



# CITY OF TROUTDALE

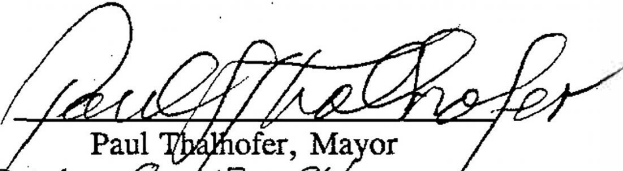
**AGENDA**  
**TROUTDALE CITY COUNCIL - REGULAR MEETING**  
**COUNCIL CHAMBERS**  
**TROUTDALE CITY HALL**  
**104 SE KIBLING AVENUE**  
**TROUTDALE, OR 97060-2099**

**7:00 P.M. -- AUGUST 23, 1994**

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
  - 2.1 Accept Minutes - Regular Session - July 26, 1994
  - 2.2 Ratify - A Resolution in the Matter of Identifying the Acceptable Standard of Local Preparedness, and Investigate and Recommend the Optimal Organizational Structure to Provide Emergency Management Planning within Multnomah County.
  - 2.3 Resolution - Authorizing the Mayor to enter into an Agreement with Multnomah County for FY 1994-95 Community Development Block Grant Funds.
  - 2.4 Resolution - Establishing the Imagination Station Account Fund.
  - 2.5 Authorize the Mayor to enter into an Agreement with the State of Oregon Department of Transportation for Participation in the "ODOT/DLCD Transportation and Growth Management Program." (TGM ISTEPA Grant)
- (A) 3. SWEARING IN: Chief of Police - Mark Berrest
- (I) 4. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 5. PUBLIC HEARING/RESOLUTION: A Resolution to Submit to the Voters of the City of Troutdale, at the General Election to be Held on November 8, 1994, a New Charter. **PUBLIC HEARING CONTINUED**
- (A) 6. PUBLIC HEARING/ORDINANCE: An Ordinance Establishing a Utility Undergrounding Fund. First Reading
- (A) 7. RESOLUTION: Make Third and Final Adjustment to Bring Water Rates to a Flat Rate, Effective October 1, 1994.
- (A) 8. RESOLUTION: Regarding Membership in City/County Insurance Services Trust Liability Self-Insurance Pool.

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- (A) 9. RESOLUTION: Establishing the Methodology and Rates for Transportation System Development Charges and Repealing Resolutions 942, 1016, and 1085.
- (A) 10. COUNCIL CONCERNS AND INITIATIVES:
- (A) 11. ADJOURNMENT:

  
Paul Thalhofer, Mayor  
Dated: 8-17-94

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

AUGUST 23, 1994 - 7:00 P.M.

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

Mayor Thalhoffer 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: Thalhoffer, Schmunk, Ripma, Thompson, Kight, Lloyd, Burger-Kimber

ABSENT: None

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

GUESTS:

2. CONSENT AGENDA: 2.1; Accept Minutes, Regular Session July 26, 1994, 2.2; Ratify - A Resolution in the Matter of Identifying the Acceptable Standard of local Preparedness, and Investigate and Recommend the Optimal Organizational Structure to Provide Emergency Management Planning within Multnomah County. 2.3; Resolution - Authorizing the Mayor to enter into an Agreement with Multnomah County for FY 1994-95 Community Development Block Grant Funds. 2.4; Resolution - Establishing the Imagination Station Account Fund. 2.5; Authorize the Mayor to enter into an Agreement with the State of Oregon Department of Transportation for Participation in the "ODOT/DLCD Transportation and Growth Management Program." (TGM ISTEPA Grant)

Mayor Thalhoffer called this item.

Christian stated that the minutes we not ready.

Councilor Burger-Kimber stated she had concerns regarding 2.3 and asked if it could be addressed separately?

Mayor Thalhofer stated that it would be discussed separately.

**MOTION:** Councilor Burger-Kimber moved to approve the consent agenda items 2.2, 2.4., and 2.5. Councilor Lloyd seconded the motion.

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

**ITEM 2.3**

Councilor Burger-Kimber stated that there are historic trees on the street behind the police department, are those trees going to be removed?

Galloway stated that when this issue came up when we applied for the CDBG Grant that same concern was noted. I think we had a consensus from the council at that time to preserve the trees, even if it meant no sidewalk and that is the instructions we are giving to the firm that gets the contract to do the design work.

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

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

**3. SWEARING IN: Chief of Police - Mark Berrest**

Mayor Thalhofer stated that Berrest was a Sergeant with the Police Department and is happy that the decision was made to promote him to Chief.

Mayor Thalhofer administered the Oath of Office to Mark Berrest.

Berrest stated that he has been acting Chief for two months and has learned a lot in that time, he is looking forward to serving the city.

**4. PUBLIC COMMENT:**

Mayor Thalhoffer called this item.

Roman York, 160 SE 4th st. stated the plan to improve Dora st. includes sidewalks on the South side and when we built our home we built it to fit the lot with retaining walls. Putting the sidewalks on the North side would be an improvement because the owners are not taking care of the public area as they should be. It would be more expensive to put the sidewalks on the South side because you would have to fill the ditches and you would have to build additional retaining walls.

Councilor Ripma asked if sidewalks are planned to go in front of his house?

York stated that yes, and it would be preferable if they were put on the North side.

Councilor Ripma asked if this was part of the CDBG Grant?

Galloway stated that this is part of the CDBG Projects that we were talking about a few minutes ago. This particular project is on 4th St. between Buxton and Sandy. The preliminary determination we made is that it is probably cheaper and less inconvenient to the property owners to put sidewalks on the South side rather than the North, the final decision will not be made until we hire a consultant to do the design.

Councilor Ripma asked if the sidewalk is assessed to the property owner?

Galloway stated no, the funding is 50/50, CDBG and Street Improvement Fund.

York stated that it is not the cost it is the aesthetics, and from his building experience it would be better on the North side, West of Buxton the sidewalk is on the North side.

Councilor Kight asked that since the sidewalk is on the North side West of Buxton wouldn't it make more sense to put it on the same side of the street?

Galloway stated that it could possibly, however, the side walk that he is referring to on the West side of Buxton only extends about the width of one or two properties, it does not run the entire length of 4th. Back when the improvements were done the property owners elected not to have sidewalks.

Councilor Kight asked if sidewalks were planned on the South side of the street West of Buxton?

Galloway stated not at this time.

Kight stated that he felt that it would make more sense to have it on the North side of the street.

Galloway stated that most of the pedestrian traffic does not cross Buxton on 4th, they turn on Buxton and continue on to 2nd.

Councilor Burger-Kimber stated that staff should work with the property owners on this so that they are aware and involved.

Galloway stated that it is his intention to notify all of the property owners involved, but we will probably not be able to satisfy everyone because there have been improvements made on both sides of the street and which ever side ends up with the sidewalk they are probably not going to be happy with it, but we will do our best.

Dave Gerke, stated that he is a new member of the community, he is representing the area around the Sweetbriar School. We are concerned about the great deal of traffic that is going up and down Evans and Pelton. We have petitioned the community to get some stop signs put in at the following intersections, N. Bound Lane of Evans at 36th, S. Bound Lane of Evans at 36th, The N. Bound Lane of Pelton at 36th, and the S. Bound Lane of Pelton at 36th. Many children cross at this intersection on their way to and from school. We are asking the council to support our neighborhood and the safety of our children.

Mayor Thalhofer stated that there is a speeding issue through out the city and it has been referred to the CAC for study. You should contact them, they will be making a recommendation to council within the next couple of months.

? stated that everyone in the neighborhood has signed the petition but two people, and they said they would support it but would not sign. Everyone feels this is well over due, it should be done before school starts. We would dig the holes and put the signs in if you will furnish them to us.

Mayor Thalhofer stated they should coordinate with the Chief and the Public Works Director and see what could be done.

Councilor Burger-Kimber stated that she was under the impression that when we referred that traffic issue to the CAC that we were really addressing speed humps and different traffic issues and we were not going to be prepared to take immediate action, however these people want to put stop signs in and they need to put them in now. I don't think anyone on the CAC would be offended if we told the Public Works Department that we want to put stop signs at that intersection. If everyone is for it than I don't think we need to wait, school starts in two weeks.

Councilor Thompson stated that we put stop signs on Evans in Sandee Palisades because of the speeding problem and that was no big deal so I see no reason why we couldn't install these stop signs. Is there any reason why we can't

Galloway stated that physically there is no reason but he is not sure that is the solution to the speeding problem.

Councilor Schmunk stated that she talked to these people and originally they thought about speed humps, and I advised them that they could get stop signs a lot faster. They do help some, this is a easy solution to their problem. They can work with the police and public works.

Councilor Ripma stated that he had concerns that other citizens might feel that stop sign could be ordered very easily from the city and I tried to get stop signs put in a couple of times and ran in to some very interesting road blocks with the county, the traffic engineers said they were not meant to be a speed control devise. I favor the stop signs but it seems to me it wasn't that easy.

Galloway stated that on Evans it may have been that he made a recommendation not to do it. The county has their reasons. We would like some direction on how to handle this type of situation in the future, if someone comes in do we just go ahead and give them stop signs wherever they want them. Should we change our development code so that we put them in automatically at all intersections, is that the direction we are headed and if so maybe we could make those kind of discussions rather than handling them on a individual basis.

? Stated that we are bringing 150 signatures, we are asking for the stop signs to somewhat control the speed but these would be mainly to control the traffic and protect the children.

Councilor Schmunk stated that they want the stop signs at an intersection that is a school crossing that is marked but people do not respect it.

? stated that they have put cones up and tried to use other methods to slow the traffic.

Mayor Thalhofer asked if staff could handle this.

Councilor Ripma stated that he felt staff has requested guidance on how to handle the next request, this one seems like a very easy one, but we are putting staff in the position of are they going to be able to say no to anyone, no matter how unreasonable. They are looking for guidance.

Mayor Thalhofer stated that the CAC is studying speeding, take action on this on this time, but let the CAC make a long term recommendation on how to handle this in the future.

Brenda Stepan, stated that they have received the report regarding Grant Homes. I feel that the folks on Althaus Drive came to you because we did not know where to go. Nobody came to my home, the mayor came to my home last night, but during the last two weeks nobody came to talk to me, they went to one house. I hired my own inspection company to come out and paid them \$300.00 and they went from top to bottom. They told me my house is not up to code, I will have a report on Thursday. I asked the city to do this and it was not done. I have talked to may of the workers and they all speak very highly of your inspectors, the problem is that Grant Homes need to be watched more closely. We have contacted an attorney and it is going to get very costly now. I shouldn't have to deal with this every day.

Mayor Thalsofer stated that the report lacks a response from Grant Homes which we did request and to dated they have not responded. Could you give a copy of your report to us on Thursday, I am sorry that you had to go to that expense. We still hope to get some response from Grant Homes. We are still pursuing ways to help you which are in our authority but we are very limited. We all just received this report and I would like to make this an agenda item at the next council meeting.

Councilor Burger-Kimber stated that I thought about going out and visiting everyone but until I got a report back so that I could have all of the information I did not do that. I did however talk to some developers in the area and because of your pressure they have canceled contracts with Grant Homes and they will not be using them. I hope that you understand that we are all concerned about this, but this is a civil matter, but we will try to help as much as we can, but we are limited.

Councilor Thompson stated that there is a lot of pressure being put on Grant Homes and it is really unfortunate that they did not take an opportunity to respond.

5. PUBLIC HEARING/RESOLUTION: A Resolution to Submit to the Voters of the City of Troutdale, at the General Election to be Held on November 8, 1994, a New Charter. PUBLIC HEARING CONTINUED

Mayor Thalsofer recessed the council meeting and opened the public hearing at 7:45 P.M.

David Schmidt stated that we were a committee volunteers appointed by the council back in November 93, our first meeting was in December, we started meeting every two weeks but eventually to meet the deadline we meet every week. It was a very good committee. We worked very closely with the City Attorney, Staff and Council, we had information from the League of Oregon Cities, and we feel we came up with a document that will serve the City of Troutdale very well.

Mayor Thalsofer stated that the council has had work sessions on this but if there are any questions, please ask them.

Councilor Burger-Kimber stated that one of the things that has been stressed is that there is a strong emphasis on the urgency of having this on the November ballot, do you feel this is absolutely necessary, do you see a problem with putting it on the next election?

Schmidt stated that the committee got the impression from the council that they wanted a document for the November ballot and I as chairman stressed to the committee that we needed to meet more often or have longer meetings to get this document done, and we did, we were about a week over the deadline.

Councilor Thompson stated that was the direction of the council.



Councilor Burger-Kimber stated I recognize that but I think we also agreed that was optimistic. Because there has been so much polarization on some issues and it is a valuable document would you object to holding it over until March?

Schmidt stated yes.

Councilor Burger-Kimber asked why?

Schmidt stated we were given direction to have it ready for the November ballot and that was our goal, I pushed the committee to meet this goal. If it is not ready than it should not go.

Councilor Burger-Kimber stated that such a critical document as this, I am really concerned, but I don't want to hurt anyones' feeling but there is so much controversy involved I would like to see us work through some of the issues, we need to come to a better consensus.

Walt Postlewait stated that the committee had very heated discussion, we did not always agree, but I think we are unanimous that the document that was presented to the council is a good working charter for the city. We finished our work it is now up to the council to go forward.

Councilor Burger-Kimber stated I would like to see more energy as a council put into this document.

Mayor Thalhoffer stated the November Election has the most turn out.

Councilor Thompson stated that the committee has done there job and if there is any hold up by the council because some councilors don't like certain sections, not because it was not a finished document.

Schmidt stated the committee felt the same way but there were times when we had to bite the bullet and compromise.

Councilor Schmunk stated when the committee presented the document they probably felt they were done. They have been involved in two more meetings already and if certain councilors get their way there will be two or three more meetings and it will never make it to the November Election. It is the council that is stopping it.

Kent stated this was an interesting committee. Everyone on the committee was committed to submitting a document that we could unanimously support and we have done that. I as a member of the committee and as a resident would say lets get on with it.

Councilor Burger-Kimber stated the committee had an opportunity to work through this document but the council as a whole has not had that opportunity.

William Brookhart, asked how long the document has been available?

Mayor Thalhoffer stated there has been a working document available for several months.

Brookhart voiced concerns about the ability to have certain meetings that would not have to be public. Chapter 5, Section 20, powers should not be given to anyone who has not been elected by the citizens. Chapter 8, Section 31, emergency enactment, is that in the current charter?

Councilor Ripma stated the current charter is not exactly like that but it does have something similar.

Brookhart stated that the city has gotten along with out this section since 1907 why do we need it now. Section 38, Amendment, would allow the charter to be amended other than by vote.

Councilor Burger-Kimber stated that two types of meetings could be private, real estate negotiations and personnel issues, the press can be present at both.

Brookhart stated that it would be better to have those two pointed out rather than leave it open. The section on powers of the city should also be listed out, what powers does the city have, the public should know.

Sercombe stated that some charters do that, they tend to lead to controversy because they are to detailed, so for about the last sixty years the trend has been to have the type we have.

Councilor Ripma stated this is the last hour tonight, there have been several public hearings on this. The amendments to the charter have to go to the voters, the council can set the procedure by ordinance, not actually make amendments. At one time everything may have come before the council but now the city is to big for that to happen so we must delegate some of the power to others, this is all done by ordinance and in open meetings to allow public comment. I plan to propose changes to the Emergency Enactment clause.

Brookhart stated that he saw no reason some of these vague things couldn't be listed out.

Councilor Burger-Kimber stated that the council has a tendency to tell people that we have been discussing this for months why didn't you show up before. I feel that the purpose of public hearings is to allow people like your self to come forward and testify. I am a little put of by the appearance that we are fast tracking this. I appreciate that you are here.

Gail Thurber, Section 21, has there been a problem here, I would not like to see constraints placed on the council. This clause should be deleted all together, if a problem should arise than it could be dealt with.

Councilor Ripma stated that he is going to be proposing an amendment to this section.

Roman York stated that he has seen the growth of power of bureaucracy in this city, the Mayor and City Council is here on behalf of the people and your duty is to oversee the bureaucracy. I would like to see the council keep as much power as possible.

Thurber addressed Section 22, Municipal Court, is it really a necessity here in Troutdale, it will just make more bureaucracy. One of the attractive features of Troutdale is that it has been simple and straight forward. Do we need a Judge, how will we pay for one. If we do need a Judge than they should be elected.

York stated that this will just add to the bureaucracy.

Councilor Ripma stated that Section 22 merely puts into the charter our existing court and judge. I feel that having a Municipal Court in Troutdale greatly adds to the quality of life in Troutdale.

Thurber voiced concerns regarding the proposed ordinance adoption process.

Councilor Ripma stated that it was similar to the current one.

York stated that he did not want to see the bureaucracy have any more power. This should not be rushed, the council should review it very closely.

Mayor Thalhofer stated that the Charter Review Committee has been studding this since last December, this has not been rushed, contrary to what some may believe.

Mayor Thalhofer closed the public hearing and reconvened the council meeting at 8:50 P.M.

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

**MOTION:** Councilor Ripma moved to amend the proposed charter by replacing the second sentence in Section 12 with the following sentences "The mayor shall appoint an officer if the appointment is approved by a majority of the council. An officer shall be removed by the mayor if the removal is approved by a majority of the council. Councilor Thompson seconded the motion.

**YEAS: 6**

**NAYS: 0**

**ABSTAINED: 0**

**MOTION:** Councilor Burger-Kimber moved to strike Section 32 from the proposed charter.

**MOTION DIED FOR LACK OF SECOND**

Councilor Burger-Kimber asked why this section was left in the charter when the League of Oregon Cities said that we could leave it out because it is covered by state law.

Kent stated that it was left in because the committee felt that the public should be aware of condemnation, if we left it out the people might think we were trying to hide something from them.

**MOTION:** Councilor Ripma moved to replace Section 21.2 of the proposed charter with "Outside of Council Meetings a councilor shall not directly or indirectly by suggestion or otherwise attempt to influence decisions of the City Administrator or other city employees, relating to personnel matters, the awarding of city contracts, or the disposition of city property." Councilor Lloyd seconded the motion.

Councilor Ripma stated that this will still prohibit a councilor from interfering in the daily running of the city. It is a limited restriction but it is highly appropriate.

Councilor Thompson stated that the language that the committee placed in this document is intended to keep councilors from attempting to influence city employees. It says that the employees only have one boss, the city administrator serves at the direction of the mayor, and that council members shall not attempt to run any employee or department within the city except through the city administrator or in public meetings. In a corporation the board of directors does not go into a factory and tell the foreman how they should be doing things, that is up to the CEO of the corporation. The board members set the general policies. I favor leaving the language as it is.

Councilor Burger-Kimber stated I know we have had heated discussion on this issue. I do not believe that it is appropriate for councilors to interfere with the functioning and operating of the city. I do believe that they should have access to the employees just as our citizens do. We need to be able to gather information from them to do our jobs. I consider this paragraph to be a gag order. If I had my way I would have it deleted entirely. We worked for over a year and a half on council rules and this is addressed if a council member is acting inappropriately. I would like it deleted but if not I will support Councilor Ripma's proposed amendment because I feel that it more adequately addresses the needs of the committee as they expressed them and it is very similar to the model charter. I support the spirit of this although I would like to have the whole thing deleted period.

Councilor Lloyd stated I don't think I disagree with anything Bruce said about why this is here or what the committee feels about it. I am going to vote for the amendment because I think this is too broad and it is too much of a restriction on the ability to do your job as a city councilor.

Councilor Thompson stated there is nothing in this provision of the proposed charter that limits the free flow of information. Some councilors are suggesting that this would keep

them from going to employees and discussing things, that is not true. It says nothing about gathering information, it talks about influence.

YEAS: 4  
NAYS: 2 (Schmunk, Thompson)  
ABSTAINED: 0

**MOTION:** Councilor Ripma moved to amend Section 28. by Deleting Section 28.2 and amending the first sentence in Section 28.1 to read "A vacancy in the office Councilor or Mayor shall be filled by appointment by a majority of the council." Councilor Schmunk seconded the motion.

Councilor Burger-Kimber stated I intend to vote no on this. I feel that the paragraph presented to us by the committee was appropriate. We have had problems in the past with filling elected positions by appointment. I don't know if we will be able to alleviate that problem because of the number of people and the fact that it is a volunteer position. The mayor is an important position to the city and if I can't fight for the election of council members which I feel strongly about, I would at least want to encourage us to elect at the earliest convenience because that position is the executive of the city, represents the community, and must be an elected position.

Councilor Ripma stated the office of mayor is very important, under the provision the way it is written could remain vacant for many months while we wait for the next general election. It could be filled at a very low turn out, mail in type of election.

Councilor Thompson stated the mayor's position should be filled by election. I feel even with a low voter turn out you have a lot more people with a say than if the council appoints.

Mayor Thalsofer stated I would support the charter as proposed because even with the mayor's position vacant the president of the council would be the presiding officer while there is no elected mayor.

The council discussed this issue.

YEAS: 3  
NAYS: 4 (Tie Vote Thalsofer Voted)  
ABSTAINED: 0

**MOTION:** Councilor Burger-Kimber moved to amend Section 11 to read "the mayor shall be elected for a two year term." Councilor Ripma seconded the motion.

Councilor Ripma stated I favor this because I favor the way our current charter has worked in this respect. I can't predict how this vote is going to go but I felt it should be voted on. It has worked well for us for a long time.

Councilor Thompson stated overall the city is probably better served by having a mayor that runs every two years. I certainly don't want to be in the position that the City of Gresham is in, where you could have the entire council run every two years.

Mayor Thalsofer stated I favor the current proposed charter, the experience that you gain in the first two years is very valuable and you are still learning the ropes.

YEAS: 3  
NAYS: 4 (Tie Vote Thalsofer Voted)  
ABSTAINED: 0

Mayor Thalsofer called for a ten minute break at 9:25 P.M.

Mayor Thalsofer reconvened the meeting at 9:37 P.M.

**MOTION:** Councilor Thompson moved to delete Sections 30 & 31 as written and replace with the suggested revisions by Tim Sercombe. Councilor Lloyd seconded the motion.

Councilor Thompson stated the current language in Sections 30 & 31 can be construed to be somewhat conflicting and difficult to follow and in order to eliminate those conflicts I am suggesting that we insert this ordinance adoption process which simplifies this considerably and also takes into consideration that there may be a need for emergency ordinances. It seems to me that this simplifies the whole process.

Councilor Ripma stated I do strongly favor the change, I did talk to Mr. Sercombe and would like to point out two small things before we adopt this. Section 2, should be changed to read "The provisions of subsection one do not apply to an ordinance adopted by all council members present" the rest would be the same, this way both sections would say "by all council members present" it might not mean much but it makes it cleaner. The second item is that all of the subsequent sections will need to be renumbered.

Councilor Thompson and Councilor Lloyd accepted this as a friendly amendment.

The council discussed the ordinance adoption process.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Councilor Ripma stated Mr. Brookhart spoke with me at the break and raised a good point. Section 38, I propose that, to clarify his concern, the first sentence of that section should be "All amendments to this charter must be made by vote of the electret"

**MOTION:** Councilor Ripma moved to add a new first sentence to Section 38 "All amendments to this charter must be made by vote of the electret." Councilor Kight seconded the motion.

Sercombe stated that the state requires all amendments to the charter go before the voters.

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

**MOTION:** Councilor Burger-Kimber moved to amend Section 21 by making the City Administrator responsible to the Mayor and "Council."  
**MOTION DIED FOR LACK OF A SECOND**

**MOTION:** Councilor Burger-Kimber moved to amend Section 12 by deleting the section titled "City Administrator" and strike any other reference to the City Administrator from the charter.  
**MOTION DIED FOR LACK OF A SECOND**

**MOTION:** Councilor Burger-Kimber moved to amend Section 12 by deleting the section titled "City Attorney." Councilor Lloyd seconded the motion.

Councilor Ripma asked for an explanation.

Councilor Burger-kimber stated that there could be confusion on who would appoint the City Attorney, the City Administrator or the Council. I want the council to have as much flexibility as possible in regards to appointment of the City Attorney and not have any implications otherwise.

Councilor Thompson stated it seems to me that having the City Attorney in the charter makes the position an officer of the city and the charter states that all officers are appointed by the mayor with the consent.

Councilor Burger-Kimber stated this is not my recommendation it is from the model city charter and that is what they say.

**YEAS: 1**  
**NAYS: 5**  
**ABSTAINED: 0**

The City Recorder read back the original motion with amendments.

Mayor Thalhoffer called for the vote on the original motion as amended.

YEAS: 5  
NAYS: 1 (Burger-Kimber)  
ABSTAINED: 0

Mayor Thalhoffer stated again I would like to say that this process has not been fast tracked. The Charter Review Committee spent about 8 months on this and they did a excellent job.

Mayor Thalhoffer stated that he would like to adjust the agenda and address agenda item #9 at this time because the representatives here to speak regarding that item have been hear for a long time.

9. RESOLUTION: Establishing the Methodology and Rates for Transportation System Development Charges and Repealing Resolutions 942, 1016, and 1085.

Mayor Thalhoffer called this item.

Galloway stated the representatives from M/C and Gresham are hear only to answer questions from the council if there are any they do not have a prepared presentation.

Mayor Thalhoffer asked why the county is not going to be involved or if they are going to be involved to what extent?

Ed Pickering, M/C, stated they have been meeting with all of the jurisdictions to try to reconcile some of the differences, as you know Gresham has referred for a second reading their fee. Out of our discussion with the County Commissioners staff has been directed to prepare an ordinance to enact the Traffic Impact Fee for the unincorporated properties inside the urban growth boundary of the four eastern cities, but not the unincorporated areas to the east, we don't believe it met the rational nexus test for the traffic fee district to include that area. We have been asked to seek a legal opinion on that and if it meets that test to consider doing all of the work we have done in the urban in the rural area to warrant them being include into the district. We would have to do a traffic model for that area to forecast the traffic demand and determine the impacts on the transportation system.

Scott Pemble, M/C, stated that the land use law that applies to the rural area states that all urban activities are to occur within the urban growth boundary and the rural lands are to be set aside for resource purposes, that is forest, and agricultural uses. There has been a long debate state wide about other uses that should be considered in the rural area that would be a bit more intense use. The legislature this session came up with HB3661 and it mandates that all counties



in this state redefine their forest and agriculture polices. M/C has done work on revising our policy and for the most part the rural area will still continue to have very little opportunity for development. Most of the land east of the Sandy River is currently designated for forest purposes, there are a few agricultural designated areas. There are three rules that apply to building a single family residence on forest land, you must have at least approxametly 160 acres, or if you own the lot prior to 1984, or if you already had development committed to certain levels. The estimate for development outside of the UGB on the eastern side is roughly 60 to 100 dwellings.

Councilor Ripma stated that I was the one involved in the meetings with the other jurisdictions and it has been very informative and I am satisfied that the county is doing all it can do. They can only justify the fee inside the UGB because that is the only study they have, but they are looking into the rural area.

Councilor Kight asked how the improvements are getting done at this time?

Pickering stated they are being funded by capital improvement funds, it will take much longer to finish the projects that are listed and need to be done if they continue to be funded this way.

Scott Berrie, Metro Home Builders Association, stated first of all I would like to point out the uniqueness of the situation, as Troutdale looks at adopting the fee on top of the one they already have they will be stepping to new ground. No other jurisdiction in the state, to my knowledge, has a city fee and on top of that a regional fee, it simply is not done. Troutdale will be at some disadvantage when business are looking to come to this area. I would like to bring up the legality of the situation. The HBA has a problem with the fact that the City of Troutdale would be charging a SDC for projects almost entirely in the City of Gresham. So when we talk about rational nexus we need to discuss this fact, you are tripling your fee but not your service, therefor our argument would be that you are not meeting the rational nexus.

Sercombe stated that his opinion is that there is nothing unlawful about imposing the fee.

Councilor Thompson stated that he did not like the fact that the letter from the HBA essentially said that we should not be concerned with what is happening in Gresham.

Berrie stated that Troutdale has its' own system development charge, so Gresham should have their own and not ask the other cities to pass this area wide fee so that Gresham is not some how having a higher fee driving away business into other jurisdictions. Each jurisdictions should pay for their own capital improvements. I can assure you that the HBA will be looking at a possible law suit, that is not a threat we just simply get involved in this type of thing.

Councilor Schmunk stated these are regional roads that all of the jurisdictions use, these are streets that are connectors, not streets in front of our homes. Citizens don't just stay in the city they live in. For us to handle more people then we must charge the new development because they will be causing the need to improve the roads.

Councilor Burger-Kimber stated I am very concerned about what this will do to the economic development in this community. I do know that businesses, when they look to locate, look at all of the fees that are required to set themselves up in a community. We already have a traffic impact fee that we have had for a long period of time. I don't want to see this increased fee because although I understand that we should be regional players, but if we provide a climate that encourages local business to settle in our community than what we are going to do is reduce traffic impact because a lot of people will not have to commute. I think that when businesses look at these fees they are going to be scared away. Since I have been on this council every opportunity that we have had we have raised some sort of fee, it may only be a nickel of two to the home owner but it is big bucks to the businesses and I have a real problem with continuing to raise fees and scaring businesses away from the community.

Councilor Kight stated that he concurred with councilor Burger-Kimber, concerned with stopping development on the north side of downtown, this may keep them away.

Councilor Lloyd stated that he felt that all of the jurisdictions should have an equal fee, we should not charge more than anyone else, raise ours to equal the proposed regional fee.

Councilor Ripma stated that our fee is not for regional projects, it is for local streets and local types of improvements. Reluctantly I have to support the full fee.

Council discussed this issue.

**MOTION: Councilor Thompson moved to continue this matter to the next agenda. Councilor Ripma seconded the motion.**

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

**MOTION: Councilor Burger-Kimber moved to address agenda item #8 and hold items #6 and #7 until the next meeting. Councilor Thompson seconded the motion.**

**YEAS: 5  
NAYS: 0 (Schmunk absent for vote)  
ABSTAINED: 0**

**8. RESOLUTION: Regarding Membership in City/County Insurance Services Trust Liability Self-Insurance Pool.**

Mayor Thalsofer called this item.

Gazewood stated that bids were accepted by council in relation to the property and liability insurance the latter part of June. This resolution is a house keeping measure to be with CIS for a three year period. The city can opt out with a six month notice.

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

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

**10. COUNCIL CONCERNS AND INITIATIVES:**

Councilor Burger-Kimber stated that imagination station is selling boards for \$25.00 that will be mounted on the play structure and T-Shirts Saturday and Sunday at the park. Burns Bros. has been a strong supporter of this community. They have donated in excess of \$10,000 to the Historical Society. They are having an easter seals benefit that they have every year, they don't make any money on it, in fact they lose money but it is a community service that they do. Every year the City of Troutdale has provided a street sweeper to sweep the parking lot as a service to them, kind of a in kind contribution. This year they were denied the use of the street sweeper because the response was we don't do community service projects anymore. I was really embarrassed when I found this out. I went down there to solicit donations for Imagination Station. I would like to ask the council to encourage the staff to support this event at Burns Bros. and sweep their parking lot and I told them if I couldn't get this done I would go down and clean it myself.

Galloway stated that he does not believe that was the response given to Burns Bros., I believe we have always been reimbursed for it, we have never done it gratis. My concern is that we would be doing something that private enterprise should be doing and I am not sure that is really the function that city government should be providing. That service could be provided by a commercial outfit. My people told them that we would not be competing with private enterprise this year, but this is obviously your decision.

Council discussed this issue.

**Council directed staff to perform the service in the same manor as last year.**

Councilor Kight stated that he is working with the police department and city attorney on a towing ordinance for certain traffic offenses.

Mayor Thalhoffer addressed the problems with drowning at the Sandy River and stated that the problem is being addressed.

Councilor Thompson voiced concerns with the length of Council Meetings and it is because the council is not following their own rules. There is no reason a meeting should go until almost midnight to conduct the amount of business we conducted tonight.

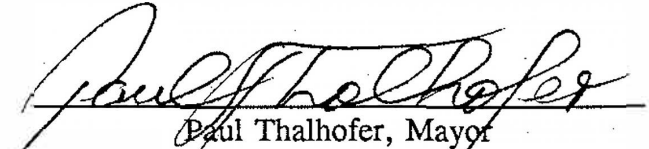
Councilor Schmunk agreed with councilor Thompson, we need to follow the rules.

**11. ADJOURNMENT:**

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

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

Mayor Thalhofer adjourned the meeting at 11:47 P.M.

  
Paul Thalhofer, Mayor  
Dated: \_\_\_\_\_

ATTEST:

  
George Martinez, City Recorder