

Meeting called to order by Mayor Sturges at 7:35 PM.

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

Staff Present: Bergstrom, Jean, Lee, Freeman, Murphy

Press Present: Linda Frazier - the Oregonian

Guests: 20 including Mr. and Mrs. Burlingame, Mr. Muyskens, Mrs. Schmunk, Representative Glen Otto, Mr. Asher, Mr. Leavitt and several residents of Weedin I filing petition against Weedin II Street Access.

Commissioner Althaus entered at 7:37 PM.

Commissioner Kaiser moved the September bills be approved.

YEAS: 6

Seconded by Commissioner Mahoney.

NAYS: 0 Motion carried.

AGENDA ITEM #4 - PLANNING COMMISSION REPORT

Dr. Packard reported Commission approved concept of Weedin II planned development for 112 R-10-PD lots on 37 plus acres, less 8.3 acres dedications and 2.3 acres plateau area. We also approved Kaz Fujii's seven R-10 lots called Northridge. Discussed Planning Commission functions and responsibilities. All matters such as variances, lot splits, planned development except zone changes and conditional uses be acted on by Planning Commission as final action unless appealed, thereby decreasing work load of Council and repetitious information distributed for both bodies of government. Citizens advisory committee met September 11th, electing Mr. Rod Andersen Chairman, and Bob Johnson Vice Chairman and they will coordinate with committee through Planning Commission to Council on the Comprehensive Plan progress. Copies of questionnaire results before you this evening. Weedin II final plat comes before the Planning Commission October 6th.

AGENDA ITEM #5 - GENERAL TELEPHONE FRANCHISE

Delay to October 12th Council meeting.

AGENDA ITEM #6 - ORDINANCE #232 Second Reading City License Amendment

Ordinance #232 read in full and by title by Mayor Sturges. (1st reading was July, 1976) Motion to approve Ordinance #232 for final passage by Commissioner Kaiser.

YEAS: 6

Seconded by Commissioner Cox.

NAYS: 0 Motion carried.

AGENDA ITEM #11 - SANITARY SEWER AND STORM DRAINAGE, SANDEE PALISADES.

Mr. Lee, City Engineer drafted letter of comment on drawings submitted to date. Mayor Sturges reviewed problem to date is sewer route, financing, and council concern over capacity of existing lines. Mr. Lee stated staff is not prepared to make recommendation to Council. We are trying to make sure the City can meet all their commitments on existing lines and resolve to our satisfaction the burden Palisades would make, the route it should take and financing necessary to expand or build new line. Mr. Freeman noted without cash flow problems resolved and system requirements ironed out to City's satisfaction capital improvements of the future would suffer by rushing this matter now. We must proceed slowly and resolve Beaver Creek loads participants have paid prior rights to use.

Mr. Jim Cox, Attorney for Leavitt Nupacific (Sandy Palisades), stated since no action seems eminent tonight we find that more and more time delay is occurring. The day is soon coming when our limitation has been reached. We feel Phase I is ready to go and time to bite the bullet.

Mr. Leavitt spoke addressing Council that he felt action would be forthcoming tonight. Litigation could stop the development anyway. We would improve the pump station to a degree necessary to satisfy engineering standard for 137 homes at our expense entirely. We would contribute to a gravity flow line when one necessary in Phase II. We cannot understand why you cannot grant our request. Staff attitude opposed to moving on this development. Cash flow is a problem in every City. Much prefer you move on this one way or another this evening. Mayor Sturges reviewed figures from staff which differ from yours and the staff do not recommend action this evening. Duane Lee comments cost relative relocation of gravity feed closer to \$272,000 rather than \$200,000 previously used. I apologize for the delay because I have not been able to assess all information you supplied in the last 2 days. We are concerned with a dozen other developments as well as this one as to the impact on the Beaver Creek line. The whole program is under review not just one developer. We need another week or two to reevaluate information.

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Mr. Leavitt stated in spirit of cooperation we wish to develop here, but a time frame needs to be set and no other developments should be approved until our problem is resolved, nor any other permits be issued until then. Mr. Jean stated we cannot act unfairly to other developers who are not involved, but I wish to have a written agreement formula to present to you with accurate figures pertaining to funding and capacity available for Phase I and Phase II.

Mr. Leavitt asks for a moratorium of permit issuance. Mr. Jean comments Sandee Palisades has not yet met the 9 compliance points in full - 8 are fulfilled but this 1 point must come before the Council for approval and we must comply with Council wishes. We are very close to agreement and compliance.

Mr. Finegan questioned pre-paid policy. Mr. Jean stated we have no pre-paid acceptance policy only approved building permits to obtain sewer permits for hookup. Mr. Finegan resented the attorney threatening a City Council in this manner and you should respect the staff's requests for 2 weeks time.

Mr. Leavitt stated we never threatened litigation but approval of smaller developments, such as the Muyskens development seems arbitrary to me.

Mr. Jean stated Mr. Muyskens development is a 36 unit development with water and sewer systems fully available and assess on that property and yours had no sewer assessed or available and it consists of 137 units in Phase I and nearly 450 units all totaled requiring a greater impact and careful planning which we intend to complete to our satisfaction.

Brian Freeman, City Attorney, stated distinction is that a development of your size will require an additional sewer main which causes the City (the property owners along Beaver Creek) a burden of \$272,000 and an economic commitment of no value to their previous assessed properties.

Mr. Leavitt states we have a conceptional approve for 450 units but a plat for only 137 lots at this time only before you.

Mr. Jean states a recommendation would be possible by October 12th.

Commissioner Dix asks how much financing are you prepared to make toward gravity flow system: I do not feel that the people should pay your way even a little.

Mr. Leavitt stated other developments would use that line not just us. We would advance funds to the City should they not be able to acquire a grant or they could use funds to expand the pump station and we would be reimbursed at a later date. Mr. Jean stated staff will be prepared to recommend to the Council at the October 12th meeting. Commissioner Dix repeated that the \$272,000 will come out of the pocket of the citizens of Troutdale one way or another.

AGENDA ITEM #7 - EDGEFIELD INITIATIVE. REPRESENTATIVE OTTO

Requests phone for public in the park to eliminate disturbing the neighbors for phone use by Representative Otto on behalf of residents. Bob Gilbert of DEQ phoned me to discuss programs. I wish to discuss alternate methods of sewage disposal such as in Blythe, Oregon. (the new pressure system) Could be an answer for East bank of Sandy River residents. October 6th, 7:30 PM meeting date at Terminal Sales Building in Portland. I invite you to go with me. Mr. Jean supports comments as germane. Mr. Lee reported facility program requires me to investigate basically these areas of concern. I am aware of this method and have a file on this system available for the Council's consideration at a later date if they prove viable and financially feasible for certain areas.

Edgefield Manor has 164 residents when their capacity is 197 but Multnomah County has frozen new admissions and from these actions their intent seems obvious to "close" Edgefield Manor, which would result in an economic loss to Troutdale in State shared revenues of \$5,000, facility charges, etc. Senator Cook and I have been successful in placing Edgefield on the ballot, but at an enormous cost. My request to the Council is to donate \$500 towards our effort to cover our Attorney fees and bills. Multnomah County has appealed this petition action adding further to our cost.

I want to go on record if you increase your tax base to provide city services and get rid of this Street Lighting Ordinance. I would also urge you to go for \$100,000 tax base rather than coming back to voters every year for increases. You would have my endorsement.

Mr. Jean reported on Tax Base legality and background of Troutdale base history. We may by Ordinance tonight submit to the Council at October 12th meeting the final base level thereby meeting state requirements 20 days in advance of election.

Brian Freeman reported correcting Mr. Jean's statement that Ordinance tonight is housekeeping Ordinance to allow us to submit to the voters a tax base issue in keeping with City Charter not State law or County law. We have to go before Multnomah County Tax Supervisory Commission on a serial levy or bond issue but not a tax base issue.

We need only Council action as a home rule, for the City to submit a tax base issue to voters as long as it is at a General or Primary election. Ordinance #2 set forth initiative referendum petition rules and issues submitted to voters by the Council which was amendment Ordinance #56 changed notice requirements. Ordinance #93 changed notice to 11 days to voters after the notice of measures be given publicly, creating chicken and egg merry-go-round, not workable by the Council. To overcome confusion tonight's Ordinance returns to #56 rules stating notice be submitted to voters not sooner than 20 days after resolution by the Council creating measures be submitted to voters thus allowing sufficient minimum time for circulation of measures and issues before the vote is taken. I hope to redraft Ordinance #2, #56, #93 and tonight's into one complete set of rules of procedure after this election.

Mr. Otto commented anytime a tax is imposed one must consider those on fixed income and provide property relief. Our two precinct 5439, 5422 should allow 2 ballots for listing rotation of names.

AGENDA ITEM #8 - RICHARD SHROY PLAT

Staff report letter by building inspector and fire inspector shows existing home feasible for remodeling. Mr. Ed Murphy reported that this carry over from last month. Richard Close, representing Mr. Shroy, on proposed 16 lots R-10 density development on the corner of SW 257th and Cherry Park Road, consisting of 5 acres with no sewer until LID approved with land lock on both sides unless each property side develops. Status of 257th as arterial not yet confirmed, but we recommend 90 foot set backs allowing for major street of 257th. Design question - direct frontage on major arterial should be avoided when possible. Building Inspector reported both existing houses structurally sound and plausible for remodeling. We recommend dedication for 257th widening to 90 foot right-of-ways or should dedicate 60 feet and show set back lines.

Mr. Close, P.O. Box 20517, Portland, Oregon 97220. Property is zoned SR. Property is not locked but we have designed roads to other dedicated road to the north. We do not see consistency of 2 reverse lots on 257th, 2 lots frontage on 257th and 2 lots reversing again. Only the suitability of existing houses was in doubt from last meeting.

Motion to accept plat as presented and recommendations of the Planning Commission by Commissioner Kaiser.

Seconded by Commissioner Althaus.

YEAS: 6

NAYS: 0 Motion carried.

Break at 9:05 PM. Reconvened at 9:20 PM.

Dr. Packard reviewed SR (County Code) and R-10 (Troutdale Code) confusion and asked clarification on the City map. Discussion ensued by the Council and the Staff.

Motion moved by Commissioner Kaiser to establish all SR designated lots as R-10 on the City maps.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #10 - WEEDIN II ZONE CHANGE AND GENERAL DEVELOPMENT PLAN

George F. Brice owner; LeRoy Gibson of Pettijohn Engineers designed development consisting of 37 acres plus 112 lots with 8.8 acres dedicated to the City in Beaver Creek Canyon, plus 2.3 acres of park west. Applicant is requesting R-10 PD as reported by Ed Murphy. Slides shown of property as follows: looking south on Troutdale Road to left, existing house on the property with Weedin I on the left, looking SE towards Mt. Hood, hillside between Weedin I and II, down east end of property looking at trail, trail down to canyon, bottom of canyon flat area park, north side of property looking up at Weedin I, standing in Weedin I looking at Weedin II to the east down proposed 32 foot street access to be built. Sewer and water available, storm sewer can be developed according to specific findings. Applicant intends to develop existing and other trails to reach the canyon's proposed park area. Trail and park can be used as an offset density figure but not unusable canyon area.

Mr. LeRoy Gibson of Pettijohn Engineers noted 37.53 acres with 5.78 acres unbuildable leaving 31.74 developable less 5.52 acres for park and trails = 26.36 acres buildable. Streets will be joined to access from Dix's property. Arterial width is 50 foot right-of-way, 36 foot pavement with 60 foot right-of-way; 40 foot paving Beaver Creek Lane with access to Weedin I restricted to 28 feet. Total density 14,596 square feet per lot making 10,281 sq. feet per lot unit including recreation area and street area, lot area 7,857 size.

Mr. Lee stated major storm sewer route north boundary of this property with developer meeting City standards. Mayor asked for opponent views.

Petition presented by Mr. Bob Chappelle on behalf of every house in the neighborhood consisting of some 55 signatures in opposition to access road linking Weedin I to Weedin II as proposed, creating a neighborhood hazard.

Petition read by Mr. Messino of 1203 S.E. Kibling. With no sidewalks in Weedin I, this street access presents a physical hazard to our children and pets creating an arterial linkage unnecessarily, stated by Mr. Chappelle. We deeply oppose the 28 foot connecting road endangering some 40 children, 36 homes and various pets. We do not oppose Weedin II only this street proposed.

Mr. Brice does not object to easement without physical road as long as a cul-de-sac would serve lots on that proposed street.

Staff feels 2 roads are necessary in winter due to icing and until further development connects dead end roads. City wishes to retain right-of-way and would barricade this opposed street when street opens through Dix property. Street bumps could be a plausible solution. Mr. Chappelle and those present voted no on temporary road opening! Discussion of alternative by the Council and Staff - resulting proposal was a low shrub bank separating cul-de-sac of Weedin II to Weedin I with only a trail for bikes and people between but allowing a fire truck to plow through shrubs, in case of an emergency until other roads of Weedin II connects to development of future areas.

Motion by Commissioner Althaus approving zone change and general development with conditions; existing house to be removed, septic tank to be pumped and filled, the adjourning hillside area be protected and a buffer of low shrubs join the existing Weedin I 12th Street to the cul-de-sac 12th street in Weedin II as an emergency fire egress or ingress road.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

Discussion between Muyskens and the Council concerning Planning Commission actions on Weedin II provisions. Dr. Packard read minutes of the meeting for all concerns.

AGENDA ITEM #9 - NORTH SIDE CHERRY PARK - KAZ FUJII SUB-DIVISION

Dick Close representing Kaz Fujii asking approval of 7 lots of Phase II Northridge subdivision connecting to existing water and sewer of previously approved duplexes systems on corner of 262nd and Cherry Park Road as reported by Ed Murphy.

Mr. Close stated 7 lots are an addition to approved houses and duplexes approved previously along Cherry Park Road. Soil is well drained area not on slope incline of Fujii property.

Mayor asked for opposing views.

Mr. Murphy reported Planning Commission approval without recommendations.

Motion moved by Commissioner Kaiser to approve Plat for 7 lots behind the corner of 262nd and Cherry Park Road, as recommended by Planning Commission without conditions.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #12 - DEFER TO OCTOBER 12th MEETING

Some copies enclosed on 5 year figure for your review.

AGENDA ITEM #2 - APPROVAL OF MINUTES

Motion by Commissioner Kaiser to approve minutes of July 6th, continuation of June 8th; July 8th Sewer LID; July 13th.

Seconded By Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #13 - STREET LIGHTING CHARGE LEGISLATION

Brian Freeman, City Attorney, reported 280 ORS deals with list power to tax by serial levy of 10 year duration rather than expand present Ordinance. A increased tax base could alter-nate Street Lighting Ordinance and need for serial levy. An alternative for you to consider.

AGENDA ITEM #14 - TAX BASE - ORDINANCE REVISION

Brian Freeman recommends passage of Ordinance #233 before we go on with the tax base issue to allow procedure under your charter and amendments. Brian read Ordinance #233 in full and twice by title.

Motion to adopt Ordinance #233 by Commissioner Kaiser.

Seconded by Commissioner Finegan.

YEAS: 6

NAYS: 0 Motion carried.

Brian Freeman, City Attorney, reported on 3 readings and the Council positions at large amendments proposed to Charter in Resolution #125. Mr. Jean gave brief resume of necessity for these resolutions and ordinances for the ballot measures. Resolution #125 read in full and twice by title by Brian Freeman.

Motion to adopt Resolution #125 by Commissioner Cox.

YEAS: 6

Seconded by Commissioner Althaus.
NAYS: 0 Motion carried.

Tax base resolution deferred to October 12th.

NON-AGENDA ITEM ORDINANCE #234 NUDITY ORDINANCE

Ordinance #234 - Read in full by Bob Jean and twice by title. Brief discussion of whether to include bikini tops in Ordinance. Not recommended by the City Attorney since provision discriminating in nature and unenforceable in State Courts. Rev. Short spoke on citizens resentment of Caine beach violations of complete nudity and he heartily endorses this ordinance.

Motion to adopt Ordinance #234 by Commissioner Althaus.

YEAS: 6

Seconded by Commissioner Cox.
NAYS: 0 Motion carried.

AGENDA ITEM #15 - ZONING AND SUB-DIVISION CODES - CLARIFICATION

Ed Muiyphy read zoning Ordinance section 10.10 noting Council may designate Planning Commission by motion to act as board of adjustment. Mr. Jean reviewed discussions with the Planning Commission on their abilities to assume responsible duties without referring all matters to the council except for zone changes, conditional use, or appeals. Commissioner Althaus questioned appeal procedure for further clarification of this right. Commissioner Cox also felt strongly on proper notification procedure of appeal rights with 30 day provision. Discussion between staff and the Council on procedures and duties. The Council would like the Staff to pursue applying present ordinance enforcement of duties of the Planning Commission with appeal provisions implemented for discussion at next meeting before motion enacting board of adjustment is adopted.

AGENDA ITEM #16 - DEPT. REPORTS

Mr. Jean reviewed the Traffic Ordinance #226 provision allowing the setting areas of restriction for traffic control by administrator such as Sweetbriar School "No Parking" zone by request which the Staff has established. Fairview interested in contracting police services from City of Troutdale with full costs clearly established without undermining Troutdale's services or insurance coverages for our City. Our insurance recently acquired was difficult to come by, but we obtained coverage two days before our existing policy expired at \$600.00 over our budgeted figure. Edgefield water problem will be supported by Troutdale backup service and not Wood Village. Mr. Jean suggested a "Candidates" night date be picked to allow voters to meet the candidates and discuss issues very soon. Review of progress on computer bookkeeping services contracted from Sandy was discussed by Mr. Jean from Mr. Henry Jewel's report (consultant) as to hard work, difficulties of reorganization and steps necessary to convert from manual to machine. Hopefully to be achieved soon.

Mrs. Bergstrom reported the City License Tax must be reviewed and revised. Council decision must be made soon on accepting Multnomah County proposal on shared collection of business license tax by State of Oregon, raising tax to Portland level, eliminating the tax or to stay as we are. Mr. Jean reported 24 hour coverage of Police patrol has decreased vandalism, increased felony arrests, ticket issuance for speeding increased. Commendation to Troutdale officer from Multnomah County for burglary arrest at Thriftway Store.

Mr. Jean touched on a modular unit joining depot building to create additional office complex as well as museum on City owned land where depot now stands.

Mr. Jean noted need to abolish Deputy Marshall's position no longer feasible or necessary.

Motion moved by Commissioner Kaiser to de-deputize Public Works crew as deputy marshalls.

YEAS: 6

Seconded by Commissioner Finegan.
NAYS: 0 Motion carried.

Mr. Johnson requested Laura Court be identified as a dead end street to prevent through traffic mistaking our street as a through street. Mr. Jean said he would follow through on this matter.

City Engineer, Duane Lee, reported partial payment to driller R.W. Strasser has been made because bacterial chemical tests have been made and well produces 500 gallons per minute, no

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air, no sand and it can pump 90 days without draw down on the well. I have a contract change order due to drilling increase from 415' to 480' added casing material and supplies increasing original costs by my request to an increase of \$3486. Mr. Lee discussed Stoll's Folly specifics where water and sewer mains not located as drawn, paving not accepted 1st time and ordered repaved. Paving drawings incomplete and are prints not drawings. We do not recommend acceptance or objection due to inadequate drawings. No major deficiency, just sloppy little things and poor drawings but we do recommend better inspection of future systems as installation occurs.

Motion moved by Commissioner Kaiser to accept Stoll's Folly water system on condition proper as-builts are provided, manholes be raised, sealing of street areas and a performance bond for two years be supplied.

Seconded by Commissioner Finegan.

YEAS: 6

NAYS: 0 Motion carried.

Mr. Murphy noted citizen's advisory questionnaire in your packets this evening, showing tabulation results. October 9th workshop at City Hall at 10 AM.

Brian Freeman reported that October 28th oral arguments on Double Wall Law Suit in Salem.

COMMISSION REPORT

Commissioner Kaiser - none. Commissioner Cox requested municipal parking lot have a sign Also requests to return voting to City Hall. Council concurred.

Mr. Jean reported Grant funds for Park purchase be freed for another applicant and we re-apply for BOR Grant to purchase Staten property instead - recommended by Staff.

Commissioner Cox requests that the chairman of the high school be written, requesting the high school be named Troutdale High School by each of us individually.

Motion to adjourn by Commissioner Kaiser.

Seconded by Commissioner Mahoney.

YEAS: 6

NAYS: 0 Motion carried.

Adjourned at 11:40 PM.



Mayor, Robert M. Sturges

ATTEST:



City Recorder, Betty J. Bergstrom