't single out Mfg. Homes in any way, if we were to notice, we would have to notice of every home built not just Mfg. Homes.

Councilor Burger-Kimber stated that she spoke with our legal counsel if there is any provision that we could not notice and he said there is none that he is aware of. You say we can't do it and in fact our legal counsel said there is nothing to stop us. You don't have to be for it, but the thing is, is that there is no provision, and I don't want you to say there is.

Councilor Ripma stated that he did not hear him say that, did you call him?

Councilor Burger-Kimber stated that she asked him at the last meeting.

Councilor Thompson stated that these things are irrelevant to what we are talking about, we have to make these changes so lets do it.

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 10:37 p.m.

**MOTION: Councilor Ripma moved to give the ordinance a second reading and adopt. Councilor Schmunk seconded the motion.**

**Councilor Burger-Kimber stated that she is considering asking for an amendment to the motion in regards to posting notice on the property at the time the application is filed.**



Councilor Kight stated that Rich already answered that if you notify the property owners what action are they going to take. They should address this before there is an application made.

Councilor Burger-Kimber stated that it would just be an informational thing. People come and go in neighborhoods and they are not really familiar with the deed restrictions.

Mayor Thalsofer stated that we would be getting into a civil rights matter here and I didn't hear the city attorney give us an opinion on this issue, this sounds like discrimination.

Councilor Thompson stated that is the point he was going to make. Unless we give notice every time a new dwelling of any sort is going to be put on a lot, I just don't think we can do that.

Councilor Lloyd stated that he doesn't think it makes sense to notify that something is going to happen but have no solution.

Mayor Thalsofer stated that we should have the City Attorney look into the matter.

YEAS: 5  
NAYS: 1 (KIGHT)  
ABSTAINED: 0

9. RESOLUTION: a resolution Authorizing the Award of A Contract for Capacity and Load Limits Study of the Sewage Treatment Plant

Mayor Thalsofer called this item.

Galloway stated that in the summer of 93 we exceeded some of the discharge limits that were placed on us by our NPDS Permit by DEQ, at that time DEQ strongly recommended that we conduct studies to determine if 1). there was something in our plant that needed to be upgraded to handle the load that we are getting and or 2). if the incoming load stream to the plant might be something that needed to be modified by some sort of pre-treatment to negate the requirements of some of the upgrade. We recommended funding for the study in the 94-95 budget and that was approved thorough the budget process and we have gone through the process of selecting a consultant, we had seven responses and we short listed that to three, and now have selected CH2M HILL.

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

YEAS: 5  
NAYS: 0

**ABSTAINED: 0**

**Councilor Burger-Kimber was absent for the vote.**

**10. RESOLUTION: A Resolution Setting the Terms, Conditions and Amount of the Storm Sewer Utility Fee**

Mayor Thalsofer called this item.

Galloway stated that as you may recall at the April 26th council meeting council established the storm sewer utility and established a fee that would be paid by the responsible parties for each of the developed properties in the city based upon the amount of impervious surface at each location. It further provided that the amount of the fee and conditions would be set by a subsequent resolution and that is what we are bringing back at this time. The concept of this fee was based on staff recommendations involving environmental concerns, economic development and enhanced livability. The current maintenance, of the existing facilities, comes for other funds, which is like robbing from Peter to pay Paul. The recommendation is for a fee in the amount of \$3.00 per residence per month effective the first of October. There is a cash flow chart in your packet to show how the funds would be used over a 20 year period.

Councilor Kight asked about section 1, everyone is deemed to have 2,700 square ft. of impervious surface and therefor have a monthly storm sewer utility fee of \$3.00 dollars. What about the people who have 300 ft. driveways?

Galloway stated that he recommend that all of them be deemed as the same, because this would be consistent with the way we address SDC's for storm drainage we use the same square footage, also it would be close to an impossible task to determine the exact amount for each residence in the city, and every time someone made a change to their property we would have to go out and make a new calculation.

Councilor Kight asked if there is a sunset clause for this resolution?

Galloway stated no, I don't feel there needs to be one.

Councilor Kight asked if there are any matching funds for this type of program?

Galloway stated that they have talked with some consultants about this and we are not aware of any for this type of thing.

Councilor Burger-Kimber stated that there are two things that concern her. One is that the halsey storm sewer issue, there were a number of properties in west Troutdale that were effected by the Halsey Storm Sewer, lots of people were assessed thousands of dollars, I was assessed \$5,000. dollars actually more than that. I mentioned at the last meeting that this should allow

for some kind of adjustment in the rate because of the amount of money that was paid and that is not mentioned here. I am concerned about it because when I challenged you about it you said there is maintenance, I don't mind paying for maintenance. I'm not against the utility, but would like to see other people be able to mitigate this if they want.

Galloway stated, You did bring that issue up the last time we had this discussion and I have spent some time since then going through quite a number of the files that pertain to the Halsey Storm Sewer to see if there is any kind of escape clause and could find nothing. The council could address this if they choose. I would be concerned though because many areas could bring up a particular cost they incurred, like most subdivisions it is included in the cost of the lot and home.

Council discussed this issue.

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Galloway pointed out the letter from the Sandy Drainage that had been placed at the council's places.

11. DEPARTMENT REPORTS:

Mayor Thalsofer called this item.

FINANCE - Gazewood stated he had nothing to add.

Councilor Kight asked about the city labor costs at Imagination Station, is that outside of the \$40,000. committed in the budget?

Christian stated that there is five employees committed to this project and the labor costs are not included in the \$40,000. The Mayor has made it clear that this will be an asset to the city and we need to support it. We felt that since this is going to be a city asset we need to be involved in the process to insure some quality control and familiarity with the structure.

Mayor Thalsofer stated that he more or less directed staff to assist with this.

PUBLIC SAFETY - Berrest stated that as of August 1, they swore in two new officers, they both still need to attend the academy.

Mayor Thalhoffer asked if one of them will be the traffic officer?

Berrest stated that one of them will fill the position.

Christian stated that there will not be one person assigned to the traffic position it will be rotated instead of having one person assigned.

Christian stated that she intends to promote Mark Berrest to Police Chief, no longer acting. Now we will have a vacant sergeant position.

COMMUNITY DEVELOPMENT - Faith stated he had nothing to add.

PUBLIC WORKS - Galloway stated he had nothing to add.

EXECUTIVE - Christian stated that she has appointed George Martinez as City Recorder, And pointed out the Blue Star Highway letter at their places.

12. COUNCIL CONCERNS:

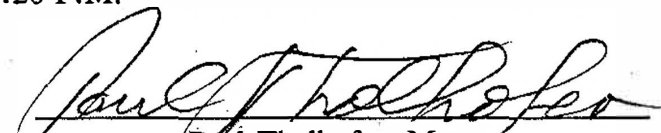
There were no council concerns.

13. ADJOURNMENT:

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Thalhoffer adjourned the meeting at 11:20 P.M.

  
Paul Thalhoffer, Mayor  
Dated: 10-26-94

ATTEST:

  
George Martinez, City Recorder

## CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 8-9-94 TYPE Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Steve & Lorie Ando	1104 SE Althaus Dr	492-1074
CINDY & TROY ZUNDA	1208 SE ALTAUS DR	462-1392
Scott & Brenda Stepan	1207 SE Althaus Dr	665-9329
Jim & Kim Lucha	1200 SE ALTAUS DR	665-4945
Jim & TERESA Bartley	1103 SE Althaus Dr	492-4126
CHRIS FOLEY	20125 NE INTERLACHEN LN TROUTDALE OR	666-8236
Rex Bollermann	1250 SW McGinnis Troutdale, Or. 97060	