

TROUTDALE CITY COUNCIL

AGENDA: FEBRUARY 14, 1978

1. Call to Order and Roll Call, Mayor and Recorder
2. Consent Agenda, Mayor: Motion
  - 2.01 Confirm Jerri Widner as Finance Director/City Recorder
  - 2.02 Approve minutes of January 10, 1978
  - 2.03 Approve January bills
  - 2.04 Business Licenses: Approve Sandwich Shop and set March Review for Fireplace Shop
  - 2.05 Review 4th Street Vacation Question in March
  - 2.06 Appoint Jeanne Waller to Design Review Board
  - 2.07 Ratify Purchase of Police Car
  - 2.08 City Hall Project;
    - Ratify award of carpet bid
    - Set electrical bids opening for 2/21/78
    - Direct negotiation by Administrator for mechanical bids
  - 2.09 Ratify call for bids for computer
  - 2.10 Community service "CS" policy: Require automatic appeal by Council pending Ordinance revisions
  - 2.11 Ratify Administrator's decision requiring water and sewer permits with building permit
  - 2.12 Accept appraisal of \$35,500 for Staten Property
  - 2.13 Ratify Mayor's decision to implement "Double Wall" Ordinance
  - 2.14 Direct implementation of Ord. #201, House Numbers
  - 2.15 Ratify application for FY 78-79 Crime Prevention Grant
  - 2.16 Receive reports on Housing and Polling Places
3. Engineer's Report, Lee Engineering
4. Goodman Sanitation Request, Al Mauck and Lee Engineering
5. Airport Sewer, Lee Engineering and Administrator: Technical Report and discussion of City Policy
6. Community Development Report, Acting Director/Planner
7. Zone Change Request by Arndt, Planner: Motion
8. Zone Change and Preliminary Plat by Carlson, Planner: Motion
9. Preliminary Plat Request by Kato, Planner: Motion
10. Non-Conforming Use, Planner: Ordinance No. 254
11. Discussion of Double Wall Ordinance: Attorney, Administrator and Homebuilders
12. Budget Forecast, Administrator: Report and Resolution No. 171
13. Animal Control, Administrator: Ordinance No. 256
14. Mass Transportation, Planner: Resolution No. 172
15. Oral Communications, Commissioner Reports and Adjourn



CITY COUNCIL MEETING

FEBRUARY 14, 1978

Agenda Item #1 - Call to Order

The meeting was called to order by Mayor Sturges at 7:30 p.m.

PRESENT: Mayor Sturges, Comm: S. Cox, F. Kaiser, B. Edwards

ABSENT: Comm. E. Finegan

STAFF: R. Jean, City Administrator; E. Murphy, City Planner; L. Conrad and B. Hartung, Interns; B. Freeman, City Attorney; D. Lee, City Engineer; J. Widner, City Recorder.

GUESTS: 15 others

Agenda Item #2 - Consent Agenda

In reference to the signature cards for signing checks, it is the feeling of some persons that a new system of the number of persons authorized to sign checks. The Mayor suggested that Sam Cox be another member from the Council to be able to sign checks. The Mayor will still be the principal person along with Jerri Widner as the staff person. Mr. Jean and Sam Cox will be used in case of an emergency.

The consent agenda was reviewed and the following action was taken. (copy attached).

Comm. Kaiser moved to accept all of the consent agenda except for 2:14 - Implementation of Ordinance No. 201 - House Numbers. Seconded by Comm. Edwards.

YEAS: 3

NAYS: 0 Motion Carried

Agenda Item #3 - Engineer's Report

Mr. Lee did not have a written report, but will have a written memo to each Council member of materials presented at the meeting.

The Sewage Treatment Plant is reaching the point where there will be drawings and plans and specs to put out for bid. There are revisions to the site plan as to the soils problem. We can use the tank now existing as a secondary chlorine tank under phase 2 so the system can be used with some modification but the major structure elements there will be used under phase 2. There is also proposed an access road between the Treatment Plant and the river which will run out on the Frontage Road south of the freeway and enter out near the airport rather than crossing the railroad tracks at Harlow Street.

Comm. Althaus arrived at 7:55 p.m.

More discussion followed regarding the Treatment Plant. The site that had been proposed for the original plant was proposed. The type of business Mr. Mauck is proposing will be right for this site.

Discussion of Drinker Well #2 and the benefits of a new well were discussed. (copy attached) The estimated cost is \$52,000.

Comm. Kaiser moved to let bids for Well #2 drilling and give the Mayor authorization to award the bid to the lowest bidder. Seconded by Comm. Althaus.

YEAS: 4

NAYS: 0 Motion Carried

Well #3 and pipeline extension, (copy attached)

The intent of this well will not pump into a reservoir directly, there is to be a reservoir near the high school west near the Wood Village reservoir but there is already a well there so we cannot locate the new City well in the same vicinity as Wood Village has its well. This is close as we can get it and it would basically come along to help fight peak demands in the system. Mr. Murphy said that the school remembers the help they got from the City when they were putting in the new high school they want to continue to cooperate with the City and continue being a good neighbor. The only reason they want the system underground was to protect it from vandalism. They are sure that any above ground structure would be a target for vandalism and a place for children to congregate.

Mr. Lee asked to be able to prepare a financial report. At a meeting Mr. Jean had this afternoon that some of the costs were discussed and the cost of extending the line, the school districts share of it is equivalent to the value of land and easements that the City would be getting and the type of proposal we would be suggesting to Council at this point appears to be an open but none the less land swap situation where the City would forego the school districts cost of the line extension and in return, the water system which would be absorbing the cost would receive the land which otherwise have to acquire.

Mr. Lee presented the report of the proposed Halsey Street - Columbia Highway storm sewer LID. This only for discussion and there are some things which have not been completed as far as the engineer's report. For example, the listing of the assessed value and improvements on all the properties to be affected. There is an update that the City has requested from the County. Also for the City to update the existing assessments against the properties. This proposed project is expensive in that it will have an effect of about \$3300 per acre of those properties that would be in the LID. This compares \$900 and \$1200 and \$1500 that we have had on other LID's. It is almost doubled the unit assessment that we have had for water and sanitation sewer. The pipe size on Columbia gets too large to handle the water run-off and it would be more expensive. After the line is extended beyond the railroad tracks it would be opened ditched to the Sandy River.

With the proposal the City can go to the property owners and say this is going to be the cost of developing your property.

#### Agenda Item #4 - Goodman Sanitation Request

Mr. Lee presented a print from the manufacturer drawing. The basic scene that Mr. Mauck wants to construct is a means of handling septic tank waste that he presently trucks to the Columbia Blvd. treatment plant or the St. John's landfill. There isn't a convenient place in east Multnomah County where operators of septic tank cleaning systems are able to dump their waste. Mr. Mauck has available to him putrafac units. A putrafac unit is a piece of equipment that uses chlorine to oxidize or make in a more acceptable form septic tank waste. It has only chlorine odor. The basic component includes the receiving station, holding tank, which Mr. Mauck intends to cover, disintegration chlorine containers four feet in diameter and 8-9 feet long. There will be six or eight stored outside. Chlorine and putrafac units, these will be set inside a building. The material is discharged to liquidate solid, or drying beds and the drainage from these would drain into the treatment system. For further treatment, the solids that are left on the drying beds would be trucked away for land disposal. Mr. Mauck would have his operation moved from Cherry Park Road down to the area of industrial activity. Would also provide back up for City operations. Mr. Lee would come back to the Council with site plans and details on the system would work.

CITY COUNCIL MEETING

FEBRUARY 14, 1978

Mr. Jean said it would not use much of the City's plant capacity or hurt those who have made their sewer prepayments.

Comm. Cox moved to have the staff persue the feasibility of a mini park industrial with the Mauck concept and with the engineer. Seconded by Comm. Edwards.

YEAS: 4

NAYS: 0 Motion carried

Agenda Item #5 - Airport Sewer and Water

Mr. Lee approached a design to help the Red Baron and others in the area to get sewage line. Also to finish the loop of the 10" water line. There are other areas who wish sewage service but are outside the City limits.

Mr. Jean reviewed the procedure that should be used to connect all properties surrounding the Port to the City's system. The City is looking at the cheapest long-term solution and a total design concept is the cheapest way to go. The total design concept on the sewer line the total cost will be around \$540,000 divided on the acreage that is available for development which is 340 acres. This around \$1,588 per acre. The City would suggest if the Port would accept the total design concept that the City Council could modify its no annexation no sewer policy by allowing pursuit of the LID the total design construction and then have the Port sign its intent to annex. The people that are involved with the thing would waive their right to remonstrate against the annexation or against the LID.

Mr. Jean feels the Council should hang firm on their policy and soften on it if the parties involved will accept the total design concept.

Comm. Kaiser moved to have the staff go ahead and start the work on this as to the total design concept. If the annexation is underway. Seconded by Comm. Edwards.

YEAS: 4

NAYS: 0 Motion carried

Agenda Item #6 - Community Development Report.

Mr. Murphy read a letter from Lloyd Anderson, executive director of the Port of Portland, regarding to the extension of the sanitary sewer. (copy attached).

Comm. Weissenfluh arrived at 8:30 p.m.

The proposed port restaurant came before the Design Review Board. Generally, the Board liked it. They did have some concerns about the exposure on the south and west sides to the sun which would cause the building to rely upon mechanical air conditioners. The Board asked the designer to study and re-design the building to reduce the insolation on those sides.

Also, there is a concrete mixer that will be before the Council tonight.

The Planning Commission approved Northridge Phase III which is behind Northridge off 257th. A planned development called Windemeer which is before the Council tonight and approved with conditions. Looked at a planned development called Sunridge which is before the Council tonight. This was approved with conditions. They looked at a subdivision called Anton Ridge which is James Peneton's property right behind Sidney Tucker. They postponed that plat due to some engineering concerns. There was a zone change to an M-2 out on Marine Drive which is before the

Council. A 6" variance in Boyer Park which was approved. Some discussion about the requirements in the Sweetbriar Multi-Family site, both the duplex and 4-plex sites. There have been some changes due to the builder coming in and building something that did not fit with the original requirements.

Break at 8:30 p.m.

Reconvened at 8:35 p.m.

Agenda Item #7 - Zone Change Request from Les Arndt.

Mr. Murphy gave staff report (copy attached). This is a U-Haul operation.

Proponents: None

Opponents: None

Comm. Cox moved to pass with the Planning Commission recommendations. Seconded by Comm. Kaiser.

YEAS: 5

NAYS: 0 Motion Carried

Agenda Item #8 - Zone Change and Preliminary Plat by Carlson

Mr. Murphy reviewed staff report (copy attached).

There are restrictions on the east side as to height requirements so the view will not be hindered.

Mr. Jean said that there is still some question in his mind as to the eminent disposition of the common lot. The applicant has indicated a desire to put up a \$5,000 amount to guarantee performance in turning that lot into a recreation vehicle or some sort of a mini park. Mr. Jean would suggest that Council defer that decision back to the Planning Commission and add a point that the community lot be improved per Planning Commission requirements.

Proponents: Mr. John Carlson, developer, answered some of the questions raised by the Council. One is that all trees except maybe one would remain. The main concern of the shared driveways was the one which has three houses on one lot. The other matter is on the community lot it is his personal view and concept that no architect, no land planner, no developer and no owner is smart enough to figure out what the residences of a self-contained community will want. They will fence the perimeter of it. They do not want to go further than grading until the properties are sold.

Opponents: None

Mr. Johnson wanted to point out he likes the design and likes the idea that he is reducing the one lot from 3 to 2 houses. But if you park a car in the cul-de-sac, it makes it difficult to get out of the driveway.

Comm. Weissenfluh moved to approve the zone change from R-10 to R-7 PD along with the findings in #7 - A through F in the planning and engineering concerns. Alternative #3 approved with conditions a, b, c, d and e. Community lot be improved to Planning Commission requirements and with a 20' entrance on Hensley. Seconded by Comm. Edwards.

YEAS: 5

NAYS: 0 Motion carried

CITY COUNCIL MEETING

FEBRUARY 14, 1978

Agenda Item #9 - Preliminary Plat Request by Kadow

Mr. Murphy reviewed the staff report (copy attached), Mr. Murphy added an appendum dated 1/10/78.

Mr. Jean said that all parties concerned are in agreement to leaving the wooded area as natural as possible. The City attorney's concerned with possible risk to the City of a law suit if a young person gets in the back area of the park site and decides to explore the edge of the canyon way and take a trip down the steep area. The suggestion is made to the applicant as a condition of the approval that he come in with a plan to the Planning Commission that addresses this hazard.

Tom L. Amberg of Alpha Engineering, said that the design is compatible with the Planning Commission's requirements.

Mr. Kadow of Great Northern, said that the development was more expensive than originally planned because of the purchase of the extra property. Mr. Kadow does not know how much the expense of the improvements of the parkway will be as they do not know what kind of requirement the Planning Commission will place on them. If the cost is too much, he may have to go back to the proposal with 40 lots. If Mr. Kadow was to put up a good fence, the full length of the property, this would be a lot of money. Mr. Kadow said he understood that the City would like the property owned by Arndt/Colt and by getting it he could get 43 lots. When he purchased this if they would agree, he would have to spend any money on fences or landscaping or anything else.

Opponents: None

Comm. Weissenfluh moved to accept the zone change from F2 to R-10 PD with the conditions as stated in the appendum A, B, and C. be left to the staff and Planning Commission to work out something on the park area as to whether he has to put up a fence. Seconded by Comm. Cox.

YEAS: 5

NAYS: 0 Motion Carried

Agenda Item #10 - Non-Conforming Use

Comm. Althaus questioned the procedure of numbering an ordinance before its passage. It was reviewed and the procedure is to put the number on after passage.

Mr. Jean feels the ordinance has provision changes wished by the City Council. As well as meeting the concerns of those who would provide for some part of controls on a non-conforming use but with the restriction set at 20% point and the other alternative is the one in effect which is the one which intends to discourage. Non-conforming uses and intend to force them out of existence rather than controlling them.

Section 10.22 provides for a hearing before the Planning Commission where by the Planning Commission would apply three tests, all of which must be found to exist. Discussion followed.

Comm. Kaiser moved to table this matter and give the Planning Commission a chance to review it and the Council to study it a little longer. Seconded by Comm. Edwards.

Mr. Jean asked a question as part of that motion. Does this appear to be consistent with the use of striking out the parenthetical? Comm. Althaus feels that the staff has very much done what has been asked. Comm. Weissenfluh asked what does the Council want the Planning Commission to look at? Comm. Kaiser said they will review it themselves.

YEAS: 5

NAYS: 0 Motion carried

Chuck Pulliam, Chairman, Planning Commission, has not received this ordinance and will receive it for the first time at the February 15th meeting.

Mr. Pulliam would like a definition of such things as what is a conditional use, and the conditional use in relationship to the non-conforming use - the relationship of an ordinance to either one.

Mr. Freeman said the concept that he has of a conditional use does not fit into the new land use plan scheme of things where you have the Comprehensive Plan and a zoning plan that follows.

Comm. Edwards requested a special meeting of the Planning Commission and the City Council to work on this Ordinance.

Mr. Jean said we could also use that workshop to start discussions of the zoning code and other things he has been doing. It would be a public meeting.

Mr. Murphy suggested that two from each group meet as a task force so there would be at least someone there.

#### Agenda Item #11 - Double-Wall Ordinance

Mr. Jean had hoped that maybe by way of a resolution defined some of the unanswered questions of that ordinance. Now after discussing with Mr. Freeman tonight, was told the best way to define an ordinance is with an ordinance. The double-wall ordinance was not in effect under an order from lower court and now with the Supreme Court decision in favor of the City the ordinance is now being enforced. Under advice of the Mayor, Mr. Jean has instructed staff to begin implementing the ordinance by way of a letter to Mr. Sharpe stating that as of Feb 1, Ordinance No.203 requiring double-wall construction is once again in effect. The ordinance is authorized per the January 31, 1978 decision of the Supreme Court. All permits received after February 1, 1978 date would require double-wall construction.

There is a situation where we may, if Council agrees, be looking at this ordinance as performance equivalent which the City wants, there may be a variety of ways to meet that performance equivalent. We would hope to prepare this in ordinance form as a performance equivalent to the double-wall ordinance. If we can do that, maybe we can get some builders who, after the next Council meeting, would be able to build something differentially from what they would be required to be building now. The building official is enforcing this strictly to the letter of the ordinance. There are other ways, like a lesser grade interior sheaving. There are some sheaving that is less than ½" plywood but their performance equivalent greater than ½" plywood. The staff was hoping by motion perhaps Council could give the building official the authority to enforce the performance equivalent. Mr. Freeman feels that we should stay with the original ordinance or suspend until another ordinance can be passed.

Mr. John Holland representing the home builders of east Multnomah County. Their basic concern is that they are trying to find out what the real interest in desiring double-wall is. He has talked with the Mayor, Mr. Jean, Comm. Weissenfluh and several people and everyone seems to have a different idea or combination of ideas on why the City wants double-wall. Mr. Holland does not find any fault with requiring double-wall but what he is trying to find out for the group is what are the performance standards that the Council is interested because there are a lot of materials that can meet performance standards but may not meet the 7/8" thick. The other hardship of the builders was all of a sudden they were going to have to use double-wall construction no matter if one has been sold single or not. The builders feel that this is not quite adequate warning.



CITY COUNCIL MEETING

FEBRUARY 14, 1978

Comm. Weissenfluh feels the decision should be left up to the building inspector,

Comm. Althaus said that if there are alternatives and an ammended ordinance then that can be prepared and acted on, but why not enforce what we have now?

The Mayor does not like the words "Uniformed Building Code" but there should be a minimum.

Comm. Kaiser moved to direct staff to prepare a performance equivalent ammendment. Seconded by Comm. Weissenfluh.

YEAS: 5

NAYS: 0 Motion carried

AGENDA Item #12 - Budget Forecast

Mr. Jean gave a report of action taken by the budget committee regarding the \$60,000 police levy. This is necessary to replace the three officers that are not going to be funded by CETA and pick up one additional car. Without a police levy, the City would have only \$95,000 available to operate the police department. This would be adequate to provide for 3 police officers, 8-12 hours of police coverage and that is it. With the \$60,000 levy we will be dedicating all the available general budget funds that are non specific in purpose.

Mr. Jean also reviewed other actions of the budget committee.

Mr. Jean read Resolution #171 by title once.

Comm. Weissenfluh moved to accept Resolution #171. Seconded by Comm. Kaiser.

YEAS: 5

NAYS: 0 Motion carried.

Agenda Item #13 - Animal Control

Comm. Cox would like to make a motion to stay with the animal ordinance that we are under now.

Mr. Jean said the City does not have this as an option except for one month or so. We either enforce the new county ordinance or we adopt our own local animal control ordinance and go into the animal control business.

Discussion followed. Mr. Jean will check into using the humane society.

Comm. Kaiser moved to table the animal control ordinance #256 and come before the Council at the next month's meeting. Seconded by Comm. Edwards.

YEAS: 5

NAYS: 0 Motion carried

Mr. Jean would like this ordinance to be discussed in depth by a group of Council persons who would like to get involved with the issue.

Agenda Item #14 - Mass Transportation

Mr. Jean read by title Resolution #172.

Comm. Weissenfluh moved to approve Resolution #172. Seconded by Comm. Kaiser.

Mr. Jean mentioned that maybe the Council should soften the language in paragraph 2 where it states that the City opposes the reduction, he would substitute regrets the reduction to services to the City of Troutdale by Tri-Met. Basically, we feel they have made a mistake. The feeling of the Council was not to change this sentence.

YEAS: 5

NAYS: 0 Motion carried.

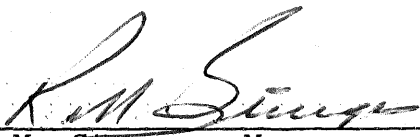
Agenda Item #15 - Adjournment

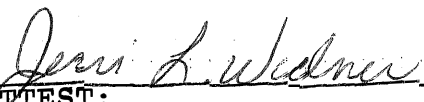
Comm. Kaiser moved to adjourn. Seconded by Comm. -Cox.

YEAS: 5

NAYS: 0 Motion carried

The meeting adjourned at 11:00 p.m.

  
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R. M. Sturges, Mayor

  
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ATTEST:  
Jerri L. Widner, City Recorder