

City Council Meeting
July 12, 1977

Meeting called to order at 7:40 P.M. by Mayor Robert Sturges

AGENDA ITEM #1 - ROLL CALL:

Commissioners Present: F. Weissenfluh, B. Edwards, S. Cox, H. Althaus,
and Mayor Robert Sturges
(Absent - C. E. Finegan & F. Kaiser)

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

Guests: 11

Press: Sharon Nesbit of Outlook

AGENDA ITEM #2 - BILLS

Not prepared; delayed to next meeting.

AGENDA ITEM #3 - MINUTES

Minutes of June 14 and June 20 delayed - council had not read in full and did not approve.

AGENDA ITEM #4 - BUSINESS LICENSES

Ron Johnston -

Mr. Jean relayed to council non-compliance with city regulations, ordinances, and inspections, especially on residence located at 1754 S.W. Hensley - no final approval. On July 7, the inspector and I conducted another final inspection and 18 points of violation were noted in my presence. (See list in packets). The Administrator recommends we issue a conditional license of probation due to involvement in new project where partner is awaiting approval of Mr. Johnston's license; but, any future violation be grounds to revoke license.

Mr. Johnston not present.

Commissioner Weissenfluh asked where he wishes to conduct new construction. Administrator replied with his partner "Zindell" on duplex project of Mr. Hombro's property. Commissioner Weissenfluh felt 18 items should be corrected before issuance of any renewal of license. Council discussed items and whether to approve temporary license or deny license entirely. City Attorney cautioned City could not invalidate building permit once it is issued, only shut down job for violations or not allow Mr. Johnston himself to participate as builder which would not necessarily stop project at all. Commissioner Weissenfluh asked, timewise, how much time would be needed to correct all 18 items on 1754 Hensley residence. Inspector Sharpe replied about 3 days to a week. Mayor Sturges asked attorney if we can hold up license until compliance with building codes and then issue. Attorney replied certainly.

Commissioner Weissenfluh moved that Mr. Johnston be directed to correct all 18 deficiencies on residence at 1754 Hensley and complete final inspection before City license be issued for year 1977 by Mayor Sturges. Seconded by Commissioner Edwards.

YEAS: 4

NAYS: 0 Motion Carried.

Inspector to conduct final and notify Mayor when compliance complete. Only then may the building inspector issue any new permits for Mr. Johnston.

Business Income Tax Agreement - Resolution 154

Mr. Freeman read Resolution 154 in full concerning shared Business Income Tax between Wood Village, Fairview, Gresham, Troutdale, and Multnomah County. Mr. Jean reviewed 3 year agreement contract of set portion of \$2,500,000 for each jurisdiction and then any excess revenues collected over base would be shared by 50% population, 50% assessed value. Our revenue of base guaranteed at \$20,000 plus excess. Council discussed agreement in depth.

Commissioner Weissenfluh moved to adopt Resolution 154. Seconded by Commissioner Edwards.

YEAS: 4

NAYS: 0 Motion Carried.

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Regulatory license Ordinance 249 repealing previous City license ordinance presented to Council for discussion.

Mr. Freeman discussed fees and rates desired by Council. Ordinance to be posted for 30 days and adoption at August meeting. Mr. Jean noted fee of \$25 covers administrative costs adequately for now but no ratio for partial year advised. Mr. Jean noted he and attorney spent several hours discussing best possible ordinance revisions. However, does Council want an income base clause before requiring license, a ratio on partial year fee scale, or a different fee rate? Discussion ensued on administering license procedures and purpose, as desired by Council, to control legitimate operation of businesses within the City. Council favored set fee of \$25 for calendar year, no partial fee, no minimum income base, and administrative procedures set by administrator and mayor.

Commissioner Weissenfluh moved to incorporate set fee for calendar year in City license ordinance. Seconded by Commissioner Cox.

YEAS: 4
NAYS: 0 Motion Carried

Ordinance to be presented for adoption at next meeting.

AGENDA ITEM #5 - PLANNING COMMISSION AGENDA

Mr. Murphy gave staff reports on June actions by Planning Commission.

Regarding the Allegre Subdivision, there are two items of consideration; 1) intersection of Stark and Sandy Dell Road, and 2) storm water run off. Lee Engineering has studied development and has recommendations, not yet typed, whereby off-site improvements can be done to safely channel run off down below. Multnomah County agrees right angle turn could improve bad intersection. Road quality needs clarification, which is up to Planning Commission and residents owning road desires. No R-20 zone to be created at this time, but deed restrictions will be used. Comm. Weissenfluh noted extended cul-de-sac from Sandee Palisades might be a solution. Mr. Murphy replied this would create extremely long cul-de-sac which is bad planning and that plat design already approved. Commission Althaus questioned drainage issues. Mr. Murphy replied improvement of the culvert under Sandy Dell road would, by engineering studies, handle run off and this will be back for Council

review August 9. Mr. Jean noted applicant did not request R-10 for this property because he understood the density would create a traffic load and has, therefore, applied for what, in essence, would be more than R-20 plat.

East County Transportation - Mr. Murphy reported no meeting in July, however, 3 things of importance pending. CRGA reserved 5 million for East Co. area problems. Transportation Commission will authorize the expenditures. Our \$40,000 grant with 3 other cities to study coordinating streets and standards of this area proposed. Planning work program planned. Third thing is realignment of Cherry Park and Glisan Street, involves negotiating with Mr. Amato which is an important concern to this area.

AGENDA ITEM #6 - REZONE OF LOTS 15, 17, 70 & 71, SEC. 25, TWP. 1 N., R. 3, 44.6 acres to R-7 PD

Mr. Murphy reported 174 units proposed by Wilsey & Ham for Dix's. Mr. Murphy gave staff report on property involved describing land, use, proposed use, etc. Slides presented showing 8th, Sandy/bend in road, Troutdale road view, Weedin I boundary road, berry field on bluff, below bluff, old wagon trail, and lower proposed park land. Plans utilized old trail as scenic trail and school route for resident's children and to preserve historic path for all to enjoy. Stages of development discussed. Duplex, four-plex, residential in upper area near school, single family residences on gently sloping area with recreations planned on steeper areas and townhouse on lowest flat area near Columbia Highway. Findings reviewed as in conformance with

with Comprehensive Plan and proposed Plan (See file P/C 77-5-3), by Mr. Murphy who presented development diagrams and planning commission findings. Mr. Murphy noted City has acquired Sandy Street from County with their agreement to provide sidewalks on one side and he proposed we require Dix development to provide sidewalks on his side. It was suggested that we limit units to 175 as part of approval by Mr. Murphy. Mr. Jean noted conditions approved by P/C were items 3d & 3e but suggested council consider 3A through 3F as conditions to rezone. Applicant representative from Wilsey & Ham, Jerry Palmer, exhibited plat design preliminary drawings. Project totals 44.6 acres, of which 40.1 proposed residential, 4.5 open area (2.2 left natural state and 2.4 developed recreational areas). Approximately 31 acres would be in single family residences (92) and 3 acres duplex units (16), 2 acres in town houses (18 units), 4 acres in 4-plex (48 units) = 174 units. Density allowed in PD is 216 but applicant design utilizes only 174 units. Mr. Dix has reserved 100 sewer hook-ups for Phase I (11.8 acres), 78 units of 14 single family, 16 duplex, 48 4-plex. Phase II will be 78 single family residences and Phase III 16 town house units. Mr. Palmer noted one item to consider is Beaver Creek Lane oversizing of 36' width to 40' street required by staff. Our multiplex relationship to single family units with existing units of Weedin I acts as a noise and design buffer.

Proponents - none

Opponents - none

Discussion of preservation of natural areas & historic trails by Council, staff and Mr. Palmer. Comm. Weissenfluh questioned Beaver Creek Lane width in adjoining developments. Mr. Murphy replied it is 40' in Rainbow development and elsewhere. Mr. Palmer showed walkway, and picnic area's designed. Mr. Duane Lee commented the major storm and sewer facilities planned requires right-of-ways in park proposed area and works out well for City. Comm. Weissenfluh noted fence surrounding development and burm in design would make school corner blind at crossing area. Mr. Murphy concurred that Planning Commission would have to designate height of fence and burm to prevent hazard.

Comm. Cox moved to approve zone change of lots 15, 17, 70 & 71, Section 25, known as Dix property from SR to R-7 PD with conditions as specified in staff report items 3D & 3E and suggests that 3A be carefully considered by Planning Commission. Seconded by Comm. Althaus.

YEAS: 2
NAYS: 2

Split vote with deciding vote cast by Mayor Sturges as Yea; total -

YEAS: 3 (Althaus, Cox, Sturges)
NAYS: 2 (Edwards, Weissenfluh)

Motion Carried.

AGENDA ITEM #8 - CODE VIOLATIONS

1. Harry Fowler - violation as to use of unapproved spray booth which had not been passed either by Fire District No. 10 or City inspector, - unfinished and unventelated. C-3 zone exists here and Council determined metal stripping fell within permissable use catagories but not painting or disassembling of vehicles on this location. Mr. Fowler claimed painting was done only on his private vehicles. He has agreed to notify us of any painting of his vehicles in the future to prevent citations. He will request a variance for auto painting there and any parts of vehicles to be stored inside everyday. Landscaping to be completed under Citys approved greenway planning guidelines.

Mr. Fowler stated he received no letter of violation and Mr. Jelte, of Fire District No. 10, told him that painting his own car or booth was not illegal and also advised him that it was not necessary to have Fire District's or City's approval as long as it was his own car being painted. Mr. Fowler stated he felt he

was jumped on without proper notification.

Mr. Sharpe stated the spray booth had been used, and it is a building code violation to use unapproved booth and is a healthy fire and personal hazard to use unfinished booth.

Mr. Jean stated his purpose was to keep Council informed. The letter was not a hearing notification and therefore was not registered. He is to request a variance for such uses. The Mayor suggested hand delivering letters for violations of this kind in the future.

2. Don's Paving - Slides shown viewing unattractive storage of heavy duty vehicles by Mr. MacGregor on his property of some 4 units. Mr. Jean stated greenway concept of this area calls for redesign storage of equipment of this nature. Mr. Murphy reviewed landscaping and stated it would not be an entirely satisfactory solution in that it takes 2 to 3 years to grow. Mayor renewed offer to accommodate storage of heavy vehicles during Mr. MacGregor's search for business location down at sewer plant yard. Don MacGregor refused stating fear of vandalism and gas thefts would occur. Mr. Jean noted Don's Paving has grown in storage problems to an M-1 use in C-3 area. Council discussed solution and possible actions.

Comm. Edwards moved to direct Planner to work with Mr. MacGregor to improve landscaping camouflage - no second.

Council advised him to find new site for storage within one year and to work with staff and report back to them in August on progress. Mr. MacGregor later reconsidered parking his vehicles at City yard as workable solution.

3. 4-Wheel Drive - not present - Mr. Murphy reported landscaping and violations seem to be correcting themselves with land fill coming in and shrubs ready for planting. Staff will update report at September meeting.

4. Mack Trucking - Cerruti (M2 Zone) requests City combine licenses under one to include Mack Trucking. Mr. Jean stated several violations of building, plumbing and tank codes. Building plan changed to include lofts without City approval. Plumber not licensed or inspected. Fuel tanks installed were not inspected and they must be inspected to State codes. Report to Council August 9 on whether above violations have been corrected.

Comm. Weissenfluh questioned length violation record and no effort to work within the City regulations seems evident. It was suggested the staff be extremely firm.

Comm. Edwards moved to direct staff to obtain landscaping plan by August 9 and compliance with all building and plumbing codes within 30 days, as well as a license for Mack Trucking be obtained. Seconded by Comm. Weissenfluh.

YEAS: 4
NAYS: 0 Motion Carried

5. Obrist Pit - not present. Mr. Jean received landscaping plan and progress quarterly report. They have, as yet, not signed year old revised land sale contract with City but replied will be in by July 17. Delay has been most frustrating to City Attorney.

Comm. Althaus moved to defer matter to August 9, while City Administrator informally suggested to Obrist that contract be signed due to council deep concern over legality of operation without contract. Seconded by Comm. Cox.

YEAS: 3
NAYS: 1 (Weissenfluh) Motion Carried.

Mr. Obrist did obtain current City license necessary that had been delinquent.

6. Les Arndt - Not Present - Mr. Jean reviewed repeated efforts of staff to prod Mr. Arndt into compliance with City, State, and County codes, ordinances, etc., and his complete disregard for laws and repeated violations. A suit seems our final alternative at this time to the list of seven issues itemized in my letters.

Commissioner Edwards moved to authorize staff to demand payment within 5 days or file suit at present rate schedules for delinquent fees and cite code violations into court. Seconded by Comm. Weissenfluh.

YEAS: 4
NAYS: 0 (~~Weissenfluh~~) Motion Carried.

7. Uncle Walt's Store - Not Present - (Meager property owner) (Kibling Property also) - Mr. Jean explained an agreement has been reached whereby the City will assist repair of sidewalk with Ray Meager paying for materials. At the Kibling property, he has agreed to cut down blackberries. Compliance forthcoming - see reply letter from Mr. Meager of July 11, 1977.

AGENDA ITEM #9 - STREET LIGHTING

Delayed until after August

AGENDA ITEM #12 - ATTORNEY'S REPORT

Mr. Freeman reported that his appearance before the Supreme Court was an honor on behalf of Troutdale. He felt a good case was presented, and he was encouraged by questions asked. Eleven other brief filings on our behalf by cities and counties was most impressive. He felt it was a most interesting experience and it seems most promising. Our case presentation began at 11:00 a.m. and was completed by noon. Bob Jean stated that the Chief Justice commented our argument presentation by Mr. Freeman was excellent. Home builders Association filed their brief, which the Court also reviewed but did not seem as impressed by as with Mr. Freeman's case. Decision hoped for by late fall.

Break at 10:28 Resumed at 10:37.

AGENDA ITEM #13 - CETA PROJECTS

Mr. Jean informed Council that all our Federal requests have been granted running through December and some through March. Expected employees to total 56 to complete special projects. On-the-job training will run project programs as follows: City Hall remodeling (10 employees), Community fix-up (4), Depot Park (4), Library (2), P.W. projects (8), Park improvements (2), Curbs (2), Waste water study (2), Recreation program (2), Museum (2), Records inventory (2), Resident Artists (2), Public Information (2), OJT (2), totaling over \$250,000 worth of grants. Mayor suggested 1890 newspaper format for Troutdale news sponsored by local residents and Comm. Cox could be assisted with programs authorized above.

AGENDA ITEM #7 - ENGINEER'S REPORT, SEWER PREPAYMENT & STORM PLAN

Report was distributed last month for review. It is necessary tonight that we take action on that report this evening. Slides were presented thumbnailing report visually. Mr. Lee stated open ditch behind plant to Sandy River is still manageable and it is unnecessary to improve it at this time. The Dix property discussed tonight will drain to Sandy through proposed park area he platted. West of Troutdale Road would collect drainage through his area and other platted development, continuing on to main stream.

Commissioner Weissenfluh moved to accept Troutdale Storm Sewer report by Lee Engineering Enterprises. Seconded by Comm. Cox.

YEAS: 4
NAYS: 0 Motion Carried

NON-AGENDA ITEM

Recorder requests authorization to pay Stadel Pump Co., bill

presented against LID costs, known as Cherry Park LID 1-76. Engineer approved payment, less 5%.

Comm. Althaus moved LID bill be paid. Seconded by Comm. Edwards.

YEAS: 4
NAYS: 0 Motion Carried.

Mr. Lee continued with news that Well #2 has been operational since June 23 and is running full gear beautifully. Both wells are needed this time of year with the onset of hot, dry weather and peak demands. Additional work needed to cover pump and complete improvements. Betty Bergstrom stated she needed authorization for Phase II and automatic control systems by August 1 so as to advertise for bids.

Commissioner Cox moved to authorize bid advertisement to complete Phase II of Well #2. Seconded by Comm. Weissenfluh.

YEAS: 4
NAYS: 0 Motion Carried.

Betty Bergstrom stated she would present the Phase I Expansion of Sewer Treatment plant figures and report on August 9 with formal presentation. The facilities plan will be delayed a couple of months and extension was received from EPA to December 30th. Guidelines report for Federal Government Grant.

As to subdividing, Dave is working full time on inspections reviews and studies of all recent plats. Some criticism of our enforcement.

Mr. Jean interjected that we support Lee Engineering's decisions on plat requests and changed called for within, and that a request of appeal process be followed by developers or landowners.

Mr. Lee continued, in response to Comm. Weissenfluh's question, Sweetbriar drainage problem not yet completely diagnosed but we are working on this. Please alert us when drainage bowl at Sweetbriar is replaced by Leavitt.

AGENDA ITEM #10 - LATE COMERS POLICY

Mr. Jean proposed to handle cases under hardship status since they were not adequately notified by letter although publicity covered legal requirements as noted in State law. Mr. Jean read Resolution 156 in full relating to Policy change in this area allowing late-comers in sewer hookup standby list.

Commissioner Althaus moved to adopt Resolution 156. Seconded by Comm. Weissenfluh.

YEAS: 4
NAYS: 0 Motion Carried.

NON-AGENDA ITEM - COMMUNICATIONS CONTRACT - POLICE

Mr. Jean read Resolution 155 in full covering agreement with Multnomah County for services in 1977-78 year.

Comm. Weissenfluh moved to adopt Resol. 155. Seconded by Comm. Althaus.

YEAS: 4
NAYS: 0 Motion Carried

AGENDA ITEM #11 - PARKS

Appraisal necessary before submitting Staten Property purchase proposal to Council, stated Mr. Jean.

Comm. Cox moved to table discussion until August 9th meeting. Seconded by Comm. Althaus.

YEAS: 4
NAYS: 0 Motion Carried

AGENDA ITEM #12 - DEPARTMENTAL REPORTS

Mr. Jean noted new law on State-shared revenue sharing requires two meetings, one of budget committee and then Council to meet to recommend and accept Revenue Sharing - no action tonight scheduled. July 21st and July 26th as per Public Notice.

Mr. Jean is to attend a meeting involving us in growth management task force in all service areas of jurisdictions in East County. This meeting is important for two reasons. First, it is an opportunity to bring together a wide variety of services; second, it is a one-man voting board which allows us an equal voice with Commissioner Clark or Mayor Goldschmidt.

Commissioner Cox moved we participate in Task Force. Seconded by Comm. Edwards.

YEAS: 4
NAYS: 0 Motion Carried

Commissioner Cox moved to adjourn. Seconded by Commissioner Althaus.

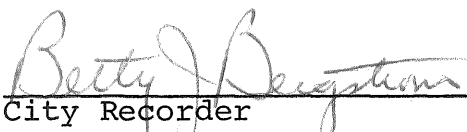
YEAS: 4
NAYS: 0 Motion Carried

Meeting adjourned at 11:35 P.M.



Robert M. Sturges, Mayor

ATTEST:



Betty J. Deighton
City Recorder