

COUNCIL MINUTES
January 22, 1976

The continuance of the regular meeting held on January 15, 1976, of the City of Troutdale, was held in the Council Chambers of the City Hall, January 22, 1976.

Mayor Sturges called the meeting to order at 7:32 p.m.

AGENDA ITEM #1 - Roll Call

Present: Mayor Sturges. Commissioner: Sam Cox, Frank Kaiser, C. Edward Finegan, Michael Mahoney, Helen Althaus.

Absent: Robert Dix

Staff: George Phoenix, Ernest Nauwerth, Betty Bergstrom, Mary Eaton, Kathy Turner, Duane Lee, Engineer.

News Media: Nancy Buley, Outlook

Guests: Penny Duncan, Representative of Land Use Planning Committee, and 12 other guests.

AGENDA ITEM #7

Ordinance #219 was presented again to the Council as Ordinance #222 due to errors in preparation.

Ordinance #222 - replacing ordinance #219. An ordinance amending ordinance #219, authorizing the issuance and sale of bonds of the City of Troutdale, Oregon, to be designated as series 1-76-A bonds, in the total amount of \$379,822.88 in accordance with the Bancroft Bonding Act, declaring an emergency, was read by Brian Freeman once in full and twice by title.

Motion moved by Commissioner Kaiser that the Council adopt Ordinance #222, declaring an emergency and suspending the rules.

Yeas: 5

Seconded By Commissioner Mahoney

Nays: 0

Motion carried.

No agenda item - Preliminary application for business license.

Mr. Fowler presented a proposal to initiate a Realty, Genuine Antique Store, and Antique Car Restoration complex. Mr. Fowler explained that the Vintage is a group of related sales and services catering to the individuals and collectors of antiques. This location will provide services and sales, use of our parks by people in the Metropolitan area, and local people. Restoration and utilization of a distinctive style of building from the early 1920's will complement the City of Troutdale architectural plan in preserving its past. The services will include the following:

- 1- Country Realty, Harriett and Sylvia Fowler, brokers, was established with a Troutdale address, however, it is located in Corbett, founded in 1965. At present, they are selling mostly country property, east of the Sandy River but would like to expand to Troutdale and surrounding areas.
- 2-An antique store with goods of quality merchandise sold, no junk. They will be buying and selling for other collectors, as well as for their own collection. There will be no outside storage.
- 3- Restoring of antique cars. This will not be a repair shop for modern cars. All cars will be kept inside the building or within a private fenced area behind the building, except during business hours when a completed auto may be displayed outside. One of the services proposed would be metal stripping of paint and rust, for our restoration and customers. Metal stripping is one of the newest methods of preparing metal for restoration, using is phosphoric acid. Non-explosive, non-toxic, and practically odorless. The process is virtually noiseless as the materials are immersed in tanks for various lengths of time, then removed, rinsed, and are ready for painting. Proposed remodeling involves removal of the old awning and construction of a planter to form a traffic barrier across the front of the building. Recessing the entry in the center of the building, using new doors and colonial style windows. The windows on the right will all be removed and filled with concrete blocks, windows on the side and rear will be blocked up, with high windows for light. The building will be sandblasted to remove all old paint. Replace the barn-like doors with overhead doors. Addition of an area for paint stripping, approximately 1,200 square feet, to be constructed to the property line on the north-east side of the building. Construction to be of concrete blocks, concrete floor, and etc., to conform to the building codes. Paint booth to be constructed inside the garage area conforming to all requirement of fire and building codes. A fence 6' high and if allowed 7', which he would prefer, with vertical center slabs in the northwest side to the southwest corner of the building, with locked gates. Parking will be constructed as required for employees and customers. Connection to be made to the City sewer, and the outhouses removed. He is asking for a zoning of C-2 as this pro-

perty is now zoned C-3. Mr. Fowler has been reassured that the waste water is not a problem with a sewer. Mr. Fowler understands this has to go through the Planning Commission first, but if there is any belief that it will not pass, he does not want to go to all the expense of the project, to fail.

It was suggested that a grease trap might be suitable for the holding pans when they are emptied into the sewer.

Commissioner Mahoney asked if Mr. Fowler plans on leasing or buying the property. He is buying, and his sale is conditional upon property usage. Mr. Fowler believes he will be putting at least \$1,500 into the building.

Commission Kaiser asked Mr. Fowler if he knows who owns the pump island. Mr. Fowler may find it owned by the State Highway Department.

The Mayor understands that Fire District #10, inspector, Mr. Ray Hjelte, has some questions on the caustic soda. Mr. Fowler mentioned he had Mr. Hjelte out and he stated he would like to look into the matter more thoroughly. The paint booth would have to be constructed to Mr. Hjelte's specifications. The Mayor assured Mr. Fowler that he will get the approval of the Council on his request.

The City may require Mr. Fowler to put a back flow preventor on his water system, also the drains should be looked into, to be sure there is no short circuit.

AGENDA ITEM #13

Mrs. Bergstrom read ordinance #223, an ordinance requiring developers to advance funds necessary to construct street lighting poles, street name signs, widen and develop existing streets to major or arterial status and service, inspect and maintain city services. Mr. Phoenix did some research on the subject and found that West Linn has a developers fee of \$600,00 per house, which is payable on issuance of building permit(s). The purpose of the fee is to defray City costs. The reason West Linn has adopted this fee is the same reason we need it. The City has to pay for these services for almost two years before it is put on the tax roles. The cost in this ordinance is for the actual purchase and installation of the pole. The \$1.00 is for the electric cost after it is installed. The cost in this ordinance is for the actual purchase and installation of the pole. Mr. Phoenix said that the ordinance is a necessity. Commissioner Mahoney believes that the Council should have some say as to when the streetlights are to be installed. George stated that PGE takes the subdivision and sub-contracts the installation out. On Phase II of Sweetbriar, the south side started to develop rapidly and people were calling in for streetlights and by the time you get the lights in, another two months have gone by. You can get a large area where no one lives. but by the same token, you might have an area which is 25 to 50% populated depending on the time lapse of construction, but due to the arrangement PGE has with installers, they put the whole thing in at one time. Commissioner Mahoney does not feel this ordinance is treating the problem. It may be treating one of the ills not the cause. Commissioner Althaus feels a breakdown of Troutdale's cost rather than other city's should be presented to the Council. More discussion followed and it was the decision that more breakdown should be made.

Motion moved by Commissioner Kaiser that this ordinance be tabled.

Yeas: 5

Seconded by Commissioner Althaus

Nays: 0

Motion moved.

It was suggested that the Council take these ordinances home and look them over. Commissioner Mahoney requested that basic research on this question be done. Commissioner Mahoney is embarrassed when something like this comes up and he does not know where the proposals originate, what the facts are, then he is asked to make an intelligent decision. Also Mr. Freeman should look into the wording of the ordinance.

AGENDA ITEM # 14 - set over for executive session.

AGENDA ITEM #15 - Commissioners Reports

Commissioner Mahoney - Public Relations

Commissioner Mahoney commented on the 1.5% County tax and in defense of our being an incorporated municipality, which decided to pass the tax in the city. He does not have the facts and figures in front of him, but he understands from Mrs. Bergstrom that the business license tax that is in effect for all of 1975 was an average of \$25.00. He sees in the media that the City of Portland has taken Multnomah County for administrating the collection of the tax. Now the County is considering raising their tax, and Commissioner Mahoney is sure everyone is going to raise theirs. From the public relations standpoint, Commissioner Mahoney is prepared to propose the City

of Troutdale not increase the business license tax, should it come up on some other agenda. Commissioner Mahoney also thinks if he does a little homework and puts it together in proper form, maybe Mrs. Bulley will beautifully report it through the news media in our community that the City of Troutdale is not out to gouge everyone every time someone else raises their fees.

Commissioner Finegan - Finance

Commissioner Finegan stated to the City Recorder that to date, the City has made \$4148.24 interest earned on our investments for the first six months of the year. The budgeted interest to be earned this year is \$4880.00 comparing the above earned figure of \$4158.00 last years total of \$4605.80, and earnings of \$3385.00 for the 73-74 fiscal year. Mrs. Bergstrom mentioned that the new 1974 law has been very helpful for finance officers to increase the interest earned and Mrs. Bergstrom has to credit the law for this improvement. Commissioner Finegan mentioned that while we are talking about this business license tax, we have not collected from some of the realty offices. They are still operating even though they have not paid at this time. Mrs. Lansing told Commissioner Finegan that if we had any trouble collecting the tax, she will collect it. Mrs. Bergstrom said there is an extension of paying the tax until April 15, 1976. Only one realtor has paid the minimum payment of \$25.00.

Commissioner Mahoney asked if legal action can be taken on collecting these funds.

Motion moved by Commissioner Mahoney to analyze the city license revenues to date, under the new 1.5% business license tax and notification of delinquent violators, realtors, distributors, and sub-contractors.

Yeas: 5
Nays: 0

Seconded by Commissioner Althaus
Motion carried.

Commissioner Kaiser - Public Works

No comment at this time.

Commissioner Cox - Parks and Recreation

Commissioner Cox asked permission of the Council to investigate having gas meters put into the park building, to cover the heating problem. The persons using the building would be paying for the gas used. Permission was granted for the investigation. To be continued at next meeting.

Commissioner Kaiser asked if a letter could be formed to go to the State Highway Dept. regarding the trucks on Graham Road. Even though there is a 35 m.p.h. speed limit, the trucks miss the turn off for Husky's Truck Stop and proceed into town blocking traffic.

Brian Freeman mentioned that Ken Levstone of Senator Mark Hatfield's office, suggested that a resolution helps get action on these problems that arise.

Commissioner Kaiser made the suggestion that a stop sign be placed on the north and south side of Graham Road.

Resolution #101 was presented to the Council.

Motion moved by Commissioner Kaiser that resolution #101 instructing the State Highway Department to place a stop sign on Graham Road.

Yeas: 5
Nays: 0

Seconded by Commissioner Cox
Motion carried.

Commissioner Althaus - no report.

AGENDA ITEM #16 - Oral Communications

J.D. Muyskens, member of the Planning Commission, said that Doug Cowley, Planning Director, said he could get for the City, boundary and aerial maps. Mr. Cowley estimates it would take him 4 hours to prepare these maps, plus costs, would be approximately \$100.00.

Motion moved by Commissioner Mahoney that the Council authorize the Planning Commission to purchase up to date planning aerial and zoning maps, price not to exceed \$150.00.

Yeas: 5
Nays: 0

Seconded By Commissioner Kaiser
Motion carried.

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David Jansen asked if for some future Council meeting there could be some presentation on off street parking. The people living next door to Mr. Jansen have two licensed drivers living in the house, however, there are seven (7) cars parked around the house belonging to the neighbors. Parking has been a problem for some time on 14th and 15th streets, Village Green.

Mayor Sturges stated that a letter has gone out to Phil's 4 WD and the owner is meeting with the Mayor and George Phoenix on January 23, 1976, to discuss the violation of the city business license issued. The last time Phil's 4WD was brought before the Council was in August 1975, at which time he was applying for two other licenses for the location at 431 W. Columbia St. At this time the City pointed out the do's and don'ts. The business was complying with the stipulations for a while. Mr. Duncan asked what happens when a business does not comply with the requirements of the Council. Commissioner Kaiser stated the Council could revoke the business license, and close the business.

It is asked what action could be take to approve 14th Street. No action can be taken on this until it is discovered if the lawsuit on the greenways of 14th and 15th is settled. It was suggested that Brian Freeman look into what the status of the lawsuit is.

Stan Banta said that when he was driving around town he noticed a business that had been approved at the last Council meeting. Mr. Banta knows he would not want the kind of business Don's Paving looks like, in his neighborhood. Mr. Banta saw a truck vat hauling oil, two large trucks, not good looking, and could tell that it is a business operating out of a front yard.

Chief Nauerth mentioned that when approved Don McGregor's application, Mr. McGregor stated he would not be operating his business from his home, but storing his trucks on his property. Mr. McGregor also said he would store his trucks behind the house or in the garage and it would not be seen from the street.

It was suggested that the meeting recess at 9:10 p.m.

The Council reconvened at 9:25 p.m.

It was suggested that the Council have a motion to bring before the next Council meeting an ordinance, with all the facts and figures to create an ordinance, for off property parking of vehicles. There has been some background as we did go through this problem last year. The past minutes will have to be reviewed to see what action has been taken.

Motion moved by Commissioner Mahoney that research on off-street parking problems and review on-street parking for the next Council meeting or the March meeting.

Seconded by Commissioner Finegan

Yeas: 5

Nays: 0

Motion carried.

It was decided that legal staff should do the research on this ordinance.

Chief Nauerth stated the City ordinance that pertains to on-street parking is that a vehicle has to be removed from the city limits within 72 hours. Mr. Freeman mentioned that the ordinance could be written to state that, "between the hours of midnight and 6:00 a.m., and the cars cannot be parked for more than 2 hours." This may bring hardship on some of the residences that do not have adequate parking. Commissioner Mahoney asked if all this information will come up in the research. The staff will have to look into the minutes of approximately 1 year back for the data. The ordinance pertains to streets in Sweetbriar. Commissioner Mahoney suggested the legal Council research this information as Mrs. Bergstrom has enough to do.

Chief Nauerth mentioned that in his home town they had an ordinance that would eliminate the problem of about 50% of the vehicles we are talking about. Any vehicle parked on a public street had to be currently licensed.

Mr. Phoenix presented an easement to the Mayor, which states, "Know all men by these presents, that the City of Troutdale hereinafter called the grantor, does hereby grant to Donald Bennett, his successors and assigns, referred to herein as the grantee, a permanent right to construct, maintain, and operate a sanitary sewer." The location is the Troxel property that is across the railroad tracks. The line will run behind the building next to the building in question. The City would not be using this land for utility services.

Motion moved by Commissioner Kaiser that the Council approve the easement request of Donald E. Bennett.

Seconded by Commissioner Cox

Yeas: 5

Nays: 0

Motion carried.

Commissioner Mahoney was notified that the zoning on Don's Paving is A-2, which is in opposition to the business. Mr. Muyskens stated to Commissioner Mahoney that the procedure for approving the business license was in error and should have gone to the Planning Commission for a conditional use permit. Mayor Sturges suggested we offer Mr. McGregor use of the fenced property, owned by the City, next to the sewage treatment plant, to store his vehicles. There would be no charge to Mr. McGregor for the use of this property. Brian Freeman suggested the City give Mr. McGregor his money back and give him 90 days to go through regular channels. Mrs. Bergstrom would like to look up the minutes where we approved a City business license for Steve's Welding when he made his request for a welding business to see the zoning at that time to see if there was a procedure taken.

Commissioner Mahoney suggested that this matter be put on the next agenda. Mr. McGregor of Don's Paving will be asked to come before the Council to review his business license for error in zoning at the next meeting.

Duane Lee mentioned that since we had been keeping several people he would drop down to items that would affect those people. There have been a number of impacts on the public works affairs, water service, sewer, rain drains, streets, streetlighting, public schools in our area. One and one-half months ago Mr. Lee came to negotiate an engineering contract with the City until the City could straighten things out. At that time he had arranged to do work only when the Council authorized it. This is becoming a problem as everyone knows. At one time, Commissioner Finegan suggested a retainer type of arrangement, and maybe this is something Mr. Lee will have to get arranged, regarding this matter. On the City's behalf and without approval, he has been doing some things that he has not been authorized to do by Council.

With George's and the Mayor's knowledge, Mr. Lee helped in trying to get an application started through EPA for a sewer study, an application for Step 1 grant funds. Mr. Lee had a pre-application meeting with EPA and DEQ on this. They gave Mr. Lee and George the forms to fill out. Mr. Lee has them all filled out with the exception of the modification of the engineering needs to be made. This is one thing Mr. Lee wants to talk on, in the same breath, while we are getting involved in the sanitary system. EPA grant would cover 75% of the expenses in the preliminary engineering in the sanitary problem, unless we have a combined system the funds would stretch into a storm sewer study. One of the major work activities in the sanitary sewer will be addressing again, and to more extent, a major trunk line system that will occur within the City that we can at the same time attack the storm sewer problem. The area just off of Buxton, north of 4th Street, approximately eight acres. The Fujii development, the Reynolds School District and a couple more that need to be put on the sanitary and storm sewers. Mr. Lee has contacted Reynolds Aluminum Co. to see if they wanted to use the City's sanitary sewer system. As Mr. Lee wants some idea of the extent the sewer study was going to be. Reynolds is not interested but that may only be a local feeling. Mr. Lee is planning to contact the higher ups in the Reynolds Plant and get feedback from them. Mr. Lee also met with the Port of Portland and they are planning to annex to the City sometime this next year. The Port is bringing in their consultants sometime next month and the consultants take three or four months doing this work, so sometime this summer they will have some input for the City, as to where to put the water and sewer systems to the airport.

Mr. Lee has been doing some work on the Reynolds High School but they are bogged down there in terms of which way we are going to route the sanitary sewer system. Again this is a project not authorized by the City Council, but Mr. Lee has been doing it at George's request, as there has been some emergency there. The school is under design with their facilities and are going to have to have some answers as soon as possible, as to where they are going.

Mr. Lee addressed the Planning Commission on Sandee Palisades subdivision, we have had response from the developer and there is lots of work to be done. We are not going to have all the cooperation we were hoping to get from the developers. There are some serious technical problems that need to be addressed, of which the Fujii subdivision is one. Mr. Lee met with the engineer of the proposed subdivision and went over a number of items and basically concluded that the City wants strong consideration on the alignment of 257th Ave. and the resolution of the storm and sanitary sewer problems. Mr. Lee stated that these problems would have to be handled by someone rather than the City, and the school district stated that they would help.

Mr. Lee is still working on the modifications of the well and it is working quite well at this time. There are no problems to speak of, but there are some permanent requirements to be made.

Mr. Lee and Mr. Phoenix went to a meeting with CRAG that dealt with 303 E and 208 planning which are numbers affiliated with the federal law, rules and regulations of federal laws that require CRAG to do regional study of sewer systems. They went to attempt to help CRAG clear their minds as to what the City of Troutdale has out here and Mr. Lee addressed a number of errors that CRAG had on their illustrations.

These are some of the things Mr. Lee has been doing the last few weeks, some of which were not authorized by the Council.

Mr. Lee read a letter he submitted to the Mayor and Council. The engineering agreement which Mr. Lee negotiated with the Council last November requires that the City Council authorize all work to be done before Mr. Lee will proceed with that work. Mr. Lee feels he has had a broadening experience and that the agreement be modified. The City's ordinances and policies are different than other cities and they are required an engineer to thoroughly review most of the proposed public works improvements. Often local public works officials are called on to make technical decisions which are difficult and need professional opinion. For this reason, Mr. Lee would like to suggest that he be put on a retainer arrangement with Troutdale and that George be allowed to authorize engineering work which is needed in the normal administration. The amount of the retainer fee shall be \$1,000 per month for 50 hours of professional services. This service shall include, but not necessarily be limited to, attendance of all Council and Planning Commission meetings, plus four to eight hours each week of the month in Troutdale at a time that will be convenient to the City staff.

A copy of this letter is on file in the City Hall.

The City may want to act on Mr. Lee's letter before he goes on to the EPA Grant.

Mr. Frank Morishita was present as he has 8 1/2 acres of land for sale on option. It was mentioned that the land has drainage problems and needs a storm sewer. They would like a study of the storm sewer as soon as possible. The City has deferred Mr. Morishita from having to hook up to the sewer. Mr. Lee mentioned that George and he had met with the prospective buyers and expressed their concern of the storm water that will come from that development. Mr. Morishita is forced with the problem of letting his renter know whether he is going to have to move within 30 days, or whether or not they are going to have to hook up to the sewer. If they are, they would abandon the house. Mr. Phoenix mentioned that there has been many extensions on the hook up to the sewer. It has come to the time where the house either has to be hooked up or demolished. The City is unable to get any grants if this is not done. Mr. Lee replied that he felt it would have no direct bearing on the grant we are applying for. It is the intent of the City to have all houses hooked up to the sewer, therefore, it will not affect the grant.

The estimate has not been worked on by Mr. Lee, but the storm sewer would take approximately \$3,000 to \$5,000 additional beyond the sanitary sewer system. Commissioner Mahoney asked if he understood that only the engineering of the sanitary sewer system be covered. Mr. Lee said yes. Step 1 is engineering, Step 2 is design, and Step 3 is construction. This all has to be done in order and takes approximately 3 1/2 years from beginning to end, and as many as 5 years. Mr. Lee is willing to get his money when the City gets the grant. DEQ asked George if he had the funds for this fiscal years expenses. Mr. Lee stated to George that the City's share of the study would be \$2,000 to \$3,000 this year. George felt if the City had to, it could come up with that money. If the City can't do it, Mr. Lee would defer it until July. The sanitary sewer study estimate is \$22,000-\$21,500 for engineering, and \$500 for work to be done by others. For each step, Mr. Lee has to send in a rough draft report to DEQ before he goes on to the next step. The section that needs the storm sewer is through the main part of the City.

Motion moved by Commissioner Althaus to give a revocable 6 month extension to Mr. Morishita, but subject to a 30 day notice.

Yeas: 4
 Nays: 1
 Motion carried.

Motion Moved by Commissioner Kaiser that the Council approve authorization of work requested of Mr. Lee by George Phoenix.

Yeas: 5
 Nays: 0
 Motion carried.

Mayor Sturges mentioned an applicant that is asked for the position of administrator, no engineering degree, but has a depth of planning and is asked \$14,000. You would have two for basically the same amount as one.

Mr. Lee's contract refers back to the original contract in terms of satisfying termination clauses and such. Termination is upon written notice. Commissioner Finegan asked Mr. Lee if he could possibly live within the \$1,000 a month fee with what the City is requiring now. Mr. Lee said what he is trying to get across is the normal City administration affairs, any questions that George is unable to answer. This helps by letting George authorize Mr. Lee to do work necessary at that time, rather than having to appear before Council. On separate projects, Mr. Lee will submit a

bill to the City Recorder and the Council can make the decision on how to handle it.

Motion moved by Commissioner Kaiser that the Council approve the retainer fee for Mr. Lee.

Yeas: 5
 SeconDED by Commissioner Mahoney
 Nays: 0 Motion carried.

Mr. Lee read the application for Step 1 of the sanitary sewer study and his summary. Mr. Lee also read resolution #100 authorizing the Mayor to sign all applications and documents relating to sewage work planning and construction grants. Resolution #100 was read in full and once by title.

Motion moved by Commissioner Mahoney to approve resolution #100.

Yeas: 5
 SeconDED by Commissioner Kaiser
 Nays: 0 Motion carried.

Commissioner Finegan asked the City Recorder if we had \$2,500 in our budget to cover this. She stated she has some in the contingency fund account.

A proposed date was suggested for the LID 1-76 sanitary sewer system for Reynolds School District and Kazuo Fujii.

Motion moved by Commissioner Mahoney that February 24, 1976 be set for the hearing on the LID 1-76 sanitary sewer system at 7:30 p.m.

Yeas: 5
 SeconDED by Commissioner Kaiser
 Nays: 0 Motion carried.

Motion moved by Commissioner Kaiser that the hearing on the annexation of some properties east of the Sandy River be set for the regular meeting on February 10, 1976.

Yeas: 5
 SeconDED by Commissioner Mahoney
 Nays: 0 Motion carried.

Mrs. Bergstrom brought to the attention of the Council that they will have to appoint a new budget officer.

Motion moved by Commissioner Cox that Betty Bergstrom be appointed budget officer.

Yeas: 5
 SeconDED by Commissioner Althaus
 Nays: 0 Motion carried.

AGENDA ITEM #17

Park purchase - George Phoenix discovered that the assessed valuation from the assessors office is \$11,400 on the two parcels and \$276.00 on back taxes. Also the asking price is \$49,500. The BOR would ask for the total of \$49,500 and reimburse 50%. Glenn Otto said at one time the City could not exceed the assessed valuation by more than 10%, or less than 10%. Commissioner Cox said he had talked to Mr. Otto, and Mr. Otto said he now thinks he had that wrong, because no property sells for the assessed valuation. Mr. Freeman stated that when applying for a grant, do not buy properties that are encumbered by mortgages or liens. The government is very particular about the type of liens, and other encumbrances and/or restrictions against real property. There is a covenant in the BOR grant regulations stating that when we purchase, it shall be free and clear of all liens and encumbrances. Under the arrangements we have, that would not be possible. In that case, we should present the issue directly to the people in State that have to approve the application and this is what we are going to do and ask if this is going to be acceptable. Mr. Freeman stated that the way to solve the problem is to try and find out how you are going to finance the purchase of the property. After talking to Betty, Mr. Freeman found there is not enough in the budget. There are no funds to pay our portion of the purchase or pay the whole thing. It would take this years and next years budget. It is not until November before we get the funds. The grant will stay open through December of 1977. In July the people from the State should approach the City and ask what we are doing as to the purchase of the property.

Commissioner Mahoney asked Mr. Freeman to explain the encumbrances on the land. As long as the contract is not completely fulfilled and it is on record, that is an encumbrance on the property. Commissioner Mahoney asked if the contract was on record. Mr. Freeman stated that the contract was not.

Motion moved by Commissioner Althaus that Commissioner Mahoney, Commissioner Finegan, Commissioner Cox, Mr. Freeman and Mrs. Bergstrom work together on the problem of the

purchase of land and report back to Council in the March meeting.

Yeas: 5

Seconded by Commissioner Cox
Nays: 0 Motion carried.

City Attorney

Mr. Freeman reported on January 8th that Judge Olsen's decision on the State vs. Troutdale suit, saying that in his opinion this was not an appropriate case for informing throughout the State and enjoined us from enforcing our ordinance #202. The City has 30 days from that date to file a notice of appeal. That would not change the order of the court pending the appeal in enforcing our ordinance. Mr. Freeman asked if the Council would like to go ahead and take the risk of overturning the court. Mr. Freeman gave his opinion that our changes are too vulnerable. Mr. Freeman thinks the probable way is the other alternative, counting on a political basis. The Mayor asked what we are going to do about singlewall construction for the time being. Commissioner Althaus stated that we could speak a good deal better to the legislature if we say this is the way the appellate court construes the statute.

Motion moved by Commissioner Althaus that the ordinance #202, double-wall construction be taken to the appeals court.

Yeas: 5

Seconded by Commissioner Kaiser
Nays: 0 Motion carried.

Motion moved by Commissioner Mahoney to approve budgeted salary increases for Betty Bergstrom and Ernest Nauerth.

Yeas: 5

Seconded by Commission Cox
Nays: 0 Motion carried.

The date of January 27, at 7:30 p.m., was set for an executive session.

Motion to adjourn was made, and passed unanimously.

The meeting adjourned at 11:40 p.m.



R.M. Sturges, MAYOR



Betty Bergstrom, City Recorder