

City Council Meeting

AGENDA

April 6, 1976

- 1 Roll call and announcement by Mayor to continue with Item #11 from the March 16, meeting.
- 11.\* Preliminary Plat Phase I Sandee Palisades
12. Sweetbriar Farms Homeowners Association Amendments - Fred Weissenfluh
13. Resolution 104 - Sewer LID Formation
14. Engineering Report - Sewer and water systems, City Planning - Duane Lee (Lee Engineering Enterprises).
15. Special Assessment District, discussion (resolution) concerning sewer and water.
16. Commissioners reports
17. Departmental reports.
18. Oral Communications

## City Council Meeting

April 6, 1976

Mayor Robert Sturges reconvened the regular council meeting of March 13, 1976 continued to April 6, 1976 at 7:35 PM.

Roll call: Commissioners: Mahoney, Dix, Kaiser, Cox - Present  
Commissioners: Althaus, Finegan - Absent

Staff Present: George Phoenix, Robert Jean, Ernest Nauerth, Betty Bergstrom, Duane Lee, Brian Freeman and Dr. Packard, Planning Commission Chairman

Press: Sharon Nesbit

Guests: 35

ITEM 11 (March 13, 1976 AGENDA) - Sandy Palisades Preliminary Plat - Leavitt Nupacific

Proponent - Mr. Leavitt addressed drainage concerns. Our report prepared by Carter Bringle dated March 24, 1976 and questions can be answered by Mr. Bruce Magnuson who is present tonight. Mr. Leavitt requested approval of Phase I preliminary plat this evening. Mayor Sturges opened discussion to Council questions. Commissioner Kaiser asked if you still propose drainage over back rim. Mr. Magnuson replied yes, all drainage of Phase I will flow to natural drainage basin which would drain easterly over the falls and we will not change that condition but will effect basin to slow down flow. Mr. Lee questioned the report page 3 statement that they will not increase storm drainage flow. This is not quite true but rather they will not increase the rate of flow, but these will be more flow due to the project. You used rational approach to run off calculations. Commissioner Dix questioned sewage thru pumping station which will create an additional problem to the station. Mr. Lee stated we have not resolved in total the situation but his plat approval would be contingent on satisfactory resolution of sewage issues. We would prefer the subdivision feed by gravity flow with the inverted siphon across Beaver Creek then back into the Beaver Creek trunk line. And where it drops over the hill to the pumping station, a temporary heavy load for a short time would prevail but we hope to continue the trunk line below the hill and connect into the sewer system at about 3rd and Dora after our sewer study is approved and construction eminent. So all sewage would flow by gravity to the plant. Mr. Dix questioned additional cost by subdivision load. Mr. Lee replied we hope 75% of needed additional construction would be paid by Grant funds and 25% picked up by developers, city or others.

Mr. Freeman, city attorney, commented Mr. Lee is in process of developing a capital improvement study on storm drainage, sewerage and water systems but ultimate conclusions drawn is how to properly have each property owner fairly pay a share. Mr. Lee commented, one of the trade offs of temporary pumping station versus the gravity feed solutions, we purpose is- to pass expenses incurred off to new owners of residences in this area but development must pay its own way. He is willing to discuss a more permanent solution of gravity flow. Mr. Lee further stated, until Grant approved, his time would have to be funded by city totally and he feels he should wait for Grant support.

Mr. Leavitt outlined history to the Council of discussion with the city staff. A lot of money would be spent on pump station and dollar wise this would be temporary and a complete loss. Where as a gravity permanent flow design is more expensive (Phase I) but we think if economically feasible with easements from Arndt, Allegre and others. We do not as yet own the ground only have an option, but we move you approve preliminary plat subject to adequate availability of all utilities so we can instruct the drawings to be started. We know we have to satisfy the laws of proper utilities.

Commissioner Mahoney asked for input from staff. Mr. Jean commented we did discuss Sandee Palisades and concerns of developers and city and financial investments. There are other problems which we requested in writing from Fire District on two problems viewed which are emergency accesses in case of fire and street width for turning radius of fire trucks. This boils down to four particular problems unresolved which are:

1. Storm water issue - volume
2. Sanitary sewer line
3. Entrances and exits
4. Safety of street widths.

George Phoenix commented city does not want our most trouble free lift station being disturbed and revised.

Mr. Mahoney mentioned Mr. Cramton commented on intensity use formula being applied improperly. Mr. Jean replied Mr. Cramton did state this.

Mr. Asher mentioned emergency fire exit as being two exits not one.

Mr. Bob Bounett, attorney for Sam Chapman, protests the development above his clients property, as a possible hazard to clients water flow situation and drainage. As yet he has not seen this report referred to this evening and he notes the City Engineer's commented that the flow would increase in length of flow time and maybe volume as well, dumping onto my clients property and drainage pipe system causing possible greater



City Council Minutes  
April 6, 1976

Mario Cerruti's letter from Attorney, Virgil Columbo was read by Mayor Sturges at Mr. Cerruti's request. Letter from Columbo, Danner, Foster & Newton Attorneys read: Regarding meeting held March 16, 1976, one of the speakers in opposition to zone change mentioned the council should examine the overall effect of change in the zone. His point was well taken, eventhough zone change had already occurred. This letter is written in opposition to proposed sewer line which goes over the property of my client Mario A. Cerruti. (See enclosed letter copy)

Brian Freeman commented City is not empowered to take property without compensation. Mr. Short - not present.

Proponents Speak -

Mayor Sturges revealed Multnomah County representatives, at recent meeting with him, felt less opposed if school district footed the bill and no hookups be allowed for several years. They will not oppose school but they will do nothing on the roads.

Mr. Phoenix commented that there are several issues involved whether this may or may not be the correct time to address them. Storm drainage is a major issue and would be intensified by development in this area and we should curb further development until drainage problems are solved. Halsey street ditch silt would continue and increase as well as water drainage onto railroad property. The whole City needs to be studied and resolved as to the drainage issues.

Council discussion ensued with Staff.

Mr. Burlingame concerned as to curbing development of assessed properties in past L.I.D.'s.

Mr. Lee expressed opinion, that if school connects to Kane and 262nd line it will be overloaded in 10-20 years. Line not intended for school impact use.

Mayor Sturges asked for council questions. Commissioner Mahoney asked Duane Lee for response to Cerruti Attorney's letter to proposed L.I.D., which has whiskers on it. He would like to see on the map the L.I.D. boundary and sewer route. Discussion by Duane Lee and Council followed. Nine for; 3 against L.I.D. of involved properties - 80% of land area for.

Break at 9:00 PM. Reconvene meeting at 9:20 PM.

Mr. Wygler, Attorney for Kaz Fujii, concerned over client's property. Point one is Cerruti's property need not be involved if L.I.D. approved, point two is developers to north, high is in and as prime mover of L.I.D. my client went along with in and financially burdened with taxes. His client has no other recourse but to make better use of expensively taxed land.

Mr. Mahoney requested L.I.D. acreage opponents - supporters of L.I.D. figures at this point. Mr. Phoenix replied 144,784 acres assessed at \$487,550 for and opposed is .57 of an acre assessed at \$41,980.

Mayor Sturges advised by Mrs. Nesbitt, reporter attending, County Planning Commission meeting was informed county requested our City join them in appeal to L.C.D.C. of school site. Otherwise they would appeal the L.I.D. to limit service until L.C.D.C. approval is cleared by our City. They offered staff assistance to aid us.

Mr. Phoenix commented in reply that the City has a Comprehensive Plan in effect until such time as revision is completed as required in L.C.D.C. mandated goals. So we are governed by our present plan not a nebulous future plan not yet formulated or approved.

Mr. Freeman commented on Ordinance #159 procedure. Therefore since 60% property owners favor L.I.D., you can by motion instruct City Engineer to make an engineering report, items A-G, map, cost, etc.

Commissioner Kaiser made a motion to instruct City Engineer to develop report on L.I.D.

Yeas - 4

Seconded by Commissioner Mahoney  
Nays - 0 Motion Carried

AGENDA ITEM #12 - SWEETBRIAR HOME OWNERS ASSOCIATION AMENDMENTS

Mr. Fred Weissenfluh gave brief history of association and problems leading up to fence and association term changes.

Discussion of fence difficulties with City and review board giving misinformation as to required permits by Mr. Phoenix, Mr. Jean, Mr. Freeman and Mr. Weissenfluh.

City Council Meeting  
April 6, 1976

Commissioner Kaiser moved to approve amendments by letter subject to review by City Staff.

Yeas - 4

Seconded by Commissioner Mahoney  
Nays - 0 Motion carried.

AGENDA ITEM #17 - SEE ENGINEERING REPORT

Mr. Lee gave his report on public works capacity limits. (See attached report)

Your locked in to going on a case by case basis addressing each project rather than an allotment schedule. In reviewing Sandee Palisades, I can only approve Phase I at this time. Phase II and Phase III will be reviewed in light of your systems at that time. I'm extremely concerned with your water system and I've suggested Leavitt Nupacific drill a well and donate it to the City to stabilize their position for Phase II and III.

Commissioner Dix questioned sewer availability for Sandee Palisades. Mr. Lee stated we have not approved sewer system as yet and approval is contingent upon an adequate sewage plan, as well as street width, density and other issues such as storm drainage.

Commissioner Mahoney addressed question to Mr. Lee as to how - what - why do we start.

Mr. Lee replied we start with planning commission with a phase capital improvements program or an interim plan until Comprehensive Plan completed. Discussion of growth, city course of action and direction by Council, Engineer and Staff. Mr. Jean discussed course of action, health and welfare of citizens and quality of life. We must develop interim guidelines for planning commission and council action by ordinance.

Mr. Muyskens requested planning commission attend possible work session on interim plan.

AGENDA ITEM #17 - RESOLUTION 106 (Dept. Reports)

Steffanoff & Horning L.C.D.C. Compliance contract basis read in full by Mayor Sturges. Dr. Packard spoke on work accomplished thus far on L.C.D.C. guidelines to revising Comprehensive Plan and need for professional firm assistance in meeting compliance resulting in this resolution.

Commissioner Mahoney moved to adopt contract proposal resolution 106.

Yeas - 4

Seconded by Commissioner Kaiser  
Nays - 0 Motion carried.

AGENDA ITEM #15 - SPECIAL ASSESSMENTS

Mr. Jean recommended deferring this item in view of interim proposals above.

AGENDA ITEM #17 - REVISE RESOLUTION 107 to RESOLUTION 104, L.I.D. 104 not passed (Dept. Report

Contract review board (council) to act on emergency purchase new police vehicle to replace blown engine vehicle.

Mayor Sturges read Resolution 104 in full and by title.

Commissioner Mahoney moved to adopt resolution 104.

Yeas - 4

Seconded by Commissioner Dix  
Nays - 0 Motion carried.

Mayor Sturges read letter of promotion from patrolman to sergeant for Officer Farr, dated February 25, 1976.

Chief Nauwerth reported Officer Farr has been recognized by Bel of Police Standards in Salem as having received his basic, intermediate and advanced certificates.

Commissioner Cox moved that Officer Farr be promoted from patrolman to sergeant.

Yeas - 3

Seconded by Commissioner Kaiser  
Nays - 1 Motion carried.

AGENDA ITEM #16 - COMMISSIONERS REPORTS

Commissioner Mahoney asked where is the aerial map which was an authorized expenditure in February? Staff reported it just came in 4 days ago, and it includes the Troutdale portion East of the river, finally.

Commissioner Dix reported 2nd street has been worked on and then on up the hill.

City Council Meeting  
April 6, 1976

Commissioner Kaiser - none.

Commissioner Cox reported he obtained, free of charge 2 space heaters for the park building and I'm arranging installation as soon as possible.

Mayor Sturges requested of staff to obtain binders for Council to organize material for Council.

Brian Freeman reported on Multnomah County planning commission meeting along with Mayor Sturges and Dr. Packard to comment on their moves concerning the high school, L.I.D., etc. We made our position clear as to the county doing our planning without authority. The appeal on "Double Wall Suit vs State of Oregon" progressing; "Ruth vs P.G.E. and Troutdale" suit allegedly trespassing by above parties. Correspondance pending and perhaps eventual outcome will be that we simply purchase the Ruth strip at reasonable price somewhere between \$2,200 asking price and \$140 assessed value price.

Amecus Curia filed by Homebuilders Association in Double Suit as friend of court.

Mr. Jean discussed administrative contract and recommended review by City Attorney, Mr. Freeman.

Commissioner Mahoney moved contract be reviewed by City Attorney.

Yeas - 4

Seconded by Commissioner Kaiser  
Nays - 0 Motion carried.

Mr. Phoenix commented his issues covered.

Chief Nauwerth reported on frequency charge consts budgeted at \$1200 first, cost \$931 then lowered to \$776 on March 23, 1976 in group purchase. County is going to charge on dispatch services. Lea Grant application for July 1977 at cost of \$536 to City for \$5,000 grant.

Mr. Jean commented budget vacancy. Mr. Bob Johnson appointed by Council to fill Larry Martin's vacancy.

Mr. Lee reported on depot site issue. This needs addressing tonight. Foundation cost \$2,000 basement cost \$20,000. Discussion followed.

Commissioner Mahoney moved to appoint Park Commissioner Sam Cox to chair committee on final depot site choice.

Yeas - 3

Seconded by Commissioner Kaiser  
Nays - 0 Motion carried

Commissioner Cox moved to adjourn.

Seconded by Commissioner Mahoney

Meeting adjourned at 10:43.



Mayor

ATTEST:

  
City Recorder