AGENDA

City of Troutdale Council Meeting - May 11, 1976

- 1. Roll Call
- 2. Minutes of April 6, April 13, April 26th
- 3. Approval of May bills.
- 4. Planning Commission report-Dr. Packard
- 5. Planning Commission Member appointments (3).
- 6. Business License Application.
- River Trails Richard Merritt Edgley (Wilson Con. bldg.)
- 7. Fence Variance -Mr. Beatty.
- ∠ 8. Pro Tem Judge appointment
- _9. Census Contract approval.
- _ 10. Picnic Chairperson appointment.
- 11. Resolution #109- City central parking (railroad land)
- 12. Resolution #110-Depot excavation & foundation waiver bid regulations.
- / 13. Ordinance #226-Drill well for Primary water source and establishment of Drinker Well as secondary source.
- / 14. Ordinance ##227-Amend Public Contracts Ord. No. 220.
 - 15. Ordinance #228-a "Truth-In-Building-Construction" statement regulation.
- 16. Ordinance #229-Increasing Building Inspection fees.
- 17. Ordinance #230-Establishing a Project Development Inspection fee.
 - 18. Interim Growth Guidelines -- Policy and Administration statements.
 - 19. Commissioners Reports.
 - 20. Departmental Reports: grants, ad for engineer & planner, other...
 - 21. Oral Communication.
 - 22. Adjourn.

May 11, 1976

Mayor Sturges noted to audience those wishing to be heard please sign roster. You will be limited to time allowed to address Council at 5 minutes.

Mayor Sturges called the meeting to order at 7:34 PM.

AGENDA ITEM #1 - ROLL CALL

Present: Mayor Sturges, Commissioners: Dix, Cox, Mahoney, Finegan, Kaiser,

Althaus (late)

Absent: None

Staff Present: B. Bergstrom, G. Phoenix, E. Nauerth, Duane Lee, B. Freeman,

Bob Jean and Dr. Packard (Planning Commission Chairman)

Press: Sharon Nesbit

Guests: 25

AGENDA ITEM #2 - MINUTES--APRIL 6, APRIL 13, APRIL 26th

Motion moved by Commissioner Finegan and seconded by Commissioner Mahoney to approve all the minutes of April.

Yeas: 5 Nays: 0 Motion carried.

AGENDA ITEM #3 - DELAYED UNTIL COMMISSION APPROVAL COMPLETED

AGENDA ITEM #4 - PLANNING COMMISSION REPORT

Dr. Packard reported the Planning Commission extended to April 22, 1976 in order to cover all items on the agenda.

We approved the revised plat plan Phase I and concept only of Phase II & III of Sandee Palisades. We tabled motion on McKnight zone change due to Gresham Council objections, which needed time to get studied and then later moved on zone application at May 5th meeting, denying rezone but approving a 10 year conditional use subject to Council consideration, but cautioning applicant to seek alternate location at some future date before conditional use expires. Boyer Park application for plat approval was approved April 22 with conditions on stormdrains, water, street and turn out designs. At our May 5th meeting we approved the rezone of Weedin Addition Phase II (125 units R-10). The Burlingame rezone for 26 duplex, 45 R-10 units on 21 acres was approved by the Planning Commission. We approved an 11 acre parking lot on Frontage Ave. adjacent to Husky's subject to Engineering approval.

We discussed advisability of two meetings a month and we voted to have a 2nd meeting on the third Wednesday each month to complete unfinished Agenda items. Dr. Packard noted May 12th informal meeting between Multnomah County Planning Commission and Troutdale Planning Commission at Troutdale Community Park Building for dinner discussions of issues at their request. Three Planning Commission appointment's (Rathman, Edwards, Muyskens) need to be filled and three incumbents have all expressed willingness to serve again if Council sees fit to reappoint them. Annual potluck dinner of Council and Planning Commission has been set for June 5, 1976 at Sandy Dell. Questionnaire of Citizen Advisory Committee has been circulated. Some are returning already and we have had a dozen or so citizens sign up to become Some are involved in this acitivity. Commissioner Mahoney asked if number of responses look good, and are they coming in as expected. Dr. Packard replied that 20 or 30 are in already, and that he contacted the County Edgefield Manor and talked to Mr. Kellum, administrator, and asked him to give us a number of patients there competent to answer this questionnaire as well as a number of permanent employees there who are residents of Troutdale, so we can deliver to those people our questionnaire.

Mayor asked for a delay on Planning Commission appointments until later date.

AGENDA ITEM #6 - BUSINESS LICENCES'S - RIVER TRAILS

Mr. Edgely, owner, was present for questions. Located in Wilson Building (across from City Hall) rents the river boating equipment. No questions by Council, brochure and staff recommendations adequate information.

Motion moved by Commissioner Cox and seconded by Commissioner Kaiser to approve license application.

Yeas: 5 Nays: 0 Motion carried.

AGENDA ITEM #7 - FENCE VARIANCE (BEATTY)

Mrs. Althaus entered at 7:49 PM.

Mr. Phoenix handed out applicant request to Council. Mr. Beatty present for questions on variance of Lot 6 Block 3 Fraley Heights on cul-de-sac deadend. Mr. Beatty explained his reason for 6 foot fence request is to protect statuary, expensive gas barbeque and evening work area of his yard. Discussion of location of house on lot and viewing of snapshots of house and yard. Commissioner Mahoney asked if colored slats would be in chain link fence or would it be open? Mr. Beatty said no it would be open to aid vehicles view of curve of street. George noted only one house would have difficulty seeing around fence on dead end street - constituting hardly no traffic hazard. Commissioner Mahoney cautioned applicant that fence cannot be on City right-of-way. Mr. Beatty replied he understood that and he intends to put in sidewalks this summer and fall at his expense. Council declined sidewalk questions at this time.

Motion moved by Commissioner Mahoney and seconded by Commissioner Cox to approve variance.

Yeas: 6 Nays: 0 Motion carried.

NON-AGENDA ITEM

Non-Agenda Item introduced by Mayor Sturges petition and in letter from Mrs. E. J. Macabee, Route 3, Box 21 of Scenic Highway 20 and 15 other property owners on trespassing and abuses to their properties.

Mr. Kinger spoke of beach abuse and our properties - They park on our lawns, speed in driveways, use of foul language and park on highway. We suggest posting "no parking - tow away zone" signs in front of our properties, then City, County, and State officers can enforce it. Most of the neighbors support this.

Mr. McCoy spoke of his 500 feet of river front property (often used in his absence) and I came out to find out what's going on. I don't know the answer but the tow away would solve it and stop all night howling parties. I don't plan to develop the property until sewer service available. I've fenced my property and they can't drive in but they do walk in and build dangerous fires on beach and in woods.

Chief Nauerth commented state statue does not prevent roadside parking on state highway unless on travel portion of road. I've received in last 5 days, 4 calls County officers have taken plus our officers reports which we are forwarding to state requesting posting signs so we can take action. No financing available from state.

George commented that signs would cost 35.00 plus labor and posts each for 10-15 signs 200 feet apart needed there depending on length of posting area.

Council discussed cost and effect of City funding posting of signs until state acted. Recorder commented property owners on petition and others concerned could share unbudgeted with city and it is probable signs would be removed several times by abusive people until law is strictly enforced and obeyed. Mr. Johnson also supported concerned property owners sharing sign cost.

 ${\tt Mr.\ McCoy}$ reemphasized fire dangers these trepassers represent and his willingness to share sign cost.

Mrs. Macabee spoke of 7 year agitation over beach trespassers, motorcycles on her lawn, people in her yard, law suit threats and her dogs protecting her yard. Watched Dabney park results with stiff tow away zones. Fire danger real and frightening to myself and other. I can't stand another year of torment, abuse and dangers. We tried to sell a year ago and I'm serious about leaving. Mr. Beatty spoke of fines paying sign cost.

Council discussed fines and tow away penalities.

Mr. Muyskens spoke of Portland tow cost him 30.00 to get a car back, as well as ticket cost. Mrs. Althaus spoke of Salem tow cost 5.00 and ticket cost for highway breakdown. Mr. Jean commented on vandalism cost aspects. Municipal clerk B. Bergstrom mentioned officers could demand bail before releasing car from tow yard.

Representative Otto commented on tow zone as excellent idea with signs on both sides of highway. His yard and driveway and boat area blocked too with same abuses as others listed. Tow zones at Dabney, Gordon Creek area has been initiated. Recommends seasonal posting would allow fishermen to do winter fishing unhampered since they do not abuse properties or sportmanship. Enforce park closings strictly in Troutdale as they do Dabney, Blue Lake and other parks, as well as suggesting state close Lewis and Clark at night also.

Brian researching ordinances while Council resumes agenda during delay.

ITEM #15 - Ordinance 228 "Truth in Building"

Ordinance 228 read in full by Mayor Sturges and twice by title. Mr. Jean, City Administrator, commented on striking whereas, close #1 & per discussion with city attorney --- insert a new section 2 Notice clause (as read by Mr. Jean) then renumber ordinance section's (old) 2, 3. Mr. Marvin Loftgren Route 3, Box 1096, Troutdale asked that Council table ordinance 30 days while he contacts Home Owners Association and other builders for input on this action to help smooth the way - we're not against it. Mr. Jean commented on peak nature of season would allow large number of homes with out statement be built during delay. Motion moved by Commissioner Kaiser seconded by Commissioner Mahoney to table Ordinance 228 until next session.

Yeas: 6 Nays: 0 Motion carried.

Builders in audience commented on vandalism adds \$500. cost a house. Could city assist us as well. Suggestion by staff, builders contact home owners association with open letter to parents to supervise their children and prevent cement, window, meter vandalism in Sweetbriar.

"Consumer propection" irritant phase to builders. Mr. Loftgren spoke on cost relation ratio's.

MACABEE TOW AWAY ZONE PETITION

Brian Freeman, City Attorney, commented state law vests exclusive jurisdiction to Oregon transportation commission and an Ordinance we pass would do no good. Suggest resolution requesting signs at specific areas along Scenic Highway, Chief Nauerth commented this could take 6 months study by them.

Commissioner Althaus moved Resolution #113 be initiated, directed to Oregon Transportation Commission to post "tow away Zone" on Scenic 30 from Southern City Limits over Columbia River Bridge to Beaver Creek bridge as supported by Sam Cox with seasonal posting in Summer weather. Council discussion followed.

George commented we can place signs if we pay for them at any time according to his conversations with State Highway Department representatives.

Brian Freeman gave legal opinion prosecuting violaters without State consent would be illegal or at least immoral.

Motion by Commissioner Althaus directing City Attorney draft Resolution #113 requesting Oregon Transportation Commission to authorize posting of tow away signs along both sides of Scenic 30 from the Big Ben Tavern outside Troutdale City limits to Beaver Creek Bridge inside Troutdale City limits by City of Troutdale Public Works Department. Seconded by Comm. Cox.

Yeas: 6 Nays: 0 Motion carried.

Discussion of reward system on sign vandalism. Not supported. Placement of signs to be initiated by City and installed as soon as received.

ITEM #16 Ordinance 229 "Increase Building Fees"

Ordinance 229 read in full by Mayor Sturges and twice by title.

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Discussion with Contractors Loftgren and Osbon (Stardust) on cost increases to date for administrating building fees. Mr. Jean gave history of fees, a 1969 old schedule never updated, causing large increase now to bring fees in line with current Building Department costs and insure a self supporting department.

Other builders in audience opposed increases as too great. Mr. Jean replied increases were not passed over last 7 years and as everyone knows all too well, City costs of administering building department formerly handled by county and now administered by city has increased yearly, as well as increased activity in community in last 4 years, necessitating more personnel hours to maintain a satisfactory level of service in building department to handle inspections, plans and records. Explanation by Mr. Jean of U.B.C. code ranges and scales in conjunction with our studies of implementation costs of code regulations.

Break at 9:00 PM.

Reconvene at 9:30 PM.

AGENDA ITEM #3 - BILLS

Motion moved by Commissioner Kaiser to approve May bills. Seconded by $\mathsf{Com}\textsc{-}$ missioner Cox .

Yeas: 6 Nays: 0 Motion carried.

ITEM #16 - ORDINANCE 229 BUILDING FEES

Mr. Loftgren spoke for builders against increased fees.

Mr. Jean spoke on gathering of information to verify department costs necessitating increases in fees to cover Inspectors Department. Mr. Phoenix concurred with recommended increases. Mr. Finegan asked how much additional revenue expected. Mr. Jean replied \$10,000 which will barely cover increased costs of administering the building department training mandated and office costs. Mr. Finegan spoke against increased fees adding to spiraling costs of today's inflation. Mr. Jean noted a reasonable increase over last years would not have necessitated a sizeable increase this year but we have operated at a lossand the loss is growing due to state mandated training requirements and added regulation. Mr. Jean replied we could turn inspections over to state as they suggest, or go back to county inspections if you so desire. Commissioner Mahoney expounded that Mr. Sharpe, the inspector, made several presentations to Council, if you were all present, that I clearly recall which more than presented his case for increasing fees as a necessity. Mr. Jean concurred that was true, and we could go back and pick-up losses over several years as this year's increase, and pay back funds which subsidized the building department in the past.

Mr. Finegan commented on budget listed costs versus raised fees. Mr. Jean reviewed those items and state mandated costs, as total departmental cost of \$45,000. A year plus unforeseen increases and related department contributions to the building department in maintaining records.

Mr. Phoenix commented on inflation starting at grass roots level by saying that mandated costs have contributed greatly to increased costs for cities in this building department as well as other departments such as sewer, water, drainage and records department.

Mr. Johnson supported increases without reservation. Commenting on his and neighbors experience with new construction materials used such as plastic pipe and we need in depth inspections before we buy a house. We either pay for inspection or repairs to home, due to faulty uninspected construction.

Mr. Osbon discussed increases from builders standpoint requesting a committee be formed when increases are necessary to give builders costs and recommendations as well.

Mr. Carl Anderson supported building increases and objected to robbing Peter to pay Paul within departments as City has practiced in past financing of costs.

Mayor asked for conclusion.

Motion moved by Commissioner Kaiser to approve Ordinance 229. Seconded by Commissioner Mahoney.

Yeas: 4 Nays: 2 Motion carried.

AGENDA ITEM #17 - ORDINANCE 230 "PROJECT DEVELOPMENT INSPECTION FEE"

Ordinance 230 read in full and twice by tile by Mayor Sturges.

Mr. Jean, City Administrator, explained this fee would be paid by developer, not contractor, on system installations in a development such as extensions of sewer lines, water lines, streets, curbs, storm drains etc. connecting to existing city line. Since city has not had staff to inspect installations except for an occasional look by Larry or George we have had to relay on the developers engineering firm inspections. These inspections have not been of high quality and the city has accepted systems which have had a 40% failure record thus far. We wish to stop this failure rate and spare the city future replacement expense by throughly inspecting and testing systems before overlaid by dirt concrete or asphalt. A new city engineer would be hired for a full time (as needed) project inspector.

Mr. Duane Lee spoke of complex issue where state level regulations require certify project by project engineer. We cannot erase state mandated requirement.

Mr. Loftgren spoke of duplicate inspection cost.

Mr. Phoenix replied for years we did not inspect but relied on project engineer's signature as approved and tested system. We have not had quality inspection, testing and cannot rely on their certification. Often cannot even find the system line as shown on the approval systems drawing. Mr. Duane Lee comments a lot of design engineer's do not take time to pay close attention to revisions, changes, and testing reports so this ordinance will only start improving this situation. The developers could deduct inspection costs from his engineer as not required and pay those sums to the city in this project inspection fee and rely on the City's inspector to certify his drawing as inspected there by not doubling the fee, only transferring it from Engineering firms to the City's engineer. A City engineer paid by them would insure a better inspection and testing record on newly accepted city systems being trouble free for several years. Mr. Muyskens asked if it would be necessary for inspector to be on job 100% of time? To which Mr. Lee replied it would depend 100% on the developer. Mr. Muyskens asked if fees are to pay engineers salary, how can they if we are running out of water and sewer available? Mr. Jean replied that workload of city would fill in slow inspection periods with city required engineering on other projects and studies of future needs of city systems.

Mr. Phoenix commented on recent failure records. Sewer under sidewalk, curb stops depth from 4" to 18" deep-or under paving, valves under paving and leaking due to untightened bonds. Streets too soft ordered redone and still base to skimpy - streets breaking up in 2 years.

Power, phone, gas, water lines not where they show on "as built" drawings, consequently they cut each others lines upon installation of another utility service, causing expense and delay.

Mr. Johnson replied his meter is in sidewalk neighbors in parking strip.

Mr. Loftgren replied these situations exist in truth here in Troutdale, the county and other cities. However this adds to homeowners cost and taxes.

City Recorder commented a new homeowner is counting on a trouble free home for several years and he is not getting it unless he is just very lucky. Mr. Lee commented on shabby workmanship costing more later than quality inspecting or workmanship to start with during construction. You are in fact adjusting the cost to homeowner economizing whole construction process.

Mr. Jean noted its not an equal cost for it costs much more to tear up and replace than to quality install the 1st time around.

Mr. Phoenix reiterated we are not increasing inspection cost but transferring existing developer expense to the city as their income and responsibility of workmanship. Mr. Carl Anderson explained he had to pay out of his pocket to correct construction and installation errors.

Motion moved by Commissioner Mahoney to adopt Ordinance 230. Seconded by Com-missioner Cox.

Yeas: 6

Nays: 0 Motion carried.

AGENDA ITEM #8 - PRO TEM JUDGE

Brian Freeman reported Judge Sweeney's office sharing attorney is interested in position and his name is Mr. Funk. Also in Gresham is Mr. Stan Adams, and Mr. Jim Jennings are interested. These gentlemen would serve where Judge Sweeney must step down on a certain case or is ill. I can contact them as stand-by judges, and may need them. Council polled. No objection to names mentioned as pro tem judge.

Motion moved by Commissioner Cox to contact all three attorneys as pro tem judges available to serve. Seconded by Commissioner Mahoney.

Yeas: 6

Nays: 0 Motion carried.

AGENDA ITEM #9 - CENSUS CONTRACT

Mr. Jean reviewed contract obligations to proceed with census as contract review board status of Council.

Commissioner Kaiser moved a motion to approve contract with Portland State to conduct census. Seconded by Commissioner Finegan.

Yeas: 6

Nays: 0

AGENDA ITEM #10 - PICNIC CHAIRMAN

Commissioner Kaiser to contact Mt. Hood College Physical Education for games and activities.

Robert Jean authorized to assist Mayor Sturges in picking chairperson. Mrs. Anderson will telephone poll possible canidates.

AGENDA ITEM #11 - RESOLUTION #109 CENTRAL PARKING

Mayor Sturges read resolution in full and by title. Mr. Jean explained 3 sections combined under one lease agreement at one dollar for a year.

Commissioner Cox moved motion to adopt Resolution #109. Seconded by Commissioner Kaiser.

Yeas: 6

Nays: 0 Motion carried.

AGENDA ITEM #12 - RESOLUTION #110 DEPOT

Mr. Jean explained dangers of present situation. Mayor Sturges read resolution #110 in full and by title.

Motion moved by Commissioner Kaiser to adopt Resolution #110. Seconded by Commissioner Mahoney.

Yeas: 6

Nays: 0 Motion carried.

AGENDA ITEM #13

Ordinance 226 on advice of Council changed to Resolution #111. Resolution #111 read in full by Mayor Sturges and by title.

Commissioner Kaiser asked what is trouble at Drinker Well? Engineer Duane Lee responded that overuse of well is causing water table at Drinker site to drop as time progresses and ground seepage water at 166', 180', 183' 200' 225', 250-252' cascades down well shaft to low water level creating a waterfall effect adding air to the system. Mr. Lee distributed report from Robinson Noble & Roberts Inc. and read results in full (see attached) of groundwater geologists. Same firm that is working with Gresham on water possibilities for their community. Area's of possible study as listed in report narrow down to east of Troutdale airport area close to Sandy River as best choice for primary water source leaving Drinker as secondary source and giving Troutdale 3 sources of water allowing original site (old tank) to be chlorinated later as required by law when State mandated date (July 1, 1977) is

reached or keep this spring strictly for reserve use. We are looking for a strong primary producing well, better than 500/600 gallons hopefully as high as 1,000 gallons per minute as one Reynolds well produces.

Mr. Jean reviewed issues leading to Resolution #111 to find a new water source and possible water summer shortage.

Audience comments on possible East County water table as a whole is falling perhaps.

Commissioner Mahoney moved to adopt Resolution #111. Seconded by Commissioner Althaus.

Yeas: 6

Nays: 0 Motion carried.

Staff with Mr. Lee will contact Council to inform them of #1 choice for drilling with a special meeting if necessary for Council support of staff choice.

AGENDA ITEM #14 - ORDINANCE 227 CONTRACT BID CHANGES

Mayor Sturges read Ordinance 227 in full and twice by title. Mr. Jean reviewed cost limitation not condusive to economical purchasing of City needed supplies due to inflationary increases.

Commissioner Mahoney moved to adopt Ordinance 227. Seconded by Commissioner Kaiser.

Yeas: 6

Nays: 0

AGENDA ITEM #18 INTERIM GROWTH POLICY

Mr. Jean presented policy by reading it (see attached) stating in conclusion this is a process by which decisions can be made at plat filing, approval of plat, and thoughout plat process.

Commissioner Althaus asked where and when will priority decision be made - Council, Planning Commission, staff level - where? Mr. Jean stated he would implement rules as outlined by Council and reserve hookups only. Commissioner Althaus stated she didn't agree with that. Mr. Jean outlined process as follows, applicant would be assigned priority class before going to Planning Commission and legals be advertised. Challenges would be heard at Planning Commission public hearing. Staff would review challenges as authentic (delaying approval) and decision would be returned to Planning Commission for approval and classification. Then the applicant would proceed to Council where again they could be challenged and reclassified. Once final approval of Council is obtained, their hookup status is secured.

Mr. Lee stated we are leaving door open to fully paid old timers who really wish to develop in next 2 to 3 years where they otherwise would not have that option.

Audience questioned procedure for better understanding. Mr. Jean reviewed process, commenting those who don't act could get burnt, also decision and approval would take a lot to obtain but at least everyone who reads their notices would have a chance to build if they desire it. City of Tigard has been using similar plan for year and half but their plan encouraged, he who gets there first gets the most. Whereas our plan encourages, he who has paid the most if he challenges gets there first. Advertising plays an important function in our plan.

City Attorney suggested only Class I people be considered as alternate proposal to Mr. Jean's plan, on immediate passage basis, tonight.

Mr. Lee commented to his reports (see attached) of 1134 connections requested. Using graphs of growth history in Troutdale these last few years and the applicants under study he emphasized that connections are limited by capacity and cannot be expanded to meet demand overnight. It would take several years to upgrade water and sewer capacities.

Brian Freeman commented this is a limited moratorium in fact. No question that we would honor building permits in construction now for hookups.

Mrs. Althaus moved that we approve only Class I applicants as of tonight -- no second.

Mr. Lee said you have implemented procedures tonight to improve water system in a few months but sewer cannot be expanded that quickly or that soon. We are trying to control growth and give everyone an equal opportunity to develop.

Commissioner Kaiser moved to approve implementing total guideline program. Seconded by Commissioner Dix.

Yeas: 4

Nays: 2

Motion carried.

Mr. Lee asked Mayor be designated to accept Grant \$16,500.

Motion moved by Commissioner Mahoney that Council direct Mayor to act to accept \$16,500 Grant on their behalf. Seconded by Commissioner Cox.

Yeas: 6

Nays: 0

Motion carried.

Motion moved by Commissioner Mahoney to adjourn to be continued at 7:30 PM on May 18th. Seconded by Commissioner Kaiser.

Yeas: 6

Nays: 0

Adjourned at 12:10 PM.

Mayor, Robert M. Sturges

ATTEST:

City Recorder, Betty J. Bergstrom