

# CITY OF TROUTDALE

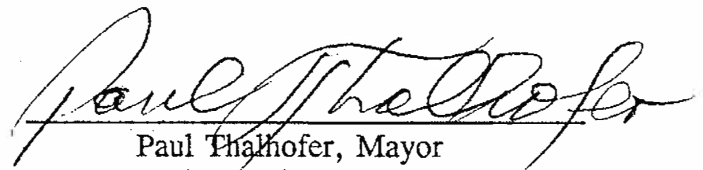
## AGENDA

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

7:00 P.M. -- OCTOBER 11, 1994

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
- 2.1 Accept Minutes - Regular Sessions - July 26, August 9, & 23, 1994
  - 2.2 Business Licenses - Month of September, 1994
  - 2.3 RESOLUTION: A Resolution Accepting Dedication of Real Property Known as Tracts A & B, Stuart Park Subdivision Located Within Section 36, Township 1 North, Range 3 East, WM, for Public Park Purposes.
  - 2.4 RESOLUTION: A Resolution Accepting A Utility Easement From Swift Transportation Company, Inc. on Tax Lot 53, Section 23, T1N, R3E, WM. Faith Galloway
  - 2.5 RESOLUTION: A Resolution Authorizing the Mayor to Enter into an Agreement for Consulting Engineering Services for the FY 1994-95 Street Improvements. Galloway
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:
- 4.1 Charter Review Committee
- (I) 5. PRESENTATION: Penny Malmquist, Multnomah County Emergency Management.
- (A) 6. RESOLUTION: A Resolution Recognizing the Completion of the Imagination Station and Accepting it into the City's System as a Fixed Asset. Lantz
- (A) 7. DISCUSSION: Allocation of Park Improvement Funds. Gazewood
- (A) 8. PUBLIC HEARING/ORDINANCE: An Ordinance Accepting Jurisdiction of a Portion of Cherry Park Road (SW 18th Way) from Multnomah County. First Reading - Galloway

- (A) 9. PUBLIC HEARING/ORDINANCE: An Ordinance Providing for Towing and or Impoundment of Vehicles for Certain Vehicle Code Violations.  
First Reading - Kight
- (A) 10. RESOLUTION: A Resolution Establishing the Methodology and Rates for Transportation System Development Charges and Repealing Resolutions 942, 1016, and 1085.  
Galloway
- (A) 11. RESOLUTION: A Resolution Authorizing City Staff to Advertise and Call for Bids for the Beaver Creek Trail Construction Project.  
Lantz
- (A) 12. RESOLUTION: A Resolution Authorizing City Staff to Advertise and Request Proposals to Create a Parks Master Plan.  
Lantz
- (A) 13. REQUEST: Request for the City to Initiate Right-of-Way Vacation.  
Faith
- (A) 14. REQUEST: A Request from Building Structures, Inc. for a Reduction in Storm Sewer System Development Charges for the East Wind Development.  
Galloway
- (A) 15. DISCUSSION: Re-implementation of the Downtown Task Force.  
Mayor Thalhofer
- (I) 16. DEPARTMENT REPORTS:
- |      |                       |           |
|------|-----------------------|-----------|
| 16.1 | Finance               | Gazewood  |
| 16.2 | Public Safety         | Berrest   |
| 16.3 | Community Development | Faith     |
| 16.4 | Public Works          | Galloway  |
| 16.5 | City Attorney         | Sercombe  |
| 16.6 | Executive             | Christian |
- (I) 17. COUNCIL CONCERNS AND INITIATIVES
- (A) 18. ADJOURNMENT. The Council Shall Endeavor to Adjourn Regular and Workshop Meetings by 10:00 P.M. or as Close Thereto as Possible.

  
 Paul Thalhofer, Mayor  
 Dated: 10-6-94

**Minutes**  
**Troutdale City Council Regular Meeting**  
**Troutdale City Hall**  
**Council Chambers**  
**104 SE Kibling Avenue**  
**Troutdale, Oregon 97060-2099**

**October 11, 1994**

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

Mayor Thalhofer called the meeting to order at 7:00 p.m. and called on Councilor Lloyd to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

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

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

**GUESTS:** Penny Malmquist, Don McGinnis, Jeff Smith, Larry Smith, Dan Hatch, Stephen L. Kent, Kenn McManus, Leland E. Larson, Bob Morris

Christian stated the minutes of August 9th & 23rd are not ready.

Mayor Thalhofer stated that Item 2.5 will be addressed separately.

**2. CONSENT AGENDA: 2.1 Accept Minutes - Regular Sessions, July 26, August 9, & 23, 1994. 2.2 Business Licenses - Month of September, 1994. 2.3 RESOLUTION: A Resolution Accepting Dedication of Real Property Known as Tracts A & B, Stuart Park Subdivision Located Within Section 36, Township 1 North, Range 3 East, WM, for Public Park Purposes. 2.4 RESOLUTION: A Resolution Accepting a Utility Easement From Swift Transportation Company, Inc. on Tax Lot 53, Section 23, T1N, R3E, WM.**

Mayor Thalhofer Called this item.

**MOTION:** Councilor Schmunk Moved to Accept the Consent Agenda Minus the Minutes of August 9th, 23rd and Item 2.5. Councilor Thompson Seconded the Motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

2.5 RESOLUTION: A Resolution Authorizing the Mayor to Enter into an Agreement for Consulting Engineering Services for the FY 1994-95 Street Improvements

Mayor Thalhofers called this Item.

Galloway stated that there has been a recommended change, by the attorney, to the agreement that was delivered to the council. On page 3, 2nd paragraph, 2nd sentence, it should read "the total compensation to the consultant under this agreement for the construction phase of the project (as specified in the addendum portion of exhibit A) shall not exceed a gross amount of \$8,750. without the prior approval of the city" this is the only change to the agreement. I recommend approval of the resolution.

**MOTION:** Councilor Ripma moved to adopt the resolution approving the amended agreement. Councilor Kight seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

3. PUBLIC COMMENT: Please Restrict Comments to Non-Agenda Items at this time.

Mayor Thalhofers called this item.

There was no Public Comment.

4. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:  
4.1 CHARTER REVIEW COMMITTEE

Mayor Thalhofers called this item and presented the Charter Review Committee with Certificates of Appreciation.(Stephen Kent, Jim Kight, Don McGinnis, Don McManus)

McGinnis stated, David Schmidt was the chair and did a fine job, he called me and said he couldn't make it and asked me to say a few words. I think I speak for everybody when I say it was an honor to be selected. We felt we did a good job and worked hard. We had ample

options for input from the public, council and business people. We did recommend some major changes in the city government, one is that the mayor votes. If the mayor is the chief executive officer and the leader the people vote for, why shouldn't he have a vote. The term of office of mayor we felt should be four years, the person with the most responsibility shouldn't have to run every two years. The city administrator was not in the charter before and now the position is, and the duties will have to be outlined by ordinance. We added to the charter a clause where the council persons have limited influence on department heads, which is not unique to charters. We are trying to give the employees on direction, boss. We did not try to take the city administration out of the loop, the mayor and city administrator are accountable to the council. There were all so some simplifications to the ordinance adoption process. We feel we did a good job, but if it is bad we are sorry!

Mayor Thalhoffer stated that there is all so a change in the appointment/election process.

McGinnis stated that is correct it is a major change, the most a councilor can be appointed for is two years and then must stand at the next election. The mayor can not be appointed.

McManus stated, the hours we spent on this, the moments of anger, and the moments of joy, and the moments of unification, were really rewarding. Regardless of what anyone says this was not a hastily prepared document, it was prepared with a lot of thought, energy, and effort and I will stand behind it completely.

Kent sated, first I would like to thank all of you for the opportunity. I agree with the group, we did a really good job. Until I read the voters pamphlet I was convinced that is what we had done. As one of my best friends in the whole world, Bruce Thompson, will tell you that I have not been involved in politics or mentioned my political opinion since about the mid 1970's. I found at that time that my skin is still not quite thick enough to tolerate some of the things I see some of you tolerate. So I started my own business and I can choose who I work with and for. I found the whole thing of running for office hurtful, some folks will say, do, plan, or accuse, anything just to get elected. Then I found this opportunity, I learned a lot from working with this group of folks. When I believe in something I firmly believe in it and I will do whatever I have to do to let the voters know the truth about this charter so that they can make a rational, logical, informed decision.

Jim Kight sated, I would like to reiterate that I enjoyed working with this group and I think we did a fine job. You won't find a document that everyone agrees with it. In this instance it serves the city well, we wanted a strong mayoral type of government and that is exactly what this charter does, with fairness, equity, and honesty. I think the City of Troutdale should vote for this charter.

Mayor Thalhoffer thanked the members present and the members who were unable to attend(Troy Jenkins, Walt Postlewait, David Schmidt).

5. PRESENTATION: Penny Malmquist, Multnomah County Emergency Management.

Mayor Thalsofer called this item.

At the confrence I accepted the Directors Award reward on your behalf. It is for outstanding accomplishments resulting in the formation of a multi-jurisdictional emergency management partnership, progressive public policy and support of public emergency preparedness. This award was given to all of the jurisdictions involved.

6. RESOLUTION: A Resolution Recognizing the Completion of the Imagination Station and Accepting it into the City's System as a Fixed Asset.

Mayor Thalsofer called this item.

Lantz stated, it is kind of hard, when you have 2,000 volunteers show up, to hide the fact that something was accomplished at Columbia Park this summer. We always have these formalities to make sure the city recognizes the contribution to the city. We have received the certificate of substantial completion so I recommend that we accept the play structure into the city's system as a fixed asset.

Lesile Daoust stated, I have emotional ties to this structure and we really hope that the city will come through and take care of our baby. There will be people helping to take care of it. Thank you for the support, I couldn't and probably wouldn't have done it with out you.

Doug Daoust read the Certificate of Substantial Completion from Leathers and Associates. stated that the whole project has been very gratifying and overwhelming. Over 200 people per day have used this park since it has opened on August 21st, and that is a conservative estimate.

Mayor Thalsofer asked what the play structure would be worth now?

Daoust stated that it would cost \$300,000. to have it built like it is now, we have asked that it be insured for that much.

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

7. DISCUSSION: Allocation of Park Improvement Funds.

Mayor Thalhoffer called this item.

Gazewood stated their is a revised cover letter that is at each councilors place that shows corrected figures. Essentially the request for allocation of park improvement funds for Imagination Station. It revolves around consideration of contributions from Mike Nelson of GSL homes that would be applied to payment of some outstanding bills. Doug Daoust, and Mike Nelson tied the \$4,000. contribution to a overall \$50,000. contribution that is tied to a city ordinance which complicates the allocation and use of the \$4,000. in relation to the \$3,600. in bills they meant it to cover. We have a cash balance of about \$538. and bills of \$3,647. Since the structure has become a city asset we felt it is appropriate to pay the bills that related to construction, about \$2,000. through the park improvement fund. The other bills totaling about \$1,600. were reimbursements for mailing purposes and t-shirts related to the project, we made a judgement call and held these bills to be paid from donation monies. We have received contributions of \$1,421. raising the cash balance to over \$1,900. and we have paid the \$1,600. worth of bills. In essence we are now requesting your approval on this action.

Doug Daoust stated that the bills could be paid from the \$20,000. donated by Mike Nelson. There is still money coming in from donations and grants. We would also like to put a bronze plaque in front of the play structure to recognize the contributors, this will cost about \$2,000., this will not need to be paid right now but it does need to be added to the total cost of the project.

Councilor Ripma clarified that the money from Mike Nelson is not a donation , is part of what he was required to pay for the development. We should just pay for the bills and plaque out of the improvement fund.

Council discussed this item.

**MOTION:** Councilor Ripma moved to pay \$2,013.35 out of the parks improvement fund to pay the outstanding bills. Councilor Kight seconded the motion.

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

Council directed staff to pay for the plaque out of the contingency fund when the time comes.

**8. PUBLIC HEARING/ORDINANCE: An Ordinance Accepting Jurisdiction of a Portion of Cherry Park Road (S.W. 18th Way) from Multnomah County.**

Mayor Thalhofers closed the council meeting and open the public hearing at 8:01 PM.

Galloway stated this is somewhat of a house keeping item. Back in march the council approved a resolution that requested that the county transfer the segment of road way to the city. The county has acted on the request and have offered to surrender jurisdiction of the road to the city. We are required to accept it by way of this ordinance that is before you tonight. Staff recommends approval.

Mayor Thalhofers closed the public hearing and reconvened the council meeting at 8:05 PM.

**MOTION:** Councilor Ripma moved to accept first reading of the ordinance.  
Councilor Thompson seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**MOTION:** Councilor Ripma moved to accept second reading of the ordinance and adoption. Councilor Thompson seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**PUBLIC HEARING/ORDINANCE:** An Ordinance Providing for Towing and or Impoundment of Vehicles for Certain Vehicle Code Violations.

Mayor Thalhofers recessed the council meeting and opened the public hearing at 8:07 PM.

Councilor Kight stated, I happen to be talking with Officer McQuewn and he told me of a time when he was called out on a call and his car was involved in a hit and run accident. They later found the vehicle that hit Officer McQuewn but no driver. He told me that if a person doesn't have a drivers license or insurance or registration for the vehicle they just give them a citation. I asked him what is stopping that person from just getting back in the car and driving it off after the officer leaves? He said that there is really nothing stopping them if we have to leave the scene on another call. We are finding that there is a lot of unlicensed, uninsured drivers in the Troutdale area. I contacted the City of Gresham and they sent me their ordinance and after review by our city attorney that is basically what you have before you tonight. It states that if you don't have a valid drivers license, if you don't have insurance, or the car isn't properly registered, if you have two of these three things your car can be towed and the only way to get the car back is to be in compliance and pay the tow charge and storage fee. Gresham has used this for about a year and they have towed approximately 1,000 vehicles, only two of them were towed improperly.



Chief Berrest stated that this would be a very useful tool. Presently we just issue citations which requires appearance in court, at that point we leave and they are allowed to do as they please. Our court has suspended 2600 drivers licenses for various reasons, so you can see it is becoming a very large problem. This doesn't mean that we will be towing the guys car that when he runs to the store and forgets his wallet, their will need to be two violations, no proof of a valid drivers license and one of the following, no insurance or the vehicle not properly registered. This will also allow us to tow vehicle that are blocking mail boxes, previously we were not able to do that. We will educate our officers on how to deal fairly on this ordinance. We are research contracts with various tow agencies.

Councilor Lloyd asked what is a hazardous vehicle?

Berrest stated it is a vehicle that is left in the roadway and may cause a hazard to traffic.

Councilor Lloyd asked if a person has a valid license but no insurance or no registration you can not impound the car, is that correct?

Berrest stated that is correct, we would give a citation. This is a kind of safe guard for us. It will prevent us from towing if someone just doesn't have their insurance card with them.

Councilor Lloyd asked, didn't we consider an ordinance like this before but it included forfeiture?

Councilor Berrest stated, we did but their was some legal concerns about the forfeiture.

Councilor Thompson asked if a stolen vehicle is towed the owner is responsible to pay to get it out of impound?

Berrest stated that is correct, but we try to notify the owner that we have found their car before we have it towed.

Councilor Burger-Kimber asked, before when we address this there was concern about if we could adequately recover costs for processing and enforcement of the ordinance?

Berrest stated we have added a \$10.00 administrative fee. There is not really anything that we do differently other than fill out another form.

Christian stated those concerns were part of the forfeiture part of the previously.

Councilor Lloyd voiced concerns that we need to have two violations to tow the vehicle.

Berrest stated that it is a safeguard for the people that forget their ID or insurance card at home or that type of situation. You will find that most people who don't have insurance also

don't have a valid drivers license.

Mayor Thalhofer closed the public hearing at 8:27 PM.

**MOTION:** Councilor Kight moved to have first reading of the ordinance. Councilor Ripma seconded the motion.

Councilor Ripma stated that he felt that you should be able to tow for only one of the violations but this will be a big help.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**MOTION:** Councilor Thompson moved to have the second reading and adoption of the ordinance. Councilor Ripma Kight seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**13. REQUEST: A Request for the City to Initiate Right of Way Vacation**

Mayor Thalhofer called this item and stated he would like to hear this item out of order because there are some people here that have been waiting for this item.

Faith stated that this matter is coming before you at the request of several property owners, it has to do with vacating right of way North of Raspberry Lane Subdivision. The right of way was condition of plat approval by the Planning Commission in June of 1976. One of the conditions was that the developer dedicate right of way for future public road. The strip is approximately 40 wide by 1000 feet long, it has been in existence for over twelve years. Over that time the adjoining property owners have been required to maintain it, some have chose to, others have not, consequently the city has invested some time, money and effort in maintaining it over the years. There are twelve lots that abut the strip. It was originally intended for an extension of Glisan but we can now see that it is not going to go through. The city or the property owners can initiate the vacation by ORS. The biggest difference is if it is property owner initiated then all of the abutting property owners must sign and consent along with not less than 2/3 of the effected properties, which is generally those within 200 feet. If it is initiated and approved the strip would be portioned out to each of the abutting property owners to the South since that is where it original came from, none of it would go to the Reynolds Property on the north. If this were to happen staff would recommend that

this be a council initiated vacation, simply because of all of the time and effort that will be involved in taking the property owners through the process if it were initiated by them.

Councilor Burger-Kimber stated that since there are twelve properties effected, and you want the council to initiate it so you don't have to walk the property owners through the process, have you talked to all of the property owners in regard to if they would be willing to accept the property?

Faith stated that we have not talked to all twelve, some of them are already maintaining it and have requested to extend their fences and have been given approval, but we have not heard from all of them.

Councilor Burger-Kimber stated she would like to use caution in forcing someone to take possession and maintaining the property.

Faith stated that technically under the law they are already responsible for maintaining it.

Councilor Burger-Kimber asked, didn't you say the city had gone to some expense in maintaining it?

Faith stated that some people have maintained it and others have not and the city has taken it upon it self to mow it or pick up the debris that has been deposited there, but it is usually as a last resort because the property owners refuse to do so.

Christian stated that we have not contacted every home owner because you have not initiated the process yet. If you look in the packet you will see the steps that will be taken if you direct us to start the process.

Councilor Kight asked if staff is recommending any deed restrictions?

Faith stated that the process has not started yet, we are here to discuss if the process should begin.

Councilor Kight asked if they will be charged for the property or will it just be given to them, they bought the property minus this portion so this would be a little bonus to them.?

Faith stated that it was donated by the development and id would just revert back to the property owners with no charge, it will be more acreage so it could translate into more taxes.

Christian stated that this was requested several years ago and that is when we came up with the agreement to let the property owners fence it and use it.

Councilor Schmunk asked if it will take all of the property owners to agree to this?

Sercombe stated that it would not if it is city initiated but a majority could object and block it.

Council discussed the possibility of this strip being used as an access to Columbia Park.

Eleanor Fornoff, 1525 sw 22nd, stated that the property is not maintained by the non-resident owners of the duplexes in the area. For sixteen years I and some of my neighbors have had to maintain it. It was my understanding that 20 feet would go to us and 20 feet would go to the school. This is of no use to anyone it dead ends before it gets to 257th.

Councilor Kight asked if most of the property owners agree to this?

Fornoff stated that she could not get in touch with some of them.

Leland Larson, 37900 Sandy Hts. Ct., Sandy, stated that he has people dumping on the property all of the time and it will cost him about \$1500. to fence the property and he does not want to do that if he may have to move it with thirty days notice from the city, but he has to spend money cleaning up the property every time someone dumps something on it. I don't care about getting the property I just want to fix the problem of people dumping on it. Either give it to me or don't make me responsible for it.

Councilor Ripma asked how much of the land would go back to the property owners?

Faith stated that it would have to be researched further.

**MOTION:** Councilor Thompson moved to direct staff to initiate the vacation process.  
Councilor Lloyd seconded the motion.

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

Mayor Thalhoffer called for a ten minute break at 9:12 pm and reconvened the meeting at 9:22 pm.

10. **RESOLUTION:** A Resolution Establishing the Methodology and Rates for Transportation System Development Charges and Repealing Resolutions 942, 1016, and 1085.

Mayor Thalhoffer called this item.

Councilor Ripma stated, that he is interested in tabling this in light of the ballot measure #5 that is part of the November Election, that would require a vote for any fee change. I strongly oppose it, but because of recent editorial comments in the paper that criticizes governments for trying to impose new fees before the measure is voted on. I think we should hold off on considering this fee until after the election.

William Brookhart, Troutdale, stated that he asked himself why would the city want to assess the citizens of Troutdale such a fee that would repair roads in other cities. There is something funny about this, it is not required. Corbett, Woodvillage, or Fairview aren't considering this, even Gresham has not made a commitment to this. It seems like this is the wrong way to do this. I understand why you assessed the fee here in Troutdale to take care of our own roads and things, but I question your authority to do this to take care of things outside of the city when no one is forcing you to do it, maybe you have the technical authority but I know you don't really have a good reason to do this with out the other areas equally involved.

**MOTION:** Councilor Ripma moved to table this item until the first meeting after the election. Councilor Kight Seconded the motion.

**YEAS: 5**  
**NAYS: 1 (SCHMUNK)**  
**ABSTAINED: 0**

**11. RESOLUTION: A Resolution Authorizing City Staff to Advertise and Call for Bids for the Beaver Creek Trail Construction Project.**

Mayor Thalhoffer called this item.

Lantz stated that the reason you have this before you this evening is so that everyone knows that this is under way. The last few months we have spent time out doing a very thorough trail survey. We now have the design specifications and bid documents prepared and are ready to go out for bid. Staff recommends approval of this resolution.

Councilor Kight asked if this is for existing or new trails?

Lantz stated that all of the trails are on existing on public property in the Beaver Creek Canyon area. We are looking at in the future tying all of these trails together but at this time we don't have the money. Most of these trails were constructed in the 70's and are now in need of repair.

Councilor Burger-Kimber asked about fences across the trails to keep people from accessing the trails, did you run across anything like that?

Lantz stated that there could be barricades on trails on private property or on trails that have been closed for safety reasons.

Councilor Ripma asked about the Metro bond measure that identifies Beaver Creek as a priority area and if it were to pass is there a chance that it could duplicate what we are doing?

Lantz stated that this project could be thought of as the first stage if the measure were to pass. There are many other projects that the city and metro could enter into with the metro funds. We did receive a grant from the state to pay for part of this project and in order to utilize those funds we need to get started on this as soon as possible.

Councilor Kight asked why the trails are in such bad disrepair and how can we guarantee that they will be maintained?

Lantz stated that the trails were not built to the best standards, originally they were just cut into the side of the hill with out proper drainage and such, we have much higher specifications now. The city over the years has not always had adequate staffing to maintain them.

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

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

12. **RESOLUTION: A Resolution Authorizing City Staff to Advertise and Request Proposals to Create a Parks Master Plan.**

Mayor Thalhoffer called this item.

Lantz stated in last years budget we identified the need to do some master plan work on Sunrise Park and Columbia Park and this is the result of that. This is again mainly to let everyone know about this. Staff would recommend approval of this resolution.

Christian stated that we don't usually come to the council on this type of thing once it has been approved in the budget, but Valerie felt like this need some public notification.

Lantz stated that there will be a lot of public input on this project there will be public hearings and opportunity for people to get involved.

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

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

14. REQUEST: A Request from Building Structures, Inc. for a Reduction in Storm Sewer System Development Charges for the East Wind Development.

Mayor Thalsofer called this item.

Galloway stated that this is a request for reduction in Storm Sewer SDC's. You may recall that another development came to the council earlier this year and asked for a reduction for a similar reason, they were creating a retainage facility on site so the amount of water would be significantly reduced so they felt that they were entitled to a reduction. Our current ordinance does not provide for that so we brought it to you and you agreed that some amount of reduction was authorized and let it to me to determine the specific amount, I authorized reduction up to 70%. This request is for the same reduction. I think there is a noteworthy difference between the two. At the time of the other request they were not yet under construction, they had not gotten their permits, they had not paid their SDC's, they got the approval of the reduction before they went forward. After the approval of their request I submitted a draft resolution, that would set a policy on this type of situation, to the city attorney for review. There were several concerns raised and we have decided to have a consultant, who later this year, will be doing some other work related to this look at some of the technical issues that were raised and perhaps see what other jurisdictions do. That is why no formal policy has been formulated on this matter. It would be my recommendation to defer action on this request until such time as we can have an independent review and formulate a definitive city policy. This will be asking this particular developer to wait some time but in this case we would not be holding anything up, everything has been paid and they have already begun construction.

Councilor Ripma asked if the city saw this before they began construction?

Galloway said that it went to the typical site design review.

Councilor Ripma asked if it they went through a similar process as the previous one.

Galloway stated that he believed they did.

Councilor Ripma asked if we ever refund SDC's that are not fully used?

Galloway stated that we do not, the closest we come is giving credit for future use.

Councilor Thompson asked if we have any idea of the effectiveness of the Bio-sail?

Galloway stated that we know the effectiveness as far as we know how much water it is going to retain. What the effect it has on say up stream waters, I don't know if we will ever have final answers on those type of questions. In general we can say that they do what their intended purpose is, they will retain a certain amount of water for a given period of time. We have not been through a rainy period yet with the only one we have in town, Swift Transportation.

Larry Smith, Building Structures, Inc., stated that this is not after the fact, back in March Terry Ege came to me, when I was doing a feasibility on this project so they could develop it, he said to me that Swift did something and got a reduction in their fee, I told him I would look into that. I contacted Mr. Galloway on March 25th and talked to him; at which time he confirmed that Swift had been given a consideration up to 70%. He said if you submit your drawing to us then we will compute this and see where you stand. So at that time we had our engineer design a pond into the development. We submitted it for review and approval and all of the steps needed and proceeded to develop the property. We went into the development of phase II, which was a building on the property. It wasn't until we got all of the approvals for that and we came to pay for the permit for the building that we had this fee on their. I asked Sue if we got our credit and she said that it was the full amount, I told her we were to get a credit because we put in the pond, she said that would be up to Galloway, and the only thing you can do now is pay the fee and get a hold of Galloway and request a refund. So the next day I talked to Galloway and he suggested that I write this letter and request this hearing. So to me it doesn't seem like something we decided after we paid that we would like to get a refund, to me it was something that was implied and I am here asking you for it.

Councilor Ripma asked, you didn't plan this pond until you heard about Swift?

Smith stated that is correct, we heard that they encourage this type of construction so we had it designed into the development and submitted it to the city for approval.

Councilor Ripma asked had you already constructed the pond?

Smith stated yes.

Councilor Ripma asked, so you constructed the pond before you knew if you would get credit?

Smith stated that it may have been a poor assumption on my part but when I submitted the plan like I was told to do that the proper people in the city would be reviewing it and if this



pond was not to be approved or of no value I thought somebody would have told us.

Councilor Ripma stated that he felt that we may have acted in haste with Swift but anyway we desperately need this study. Your situation does not strike me as similar to swift at all, you went ahead without any assurance of a reduction at all.

Councilor Kight asked what was the cost to build the pond?

Smith stated that it was part of a \$450,000. development and was not sure of the exact cost.

Councilor Kight asked, you obviously went to extra expense to build the pond predicated on the fact that you thought you would get a reduction in charges like swift, is that correct?

Smith stated that is correct.

Councilor Burger-Kimber asked, you had not done any design other than the one you submitted to the city, is that correct, and was there any design work for connection to the sewer?

Smith stated that there was only the design for the pond, nothing for connection to the sewer.

Councilor Burger-Kimber asked, did you get an engineering stamp on the design?

Smith stated they did.

Councilor Burger-Kimber asked who did the stamp come from?

Smith stated there were three or four stamps on it from the city.

Councilor Burger-Kimber asked, so it was approved with the pond in place and no connection to the sewer?

Smith stated that is correct.

Councilor Burger-Kimber asked, so in your conversations with the city and because the plans were approved you assumed that you could expect the same kind of consideration that Swift received?

Smith stated that is correct.

Councilor Burger-Kimber stated that when this came up with Swift Trucking she encouraged this to be studied further, but the majority of the council decided to give the credit to Swift, that set a precedence and there is no difference in the two cases.

**MOTION:** Councilor Ripma moved to defer action on this matter until we can select a consultant to do a an impartial third party study on this issue. Councilor Lloyd seconded the motion.

Councilor Thompson stated that we do need a policy on this.

Smith stated, I am taken back, This was not done in one phase, it was a phase in itself, why anybody would send these plans all the way through and not bring this to our attention. The building department should have told us that once we pay for this thing it is a different ball game, because then I could have challenged the fees before we started work, but I was told that you pay the fees and then apply for a credit.

Councilor Lloyd stated that we set a policy with Swift and before he is ready to act on this we need a policy or we will have the next guy like you in here with the same problem. I think you have some grounds for feeling that you were not treated like the other guy.

Councilor Burger-Kimber stated, I am really sorry, I think we owe you a big apology because it seems to me that you have been the victim of us not having our act together and making a decision before establishing a policy. I feel that you have every right to a refund because you went through the whole design process and it was approved and the implication was there all along that you went to the expense because of that. I agree that we need to have a policy. I didn't want this to happen in the first place because I wanted us to have a policy first. Obviously we will look into this, I hope the council will go along with me and treat you fairly. we have made a mistake in the past we have made it right, if you can be patient I am sure this council will make it right.

Councilor Thompson stated that in reference to the previous councilors comments we have only heard from one side and before you make a decision about who has been mistreated or whatever you should hear from both sides.

Councilor Ripma stated, I to favor the study and then we will consider this situation, however I am not quite as willing to jump on the city staff just now for this. You had your plans approved that's all, you did not have any request before the city for this to be a retention basin to reduce your SDC's. You are a developer and you know that you must let the city know what you are doing all the way. We need to hear both sides of this.

Smith stated that there is a mis-understanding her this is not just a pond, there is a road and catch basins, man holes, and everything drains to this "pond". Looking at the drawing you could have no confusion as to what is going into this pond.

Mayor Thalhoffer stated, I feel for you and the council will do the fair thing.

Councilor Kight stated that by not having a policy we have set a policy, we established a precedent by giving money back to swift transportation. I think it is unfair to have a man go to additional expense of building this pond and not give a refund on the SDC's, the study is fine but you are doing it after the fact.

Councilor Schmunk stated that we need to look at both sides.

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

15. DISCUSSION: Re-Implementation of the Downtown Task Force

Mayor Thalhofer called this item and stated that he would like to set October 18th for a work session on this matter.

16. DEPARTMENT REPORTS:

Mayor Thalhofer called this item.

Finance:

Gazewood stated he would like to call attention to page 2, item 4 of his report.

Public Safety:

Berrest stated that he would like to clarify why we do not to vehicle that do not have proof of insurance, it is because we have no way of confirming if they have it or not.

Community Development:

Faith addressed the information handed out regarding the Metro Preferred Alternative.

Public Works:

Galloway stated he had nothing to add.

City Attorney:

Sercombe stated he had nothing to report at this time.

Executive:

Christian stated that the staff is not ready at this time to have the work session regarding performance measurements and that is why the meeting on the 18th is now scheduled for discussion of the Downtown Task Force. I would also like to thank the Mayor for sponsoring me at the Pacific Program, it was a very worthwhile program, a lot of information on negotiations which we will be having soon, there is going to be an AFSCME Election.

**17. COUNCIL CONCERNS AND INITIATIVES:**

Mayor Thalhofer called this item.

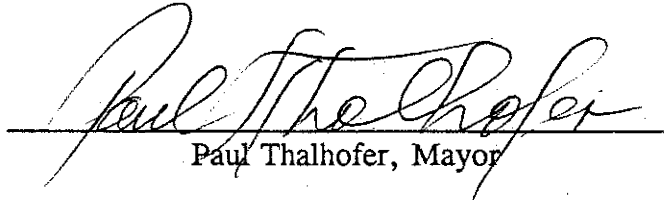
There were no council concerns or initiatives.

**18. ADJOURNMENT:**

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Thalhofer adjourned the meeting at 10:40 P.M.

  
Paul Thalhofer, Mayor

ATTEST:

  
George Martinez, City Recorder

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 10/11/94 TYPE Regular Council

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Jim Galloway	City Hall	665-5175
Bob Garza	City Hall	665-5175
Mark Berrest	City Hall	665-5175
Paul Smith	Community Development	" "
W. Smith	Personnel	
Tommy Malinquist	Mult City Emerg Mngmt	251-0466
Don McGinnis	151 SW 257	665-4071
Jeff Smith	11785 SE 282 BORING, OR. 97009	663-2779
LARRY SMITH	28005 SE FELN DR. BORING, OR. 97009	663-3944
Don Smith	Personnel	665-5175

# CITY OF TROUTDALE

## PUBLIC ATTENDANCE RECORD

MEETING DATE 10/11/94 TYPE \_\_\_\_\_

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
STEPHEN L. KENT	1310 SE 30th Court Troutdale	661-8244
KENNETH FRIAN'S	4152 SE JENNIFER CT. TROUTDALE, OR 97133	665-0521
LELAND E. LARSON SR.	37900 Sandy Hts ST. SAND, ORE	668-6342
BOB MORRIS CANDIDATE METRO COUNCIL DIST. 1	3221 S.W. WILLOW AVE GRESHAM, OR 97080	669-0744