

COUNCIL AGENDA

July 13, 1976

1. Roll Call
2. Approve Bills
3. Approve minutes *June 8<sup>th</sup> 7<sup>th</sup> 9<sup>th</sup> 30<sup>th</sup> Budget*
4. Planning Commission Report - re-appointment vac. Commission Blanchard
5. Arndt - Subdivision
6. Burlingame - Subdivision
7. Shroy - Subdivision
8. Wagoner - Zone Change
9. Platt - Zone Change and Subdivision
10. Truth-In-Building - Ordinance #228
11. City Hook-up Procedure - Ordinance #231
12. Traffic Code - Ordinance #226
13. Department Reports -
  - Underground Utility Permit
  - Street Light Petition - status
  - Depot and Office Space - costs
  - Other
14. Commissioners Reports
15. Oral Communications
16. Adjourn

CITY COUNCIL MINUTES  
July 13, 1976

Mayor Sturges called meeting to order at 7:45 PM.

AGENDA ITEM #1 - ROLL CALL

Roll Call: Commissioners - Kaiser, Mahoney, Althaus  
(absent) Commissioners: Dix, Cox and Finegan

Staff Present: Bob Jean, B. Bergstrom, Geo Phoenix, Duane Lee, B. Freeman, Ed Murphy, Larry Sharpe, Mike Clay, Dr. Packard and E. Nauerth

Press: Sue Ford of Oregonian

Guests: 34. Mr. Gibbs, Les Arndt, Bob Johnson, Marge Schmunk, Irma Platt, Mr. and Mrs. Burlingame, Mrs. Stewart

AGENDA ITEM #3 - APPROVE MINUTES

Motion to approve the minutes of June 7th, 8th, 9th and 30th by Commissioner Mahoney.

YEAS: 3

Seconded by Commissioner Althaus.  
NAYS: 0 Motion carried.

AGENDA ITEM #4 - PLANNING COMMISSION REPORT - RE-APPOINTMENT OF COMMISSIONER POSITION

Dr. Packard - Planning Commission Report - 4 Matters considered.

1. Referred back to Planning Commission from Council "Fowler Variance". Considered in detail split decision. 4 - Deny 2 - Yeas 2 - Abstained  
Suitable use of great concern to Commission. Planning Commission recommends denial by Council.
  2. Cerruti - Truck repair shop use was approved unanimously.
  3. Hambro rezone was approved. Commission recommends to consider this applicant along with Jones and Wagoner application R-4 instead of A-2 use.
  4. Rod Andersen rezone was denied.
- C. Blanchard is leaving Troutdale and we need to appoint successor to fill his vacancy.

AGENDA ITEM #11 - Ordinance 231 - Hookup Procedures

Previous meeting discussion tabled due to several Council Commissioners absent. Polled Council on voting issue with Council members missing. Commissioner Mahoney against Ordinance #231 passage due to his feelings and numerous resident opinions and I am against litigation probabilities. I am for voting tonight one way or the other. Commissioner Althaus feels we should vote. Commissioner Kaiser favors a decision tonight.

Leavitt spoke against Ordinance #231 as being unfair, restrictive and unnecessary.

Mr. Harry Barger spoke hoping the City will issue by the percentage system on hookups allotment.

Mr. B. Johnson asked why wouldn't these requests all be on top of the list? Mr. Jean explained only those paid are listed on top.

Those signed to speak: Ralph Fish - pass, Mr. Rossner - pass, Donna Burlingame - stated its pretty hard to support Ordinance when we don't know all the alternatives.

Commissioner Mahoney made a motion that staff continue non-prepaid issuance policy on water or sewer hookups as we are now doing when they are needed by builders.

Seconded by Commissioner Althaus.

Question on Motion: Mr. Burlingame questioned unfairness of street and curb cost of developments by owner only to find out the city hookups are not available perhaps for months or years.

YEAS: 2 (Althaus, Mahoney)

NAYS: 1 (Kaiser) NOT CARRIED.

Mr. Leavitt requested permission to speak. He stated if we spend \$1,000,000 for 200 lot development and suffer if hookup lost. We have some concerns as you Mrs. Burlingame. We all face the same problems. We're concerned about 3 or 4 years down the line.

Mr. Dix entered at 8:15 PM.

Mr. Leavitt stated we are aware of facts. City has pointed out sewer expansion of plant is needed. I have told the Mayor we would be willing to assist the City in this expansion cost. In Washington County we survived the crisis there and commend the Council efforts. I believe this is an intelligent Council decision.

AGENDA ITEM #5 - ARNDT SUBDIVISION

It is located at SW Kings Byway and 7th Street; Lot 83 Tract 13 Reynolds acres consisting of 2.9 acres-developer is Robinson Construction - to build 9 single family residence lots.

Mr. Arndt - any questions by Council. Mr. Kaiser questioned why curbs and streets already in without our decision. Mr. Arndt explained he is building his own home and needed sewer to his own home. He is assuming there will be six or seven months delay for the rest of the regulation completions for total sub-division. Mr. Phoenix stated homeowners can put in sewer and street to their own home although it could serve 4 other lots.

Bob Johnson spoke asking the question when house will be built? Dr. Packard stated Planning Commission supports approval as of May.

Motion to approve preliminary plat Reynolds Acres Lot 83 by Commissioner Dix.

YEAS: 4

Seconded by Commissioner Althaus.  
NAYS: 0 Motion carried.

ORS 192.710 read again by Mr. Johnson on Public Meeting smoking regulation as punishable by fine of \$10.00. Dr. Packard spoke that they requested to restrict smoking at meetings and those who smoke shall leave the room. Glenn Otto advised that this applies only to state buildings.

AGENDA ITEM #6 BURLINGAME SUBDIVISION "BERRY LANE"

P/C 76-2-2 Tax Lot 49 Sec 35 Totals 71 lots of which 2-6 are duplex lots. R-10 approved by Planning Commission 5-6-76.

Carter Bringle - Mr. Ron Lambert spoke on plat design. A 40' dedication of 257th and Glisan Street. Extensions noted which are adjacent to Reynolds District Development.

Commissioner Kaiser asked if school dedicates street width also. Mr. Lambert said yes.

Commissioner Dix moved to approve plat of sub-division Tax lot 49 Sec 35 "Berry Lane".

YEAS: 4

Seconded by Commissioner Mahoney  
NAYS: 0 Motion carried.

AGENDA ITEM #7 SHROY SUB-DIVISION

Mr. Phoenix report 16 lot subdivision consisting of 4.90 acres Tax Lot 14 Sec 35 request by Mr. Shroy of Seattle, Washington and represented by Dick Close of Gresham. He asked the record to show request 2 existing lots plus 14 additional lots totaling 16 lots.

Mayor Sturges asked about percolation and drainage of lots. Also if existing houses are to be moved. Mr. Close explained sumps will be used and existing houses are not to be removed but remodeled to code. Dr. Packard stated Planning Commission is not entirely happy on this old house situation. Commissioner Althaus stated houses could be condemned by City. Mr. Close replied improvements would have to meet State Building Codes. Mr. Bob Johnson requested map indication of lot location.

Motion by Commissioner Kaiser to approve subdivision with condition to two old houses to be removed.

Seconded by Commissioner Dix.

City Attorney gave legal explanation on condemnation proceedings that if the City explanation is old houses represent fire hazard to new homes, however, if owners obtain remodeling permits they must meet all code requirements.

Motion by Commissioner Kaiser to rescind previous motion and to table subdivision for 30 days.

YEAS: 3 (Dix, Kaiser, Mahoney)

Seconded by Commissioner Dix.  
NAYS: 1 (Althaus) Motion carried.

Mr. Close explained that Mr. Shroy's intentions to restore 2 existing houses. I have recommended remodeling would improve but I am not enthusiastic about restoration.

Mrs. Bergstrom noted Council may instruct staff to inspect old homes to determine whether fire hazard exists and inform the Council at next meeting. Council so requested inspections be held on those homes.

AGENDA ITEM #8 - WAGONER REZONE

Property is located SW 257th S.W. Hensley Road Tax Lot 48 Sec 35 SR to A2 request to build 4 duplexes. Existing house would be removed after 1st unit is built. Mrs. Wagoner stated A2 request to facilitate criteria of subdivision ordinance and County road dedications by placing duplexes on the lots rather than residential. Jones is A-2, Hambro is A-2, and we wish to be A-2. Mr. Jean explained A-2 denser use, R-4 lesser use. Mr. Johnson supported rezone for duplex units.

Motion to table request for 30 days by Commissioner Dix.

YEAS: 3 (Dix - Kaiser - Mahoney)

Seconded by Commissioner Kaiser.  
NAYS: 1 (Althaus) Motion carried.

AGENDA ITEM #9 - IRMA PLATT REZONE AND SUBDIVISION

Tax 28 Sec 1, consisting of 4.55 acres from F2 to R-4 to build 18 duplex units. Location is North of Sweetbriar School on Stark Street abutting existing A-2 Leavitt platted lots.

Mike Gibb, on behalf of Sweetbriar residence, objects to design and read design leading to Sweetbriar Lane egress as very objectionable to property owners. Mr. Gibb suggested road lead toward Leavitt lots and on the Troutdale Road - flip flop plat design. Mr. Johnson concurred with objections.

City Attorney recommends the Council return to Planning Commission this subdivision rezone for further study in view of citizen objections and road design questions. Commissioner Althaus moved to approve zone change but refer plat design back to Planning Commission for realignment of streets and lots.

Seconded by Commissioner Mahoney.

Council discussion ensued with citizens present.

Commissioner Althaus rescinded motion in order to make a new motion as did Commissioner Mahoney.

Commissioner Althaus moved to refer entire rezone/subdivision requests back to Planning Commission.

Seconded by Commissioner Kaiser.

YEAS: 3 (Dix-Althaus-Kaiser)

NAYS: 1 (Mahoney) Motion carried.

Break at 9:15 PM.

Resumed at 9:35 PM.

AGENDA ITEM #10 - ORDINANCE #228 TRUTH-IN-BUILDING

Mr. Jean reviewed history of builders participation such as the May 28th meeting and subsequent meetings in response to accumulating the builders list of homeowners. Mr. Jean reported that Mr. Osborn opposes the Ordinance and will leave Troutdale area if it passes. Mr. Sharpe collected information on homeowner complaints from Mr. Jenson, Maddox, Johnson, Rodman and others of objectionable building practices in their homes causing discomfort, expense and frustration. They felt this ordinance would be a definite benefit to them in the future and for others.

Ordinance #228 was read in full and twice by title by City Attorney, Brian Freeman.

Mr. Johnson asked why wiring is not listed - staff replied this is state inspected and was deleted from our ordinance.

Larry Sharpe, City Inspector, stated we follow the adopted uniform building code as written.

Commissioner Althaus questioned ABS/PVC means what? It means types of plastic pipe.

Weissenfluh suggested address be clearly denoted on farm. Staff agreed.

Glenn Otto rebuttal: he stated several home builders contacted me and had concerns. Intent commendable but areas of concern are as follows: Sec. 3 penalty for failure to complete statement, but no penalty for false statement.

Item next - no electrical inspections ever appear when asked to inspect wiring.

Section #2 - you should indicated conspicuous location of posting and time of posting. To suspend license of builder could cause conflict with the Builders Board, Dept. of Commerce.

Subsequent builder of bankrupt houses - is he responsible, staff replied yes.

Blank spaces means what? Staff replied other materials could be listed.

Residential or commercial inspections involved could necessitate an alternative inspection application form be used in special cases.

Mr. Otto reviewed legislative history of 1973, Truth-in-Building Ordinance on State level causing lending institution who would not cover penalty features to force industry to a halt in 74-75. He suggests checking with representatives of lending and title companies of impact on financing builders in Troutdale.

Consumer cost increases with home cost increases. Better solution at state level, he feels.

Mr. Johnson stated he would appreciate contents of house being itemized by inspection.

Mr. Kempson stated his certificate of final inspection by County was erroneous on installation

Mr. Jansen stated cost of corrections to my house was \$3,000 where an itemized inspection would be less to initial home cost. Builder's Board of Oregon could adopt our Ordinance. Bob Spikes, a builder in Sweetbriar, would like to tell you where to put this. Not informative or designated enough to cover all complaints but causes piles of paperwork for us that in the future will grow and grow and grow.

Mr. Kempson stated complaints get you no where with builders, that this paper is only 1/2 page long.

Commissioner Althaus noted hidden interest rate practised for years in builders trade and we are framing something to handle another hidden area that consumers know little about but may prompt them to ask more questions about the home they purchase before they purchase it.

Hands showing high of consumers in audience who feel this is a workable start on home building practices of short cuts in construction.

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Commissioner Mahoney noted that inspector will fill out forms as inspected, and signed off by builder upon final inspection and posted them.

Duane Lee stated that consumers are not informed on materials used and this will not be of value unless questions are asked by them.

Mrs. Gibbs said we found out what we had in our house and asked questions. Why fill in blanks pretyped? Staff replied to expedite form completion.

Mr. Otto commented R-19 R-11, not relative on form to buyer.

Mr. Johnson - some people want to know and an easy form to find out about your prospective house is good. Also they might start asking more questions because of this.

Commissioner Mahoney stated Council intent to reveal home as single or double wall and because we feel the present building code inadequate and destructive to quality building.

Commissioner Althaus commented we wish to assist homeowner in knowing content of his home before he purchases it.

Motion to approve concept of Ordinance #228 by Commissioner Mahoney and appointed council member to assist staff in redrafting Ordinance #228.

YEAS: 4

Seconded by Commissioner Kaiser.  
NAYS: 0 Motion carried.

AGENDA CONTINUATIONS - ITEM #13

Duane Lee stated the City held bid opening 3 PM July 13, 1976 on Drilling of new well and of contacted 4 drilling firms. The one selected is as follows per State regulation ORS 334.10.

Strasser Frilling Company of Portland - Rupert, Idaho. \$33,417.75.

Mr. Lee said we will drill near present reservoir on 242nd and Stark Street. Drilling, casing, well screens, gravel packing and test pumping are included. Piping and motors will be bid at a later date. I recommend approval of this well drilling bid as he is a reputable operator but no one can guarantee water at 300-600 gallons per minute.

Mrs. Althaus questioned rates and ratio bids. Staff replied only one bid this contract.

Questioned by Mr. Jansen, where is the money coming from? Staff replied - from improvement fees, installation and service charges.

Mr. Jean's rebuttal was that one primary water source is not the way to operate a city and we need additional sources as a part of our system. City Attorney explained everything can not be voted on if a government is to function hence a class segregation between legislative and administrative duties such as contract bids.

Motion moved by Commissioner Kaiser to accept the bid from Strasser Drilling Company.

YEAS: 4

Seconded by Commissioner Mahoney.  
NAYS: 0 Motion carried.

Motion moved by Commissioner Kaiser to authorize the Mayor to sign the bid contract approvals.

YEAS: 4

Seconded by Commissioner Althaus.  
NAYS: 0

Discussion of costs by audience and Council on backup well source.

Mr. Lee will likely recommend to the Council that to stabilize water quality we pursue shutting Drinker down after this new well is on the line and correct airtation problem.

Commissioner Mahoney moved to authorize the Mayor and one Councilman to obtain or seek an option for additional land around present wells in compliance with state regulations.

YEAS: 4

Seconded by Commissioner Kaiser.  
NAYS: 0

Mr. Jean explained not rate increase will be due to drilling this well. Rate increase may be imminent due to PGE increases, state permit increases, or other operational expense increases happening every day when we find our expenses for these and labor exceed our service charges.

Mr. Lee recommends 10" water lines installed to Boyer Park and Rainbow Ridge and the City will share increase cost of oversizing

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Concerning inspection of Rainbow Ridge development, the Staff suggests Lee Engineering or another contract engineer service in available and authorized to inspect developments, until a City Engineer is hired.

Commissioner Kaiser moved to hire Lee Engineering to inspect developments of Rainbow Ridge and Boyer Park Systems installations.

YEAS: 4

Seconded by Commissioner Mahoney  
NAYS: 0

Ordinance #232 - Licensing revision was read in full by Brian Freeman and by title (1st Reading). Mayor approval will not be with Building Department, Fire Department and Staff recommendation and it will cut down the Council Agenda.

Department Reports

County Utility permit bond under investigation by Staff and Gresham Staff. Announcement of CRAG meeting July 14th at 7:30 - 9:00 PM, work session with cities.

County evaluating an animal control ordination for July 22, 1976 meeting licensing cats and increasing other fees with our recommendation.

Street lighting status. PGE confirmed fee of \$1800 for removal of street lights which we forwarded to PUC for their evaluation.

AGENDA ITEM #14 - COMMISSIONERS REPORTS

Commissioner Althaus - brief is due when? Brian Freeman is expecting to receive the notice soon.

No other reports by Commissioners.

AGENDA ITEM #15 - ORAL COMMUNICATIONS

Mr. Johnson commented on Weed abatement of Sweetbriar greenway as necessary to prevent fires.

AGENDA ITEM #2 - APPROVE BILLS

Commissioner Kaiser moved to approve July bills.

YEAS: 4

Seconded by Commissioner Mahoney.  
NAYS: 0

AGENDA ITEM #16 - ADJOURN

Commissioner Kaiser moved to adjourn the meeting.


YEAS: 4

Seconded by Commissioner Althaus.  
NAYS: 0

Adjourned at 11:26 PM.

  
Robert M. Sturges, Mayor

ATTEST:

  
Betty J. Bergstrom, City Recorder