

Approval of bills: Finegan, Cox, Kaiser

AGENDA

CITY OF TROUTDALE

Council Meeting --- October 12, 1976

1. Roll Call
2. Approval of Minutes - August 10, 1976
3. Approval of Bills
4. Planning Commission Report
5. Business Licence -- General Telephone Franchise
6. Variance -- City of Wood Village Water Tank
7. Mobile Home Temporary Permit
8. Sandee Palisades -- Sewer Connection
9. Capital Improvement Program
10. Water System Development and Improvement Fees -- Ordinance # \_\_\_\_\_
11. Sewer System Development and Improvement Fees -- Ordinance # \_\_\_\_\_
12. Ballot Measure -- Tax Base Referendum -- Ordinance # \_\_\_\_\_
13. Planning Commission Duties & Responsibilities -- Ordinance # \_\_\_\_\_
14. Troutdale - Reynolds High School LID -- Resolution # \_\_\_\_\_
15. Well #2 Change Order
16. Park Rules
17. Department Reports
  - . CA --- Easment or ownership around Well #2
  - . Planning - Planner's Activities, BOR Park Grant
  - . Engineering
  - . City Attorney - 15th Street Ped. Way & Vacation?
18. Commissioner Reports
19. Oral Communications
20. Adjourn

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Mayor Sturges called the meeting to order at 7:40 PM.

Roll Call: Mayor Sturges

Commissioner Present: Althaus, Cox, Kaiser, Finegan, Dix, Mahoney

Staff Present: Jean, Murphy, Bergstrom, Nauerth, Freeman, Lee, Sharpe, Clay

Press: Nancy Buley - Outlook

Guests: 14 including Asher, Leavitt, Cox, Bob Johnson, McClellan, Bruce Magnuson--Carter Bringle, Henry Koucha - General Telephone

AGENDA ITEM #2 - Minutes

Motion by Commissioner Kaiser to approve Council minutes of August 10.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #3 - Bills (delayed till executive session October 19)

AGENDA ITEM #4 - Planning Commission Report by Ed Murphy in Dr. Packard's absence.

Two major items consisting of apartment zoning request by Sweetbriar on Stark and Troutdale Road for duplexes and 4 plexes which were opposed by property owner in Sweetbriar - Planning Commission recommended substituting single family units for duplexes - no reply from applicant as yet. Final development plan of Weedin II with street closure accepted by Commission. Watanabe 20 acre parcel with preliminary plat of flag lots which was turned down by Commission. Applicant considering appeal to Council not yet filed.

AGENDA ITEM #6 - WOOD VILLAGE VARIANCE

Mr. Jean reviewed Planning Commission record of spring hearing delayed to investigate joint venture with Troutdale on construction of water tank. Wood Village experiencing urgency to complete grant application. Duane Lee, City Engineer, studied application request and technical aspects of reservoir plan is not large enough for our participation. Within 3-5 years Troutdale will need 1 million gallons plus storage system and this reservoir is only 3/4 million gallons and not beneficial to your needs. Cost modifying system to use Wood Village reservoir would be better spent on a different solution. Comments for conditional approval, I recommend the Council restrict removal of trees and have Wood Village participate with Troutdale to purchase additional land to create park buffer area. Extension of Glisan will remove trees in the future. Location fits well into regional water system for East County Area.

Motion by Commissioner Kaiser to approve variance with condition that Wood Village purchase certain number of acres including more timber with Troutdale to create buffer park area.

No Second.

Bruce Magnuson of Carter-Bringle spoke showing on map tree area. Mr. Lee explained esthetic value of trees masks reservoir towers and would create a fine park area not recommending a 10 or 25 foot buffer but all trees that they can acquire and retain.

Commissioner Kaiser and Commissioner Althaus questioned who owns trees if not Wood Village then whom? Mr. Lee replied his understanding was Multnomah County owned some tree land and some to the east is privately owned. Proposal tank south and west of present tank per Magnuson. Mayor Sturges clarified feelings, that the Council wishes Wood Village in spirit of cooperation retain every tree possible and in future consider additional land purchase to create park.

Commissioner Kaiser moved to accept variance application on condition that the esthetic condition of the site be retained.

Seconded by Commissioner Mahoney.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #13 - PLANNING COMMISSION DUTIES AND RESPONSIBILITIES

City Attorney, Mr. Brian Freeman, reviewed City Charter and Ordinances for Planning Commission authority. He found no restriction barring moving the Planning Commission out of an advisory roll to one of more authority and responsibility as delegated by the Council in quasi judicial, administrative acts. Legislative matters must be handled by the Council only. Present ordinances grant such authority. A motion by the Council would clarify their authority. Council would remain an appeal board. Mr. Jean suggests Planning Commission decisions be effective after 30 days to allow appeal procedures by applicant or Council. Commissioner Dix asked how the matter could be brought back by the Council. Mr. Jean stated if applicant appealed, it would go to the Council, or public could appeal to Council, or if Council requested it would come before the Council. Commissioner Althaus questioned appeal

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and notice by ordinance or procedure. Mr. Murphy stated present zoning ordinance provides procedure but states 10 day limit, although Planning Commission could state effective date of decision as 30 days. Discussion ensued on Section 10.12 Duties of Board page 82 zoning ordinance drafted from Multnomah County Ordinance several years ago. Mr. Freeman stated old ordinance needs revision but basic delegation of authority by Ordinance is adequate to relieve the Council of administrative tasks on their agenda schedules.

Commissioner Althaus moved to delegate authorization to Planning Commission as board adjustment as provided in Zoning Ordinance Section 10.10 Page 82 and that they further control subdivision of lands per regulations pertaining thereto and the board shall follow a policy of 30 days before decision effective to allow adequate appeal procedure to the Council.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #8 - SANDEE PALISADES - SEWER PROVISIONS

City Attorney, Brian Freeman, noted plat approval conditional upon several points of which one we have before us tonight and can further be documented by City Engineer, Mr. Duane Lee.

Mr. Jean reviewed approval with conditions of which one was not yet satisfied which concerned sanitary sewer provisions. Staff recommends Council approve with the following provisions. The developer is responsible for providing the necessary improvements to the Beaver Creek Sewer line to accomodate his development. Construction of offsite sewer line connecting the onsite improvements to Beaver Creek line in vicinity of Jackson Park. It also includes a cash payment to the City in an amount determined by the City Engineer as adequate to improve pump station to serve entire proposal. The City then assumes responsibility in making the improvement whether it be to the pump station or an alternative gravity diversion line. No late comer charges are necessary beyond that contained in the applicants system development charge that he would pay as all applicants pay. Mr. Jean reported City Engineer's findings as follows:

The developer is responsible for providing necessary improvements to the Beaver Creek sewer line to accomodate his proposed development. This means the construction of an offsite sewer line connecting the on-site improvements to the Beaver Creek line in the vicinity of Jackson Park. It also includes a cash payment to the City in an amount determined by the City Engineer as, adequate to improve the pump station to serve the entire proposal. The City then assumes responsibility for making the necessary improvements (whether to the pump station or to a gravity diversion line).

Therefore, the above provisions as stated are recommended and have been discussed with the applicant and agreed to. Mr. Lee (City Engineer) commented technical issues of final specifications have not been presented to me for my study as yet and therefore we have agreed in concept only until I have final plans to inspect.

Commissioner Dix asked if we agree to oversize station and Sandee Palisades and Jackson Park come on the line they will use up the capacity of the line and the rest of the Beaver-creek LID participants will be forced into a gravity feed system expense of \$272,000 which the rest of the citizens of Troutdale would have to pay for, No?

Mr. Lee responded - no, the proposal by the developer is reasonable and the improvements he will pay for to the Beaver-creek System will allow the system to serve Sandee Palisades, Jackson Park and the Beaver Creek bonded applicants.

Mr. Jean explained we don't want to expand the pump station and prefer to build a gravity feed line which this proposal allows us to decide which we wish to do and additional improvement fee funds plus grants should provide the necessary revenue to build such a gravity line.

Mr. Lee stated in my capacity review the pump station was meant as a temporary solution and should be replaced within 10-15 years from the date it was built - we still have 5-10 years useable years on that line left, but we prefer to make provisions to build the gravity line sometime very soon. With perhaps a few improvements to the station as we prepare to build the gravity line and obtain grants to do so. Gravity line is still necessary and perhaps more so as energy demands increase in the future. Federal aid may be more eager to aid such renovations from energy consuming system to gravity systems.

Mayor asked if there were any further questions from the audience. None.

A motion by Commissioner Althaus to accept the Staff's recommendations on Sandee Palisades and that we find the Beaver-creek pump station is inadequate to pump the projected sewage of the Beaver-creek system and Sandee Palisades development. That either an improvement public facility must be constructed or a gravity flow line be constructed in order to provide sufficient capacity to serve the needs of Sandee Palisades and the Beaver-creek System. That without the financial support of the developer, Leavitt Nupacific, in a sum sufficient to enlarge the public facility system, the City of Troutdale would be unable to meet the needs of the Beaver-creek System area and Sandee Palisades. In connection with the developers

financial support, a letter of credit proposed to be in a form acceptable to the City Attorney and the amount determined by the City Engineer to be equivalent to the improvement necessary to the pump station.

YEAS: 5

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

AGENDA ITEM #9 - CAPITAL IMPROVEMENTS PROGRAM

Mr. Jean reviewed key proposal elements. (See attached). This is a 6 year projection of costs and revenues of sewer and water systems capital improvements, I have compiled with the City Engineer's assistance which should in effect control growth somewhat.

Mr. Freeman noted that cities do not have to provide services faster than they have a capacity to do so. Planning capacity as well as financial capacity regulates growth.

Comparative data on the market impact of new fees are also enclosed.

Mr. Jean stated nothing in excess of graph levels will be anticipated and will not be encouraged nor necessary to maintain a healthy city. Deficits shown will be readjusted to give priority to the most pressing capital improvements and some that year postponed to a later date when funding is more available.

Mr. Jean noted Drinker Well assessments will have to be billed for principal at least to guarantee healthy city finances until improvements fees not urgently needed to maintain basic services. Minimal amount of water and sewer fees diverted to system improvements.

AGENDA ITEM #10 - WATER IMPROVEMENT FEES ORDINANCE #235

Commissioner Kaiser raised issue with emergency clause and proper notification to builders allowing at least 30 days notice for those in escrow proceedings or financial negotiation Mrs. Bergstrom reviewed conflict during last sudden increase.

Mr. Leavitt mentioned pre-sales hit builders hard. Recommends also fair notice of 30 or 60 days. Discussion resulted in amendment to effective date being November 15, 1976 allowing 32 days. Ordinance 235 read in full by Mayor Sturges with amendment date effective November 15, 1976 and twice by title.

Break at 9:20 PM. Resumed at 9:37 PM.

Discussion on multiple dwelling per unit charge as unreasonable per Council views - concurred by the Staff.

Recommendation to reduce rate from \$500 to \$350 by the Council. Multiple Unit amendment and Section 2 amendment read in full with \$350. as the corrected amount per Ordinance on Multiple Units Section 2. No improvement or connection fee may be paid until applicant possesses a valid building permit. Section 3 - Emergency Clause, changed to November 15th. Mayor Sturges reread new amendments in full for Ordinance #235 redefined multiple units as 3 units and above.

Mr. Johnson of the audience objected to the revisions.

Motion to approve Ordinance #235 by Commissioner Cox.

YEAS: 6

Seconded by Commissioner Kaiser.  
NAYS: 0 Motion carried.

AGENDA ITEM #5 - GENERAL TELEPHONE FRANCHISE

Brian Freeman spoke with Henry Koucha representing General Telephone and other sources with the resulting new franchise Ordinance #236 resulting. Franchise means use of our right-of-ways, streets, grounds, land for monetary fees and returning said rights to original condition. Section 4 allows us to request that they move the lines when we repave to wider areas. Section 6 increases rate to 3% with escalation as P.U.C. grants a raise in fee charges to General Telephone. Section 7 decrees a 20 year lease. Section 8 - insurance clarification. Section 10 - revised to allow General Telephone to maintain maps for builders as to location of utility.

Commissioner Finegan asked if a merger happened in a 20 year period, is the franchise agreement still binding? Mr. Freeman replied yes. Commissioner Althaus objected to a 20 year lease, would rather support a 10 year lease. Mr. Koucha spoke in support of a 20 year lease.

Commissioner Althaus moved to reduce the lease duration, Section 7, from 20 years to a 10 year lease agreement.

YEAS: 6

Seconded by Commissioner Finegan.  
NAYS: 0 Motion carried.

CITY COUNCIL MEETING MINUTES

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Ordinance #236 read in full by Brian Freeman and twice by title with a 10 year amendment correction.

Commissioner Mahoney moved to approve amended Ordinance #236.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #11 - ORDINANCE #231 SEWER SYSTEM DEVELOPMENT AND IMPROVEMENT FEES

Mayor Sturges read Ordinance #231 in full and twice by title. Mr. Jean reviewed the sewer facility future expenditures anticipated to build new systems and expand plant capacity, thus an ordinance allowing pre-payment provisions.

Commissioner Mahoney - how did you arrive at April 30, 1977. Mr. Jean replied it would allow people to plan and decide it would be useful to have funds ready for the Council to plan the budget accordingly. Commissioner Kaiser requested November 15, 1976 effective date as in the Water Ordinance. Brian explained the Engineer would determine the charge for plants, industry, schools, hospitals, etc. The appropriate charge for sewage flow equivalents.

Commissioner Kaiser moved to adopt Ordinance #231.

Seconded by Commissioner Cox.

YEAS: 6

NAYS: 0 Motion carried.

Commissioner Kaiser moved to adopt A Capital Improvement Program.

Seconded by Commissioner Finegan.

YEAS: 6

NAYS: 0 Motion carried.

AGENDA ITEM #12 - TAX BALLOT.

Mr. Jean read his report (see attached). Discussion of material presented. Data on 24 hour police protection shows vandalism down, felony arrests up 200%, increased citations and revenues up 2 1/2 times as much.

The Council polled as to Level I (42,500) - Dix (pass) Finegan, Cox, Kaiser, Althaus, Mahoney (yes) Audience--4 yeas. Level II (72,500) - Dix (pass) Finegan, Cox, Kaiser, Althaus, Mahoney (yes) Audience--4 yeas. Level III (100,000) Dix (pass) Finegan and Mahoney (yes) Cox, Kaiser, Althaus (no) Audience--4 nays.

More discussion of serial levy procedure, 6% budget limits by Oregon Statues and Troutdale Fee charges, Multnomah County levy collections of \$250,000 from Troutdale residents as well as Fire District, School District, Port and Mt. Hood College levies far in excess of any of our proposals. Concern over voter's response weighed heavy on the Council. Mr. Jean replied if the vote is no, then in the spring we hold serial election levy for services listed one by one and cut those voted down in concurrence with voter response. We play no games but respond to voter's choices. Meanwhile we widely publicize our needs and wait for the vote.

Mayor Sturges read Resolution #127 in full and twice by title.

Commissioner Mahoney moved to adopt Resolution #127.

Seconded by Commissioner Kaiser.

YEAS: 5

NAYS: 1 (Dix) Motion carried.

AGENDA ITEM #14 - REYNOLDS SEWER LID

Duane Lee, City Engineer, reported on LID Hearing September 29th and this resolution is to authorize the Local Improvement District as voted on by the effected property owners.

Resolution #126 read in full by Duane Lee and twice by title.

Commissioner Mahoney moved to adopt Resolution #126.

Seconded by Commissioner Althaus.

YEAS: 6

NAYS: 0 Motion carried.

Mr. Lee presented to the Council his suggestion of his Engineer agreement in conjunction with this LID formation to be studied by the City Attorney before you agree or deny the agreement.

Change order #1 presented to the Council on well drilling bid contract, amounting to an increase of \$3,436.86 to a total payment of \$36,854.61.

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Commissioner Kaiser moved to accept Change Order #1 on R. J. Strasser Contract bid.

YEAS: 6

Seconded by Commissioner Finegan.

NAYS: 0

AGENDA ITEM #17 - EASEMENT FOR NEW WELL SITE

Oregon statute requires additional land be purchased around existing tank site and new well site to conform. Commissioner Dix and Brian Freeman will pursue obtaining negotiations of additional land to conform with the Department of Health requirements, conditional to our drilling a new well.

Schedule of new planners duties - 60% of time spent on subdivision zoning, 20% coordinating the Comprehensive Plan, 10% on Grant Applications, 5% Parks and Recreation, and 5% Miscellaneous.

Brian Freeman and Helen Althaus to study necessity of 15th street vacating procedure or alternatives.

BOA grant was not used to purchase Arndt property and should be released for another jurisdiction for the use of \$25,000 funds. Commissioner Cox reported the City should try to buy Staten property with the condition they be allowed to remain on the property for duration of their lifetime or until they wish to move. The Council poll revealed they shall release the grant and pursue a new grant to purchase the Staten property.

Citizen objection to the ditch in front of the property on 6th and Dora by Mr. Jackson's. Council undecided on reasonable action which caused their request to the Staff to obtain more information before the Council acts on appeal.

City Attorney determined the Council cannot contribute campaign funds to the Edgefield issue. However, the Council sentiment prompted passage of Resolution #128. Resolution #128 was read in full by Mayor Sturges and twice by title.

Commissioner Kaiser moved to adopt Resolution #128.

YEAS: 6

Seconded by Commissioner Cox.

NAYS: 0 Motion carried.

Mayor noted he received proclamation by Governor Straub to designate November 4th as pacifying school employees day.

Commissioner Kaiser moved to pass proclamation.

YEAS: 6

Seconded by Commissioner Althaus.

NAYS: 0 Motion carried.

AGENDA ITEM #18 - COMMISSIONER REPORTS

Commissioner Mahoney - no report.

Commissioner Althaus reported October 28th Oral agreements in Troutdale vs State of Oregon appeal, at 1:30 PM.

Mayor Sturges noted dinner at his home on October 22nd.

Mr. Johnson noted October 14th there will be a School District meeting on the high school name.

Mrs. Bergstrom noted November 14th is the League of Oregon Cities conference.

Motion to adjourn by Commissioner Mahoney.

Seconded by Commissioner Kaiser.

Carried unanimously.

Adjourned at 11:50 PM.

  
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Mayor, Robert M. Sturges

ATTEST:

  
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City Recorder, Betty J. Bergstrom