

AGENDA  
TROUTDALE CITY COUNCIL REGULAR SESSION AND PUBLIC HEARING  
APRIL 10, 1979, 7:00 P.M., CITY HALL

1. Call-to-Order, Agenda and Roll Call: Mayor and City Recorder
2. Consent Agenda:
  - 2.1 Adopt Minutes of Executive Session on March 6, 1979; Work Session on March 6, 1979; Executive Session on March 13, 1979; and Regular Session on March 13, 1979.
  - 2.2 Approve Bills - March
  - 2.3 Approve Business License Report - (S & L Power Wash)
  - 2.4 Accept Utility Easement - Anton Ridge
  - 2.5 Ratify date of July 15, 1979 as date of City Picnic
  - 2.6 *Resolution Accepting Utility Easement - Handy*
3. P.S.U. Presentation on Interim Report regarding County Farm Study.
4. Engineer's Report:
  - 4.1 Award Bids - Airport Sewer
  - 4.2 257th Centerline Survey - Report
5. Drinker Reassessment Proposal Hearing - Discussion
6. State Revenue Sharing Ordinance - 1st Reading
7. Ordinance Amending 1,000 sq. ft. building permit - 1st Reading
8. Duplex Meter & Plumbing Ordinance - 1st Reading
9. Surplus Property Ordinance - 1st Reading
10. Amends Ordinance on Building Permit Fees & Charges - 2nd Reading & Adoption
11. Fence Ordinance - 2nd Reading and Adoption
12. Personnel Rules Resolution - Discussion and Adoption
13. Ordinance Amending Ordinance No. 226, Vehicle and Street Regulations - 1st Reading
14. Oral Communications and Adjourn.



MINUTES  
COUNCIL MEETING  
TROUTDALE CITY COUNCIL  
April 10, 1979

The meeting was called to order at 7:10 P.M. by Mayor Sturges.

The Mayor asked if there were any additional agenda items to be added. Bob Jean requested the following additions:

- 2.6 Resolution Accepting Utility Easement - Handy;
- 2.7 Resolution to Validate Election Results;
- 4.3 Engineer's Report on Well #3; and
- 4.4 Engineer's General Report.

There were no further additions and the Mayor closed the agenda.

Roll Call:

- PRESENT: Dalton Williams, Dan Lowe, Frank Kaiser, and Mayor Sturges.  
(Sam Cox was absent and both Helen Althaus and Fred Weissenfluh arrived late)
- STAFF : B. Jean, J. Widner, E. Murphy, B. Freeman, Duane Lee, and L. Murphy
- PRESS : Tom Fluhardy, Outlook; Kerry Virtue, Oregon Journal; and Joyce Wydrzyski, Oregonian.
- GUESTS : Bob Johnson, Chuck Blanchard, Frank Windust, Dr. Frank Packard, Del Pranke, Tuck Wilson, Marge Schmunk, Fred Werbin and Dave Werbin, Linda Robinson, and Sonny Condon.

Mayor Sturges stated that Dan Lowe had expressed a desire to leave early and Mayor suggested that those agenda items requiring Council motion be addressed and considered in order to accommodate Dan's request.

AGENDA ITEM #2, CONSENT AGENDA:

- 2.1 Minutes of Executive Session on March 6, 1979; Work Session on March 6, 1979; Executive Session on March 13, 1979; and Regular Session on March 13, 1979.
- 2.2 March bills
- 2.3 Business License Report for February, including application by S & L Power Wash
- 2.4 Acceptance of Utility Easement, Peneton, Resolution No. 247
- 2.5 Ratification of July 15, 1979 as date for City picnic.
- 2.6 Acceptance of Utility Easement, Handy, Resolution No. 248
- 2.7 Resolution to Petition Multnomah County to Validate Election, Resolution No.249.

Dalton Williams moved to adopt the Consent Agenda. Frank Kaiser seconded.

YEAS: 3  
NAYS: 0

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AGENDA ITEM #9, ORDINANCE PROVIDING FOR DISPOSITION OF SURPLUS PROPERTY,  
ORDINANCE No. 283.

Mayor Sturges read once by title. Brian Freeman explained change in this Ordinance since its first reading, that being the last sentence in Section 5 regarding unclaimed or abandoned personal property being changed so that such property might be sold in conjunction with surplus personal property by the methods contained in Section 6 of said Ordinance.

(Helen Althaus arrived at 7:15 P.M.)

Dalton Williams moved to adopt Ordinance No. 283. Frank Kaiser seconded.

YEAS: 4  
NAYS: 0

Jerri Widner asked for a clarification to said Ordinance regarding insertion of a dollar amount in Section 6.

Dalton Williams moved to clarify and amend his previous motion to include a motion to insert \$100 in Section 6 of said Ordinance. Frank Kaiser seconded.

YEAS: 4  
NAYS: 0

AGENDA ITEM #10, ORDINANCE AMENDING ORDINANCE No. 264 AND ALLOWING BUILDING OFFICIAL  
TO DETERMINE BUILDING VALUATION, ORDINANCE No. 284

Mayor read once by title.

Dan Lowe moved to adopt Ordinance No. 284. Dalton Williams seconded.

YEAS: 4  
NAYS: 0

AGENDA ITEM #11, ORDINANCE REPEALING ORDINANCE No. 209 AND REGULATING LOCATION AND  
HEIGHT OF FENCES AND RETAINING WALLS, ORDINANCE NO. 285

Mayor read once by title.

Helen Althaus moved to adopt this Ordinance. Seconded by Dan Lowe.

YEAS: 4  
NAYS: 0

(Dan Lowe left at 7:20 P.M.)

AGENDA ITEM #3, INTERIM REPORT ON COUNTY FARM BY P.S.U.

(Fred Weissenfluh arrived at 7:35 P.M.)

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Linda Robinson, of P.S.U. staff, and Sonny Condon, a consultant for P.S.U., presented a report on the County Farm land and land use alternatives for said land. There was some concern and discussion regarding the possible location of a jail on this land, and it was stressed that the report by P.S.U. is not a recommendation for a jail to be located on this site but is rather a recommendation as to the best location within this site if a jail is to be located on this County Farm land. It was also stressed that all of the land use alternatives considered assume no change in existing County facilities. Sonny Condon also stated the most northerly shaded portion of Parcel 3, the property on which the current animal shelter is located, contains a deed restriction stating that the property will revert to the City of Portland if not used for public purposes. Handouts of an outline of the report presented by P.S.U. were distributed by Sonny Condon and Linda Robinson to all those present.

Break at 8:35 P.M.

Meeting Reconvened at 8:45 P.M.

AGENDA ITEM #4, ENGINEER'S REPORT

4.3 Well #3:

Duane Lee gave oral report based on information contained in monthly Engineer's Report as given to Council and contained in Council packets.

4.1 Awarding of Bids - Airport Sewer:

Duane Lee stated that the bidding for the various schedules for this project was now completed, and he has reviewed the bids recieved and found two significant errors, one for Schedule B and one for Schedule C.

Regarding Schedule B, the apparent low bidder was Steve Smith for an amount of \$531,999.75; however, a major irregularity occurred in the proposal submitted by Steve Smith. This irregularity involved Item 17, Trench Dewatering. It was the Engineer's recommendation that this bid be rejected on the basis of this irregularity, and that the bid be awarded to the second low bidder, Hannan Bros., in an amount of \$537,997.00. Brian Freeman stated that if Council desires not to accept the low bid it would be appropriate to first make a finding in support of rejection. He stated that after reviewing the statutes it is his opinion that an unbalanced bid and failure to substantially comply with the bid requirements would be justification for rejection of this bid.

Frank Kaiser moved to find a major irregularity in the bid received by Steve Smith based on inconsistencies of the bid in Schedule "B" involving Item 17, trench dewatering, and further moved to reject said bid of Steve Smith and accept the second low bid of Hannan Bros. in an amount of \$537,997.00. Seconded by Dalton Williams.

YEAS: 4  
NAYS: 0

Regarding Schedule C, the apparent low bidder was Werbin West in an amount of \$84,529.75. The second low bidder was R. T. Robertson in an amount of

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\$124,119.00. However, a letter has been received by the City Engineer's from Werbin West stating that they made an error in their bid and indicating in said letter that if the City elects to reject their bid they will relieve the City of any obligation. Duane Lee stated that it was the Engineer's recommendation that the City reject the bid of Werbin West and award the bid to the second lowest bidder. Mr. Fred Werbin and Mr. Dave Werbin, representatives from Werbin West, were both present and confirmed that they did make an error in their bid and would release the City from any obligation associated with said bid if the City elects to reject it.

Helen Althaus moved to reject the bid of Werbin West on Schedule "C".  
Frank Kaiser seconded.

YEAS: 4  
NAYS: 0

Helen Althaus moved to withdraw her previous motion and moved to accept the withdrawal of the bid by Werbin West on Schedule "C" as per their request in their letter dated April 8, 1979 and to refund their bid bond. Frank Kaiser seconded.

YEAS: 4  
NAYS: 0

Frank Kaiser moved to award Schedule "C" to R.T. Robertson, the second lowest bidder. Fred Weissenfluh seconded.

YEAS: 4  
NAYS: 0

Regarding Schedule "D", Duane explained the differences in a fixed speed pumping system and a variable speed pumping system and recommended the two speed pumping system.

Frank Kaiser moved to award Schedule "D" for the two speed pumping station to Ward-Henshaw in the amount of \$207,000.00. Helen Althaus seconded.

YEAS: 4  
NAYS: 0

Regarding Schedule E, Helen Althaus moved to accept the bid of Stadel Pump and Construction for Schedule "E" in the amount of \$165,032.00. Seconded by Fred Wiessenfluh.

YEAS: 4  
NAYS: 0

4.4 Engineer's General Report: Duane Lee gave a brief report on the Halsey Street Storm Sewer LID and stated that the required easements should be taken care of by April 17.

4.2 257th Realignment:

Dalton Williams moved to ratify the final drawing of 257th Extension, Alternative IV. Fred Weissenfluh seconded.

YEAS: 4  
NAYS: 0

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AGENDA ITEM #5, DRINKER REASSESSMENT PROPOSAL HEARING

Duane Lee outlined reassessment options. Bob Jean stated it was staff's recommendation that option alternative No. 1 be used as a reassessment method. Duane stated that one item not considered in the proposed reassessment options is the cost of reassessment costs.

Frank Kaiser moved to accept Reassessment Option No. 1 for the Drinker Well Reassessment and to direct the City Engineer to prepare a final Drinker Reassessment Report and call for a hearing. Seconded By Dalton Williams.

YEAS: 4  
NAYS: 0

Helen Althuas requested that the record show that she is located within this district and that there may be a conflict of interest.

AGENDA ITEM #6, STATE REVENUE SHARING ORDINANCE No. 286

Read once in full by Mayor Sturges.

Dalton Williams moved to adopt this Ordinance No. 286. Seconded by Frank Kaiser.

YEAS: 4  
NAYS: 0

AGENDA ITEM #7, AN ORDINANCE REPEALING ORDINANCE No. 98 AND ADOPTING MINIMUM BUILDING STANDARDS AND REGULATIONS FOR SINGLE FAMILY DWELLING LIVING SPACE, ORDINANCE No. 287.

Mayor Sturges read this Ordinance in full.

Brian Freeman stated that this Ordinance should have a Section 4 added, as follows:

Section 4. Repeal: Ordinance No. 98 is hereby repealed.

Dalton Williams moved to adopt this Ordinance No. 287 with addition of Section 4 as recommended by Brian Freeman. Seconded by Frank Kaiser.

YEAS: 4  
NAYS: 0

AGENDA ITEM #8, AN ORDINANCE ADOPTING SEPARATE WATER PIPING SYSTEMS FOR TWO FAMILY DWELLINGS.

Mayor Sturges read once by title.

AGENDA ITEM #13, Amending Ordinance No. 226, Vehicle & Street Regulations Ordinance No. 288

Bob Jean stated that this Ordinance needs to be changed to read as follows:

- (8) Temporarily restrict by Executive Order the use of certain streets by any class or kind of vehicle to protect the streets from damage or to eliminate a potential public hazard.

Mayor Sturges read once in full with recommended changes.

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Frank Kaiser moved to adopt this Ordinance No. 286. Seconded by Dalton Williams.

YEAS: 4  
NAYS: 0

AGENDA ITEM #12, PERSONNEL RULES RESOLUTION No. 250

Bob Jean recommended the following changes and amendments to this Resolution.

Page 3, Item 4.7 - Change last sentence to read "Proven violations will result in immediate discharge."

Page 14, Item 7.3.5.9 - Change last sentence to read "This "Like time off" shall be footnoted on the bottom of the time sheet."

Page 16, Item 7.4.4.1 - Change beginning portion to read "All original appointments shall be" (rest remains as written).

Page 16, Item 7.4.4.3 - The following sentence should be added at the end of this section: "During the probationary period, vacation credit shall not be awarded until the end of the probationary period."

Page 17, Item 7.4.5.1 - Change this section to read "The City shall encourage current employees to apply for promotional job vacancies or for lateral moves offering better promotional opportunities."

Page 18, Item 7.4.9.4 - Add this Section. "Call-back of employees shall be in the reverse order of the lay-off and the employees shall be reinstated as if on a non-paid leave status during the layoff."

Page 20, Item 7.4.17.4 - Change to read "Nothing contained within this section shall affect the right of the employee to hold membership in and support a political party, candidate, or issue," (rest remains as written).

Page 22, Item 7.5.3.1 - Change (l) to "Inability or unwillingness to perform assigned job."

Page 22, Item 7.5.3.1 - Add (m) "Willful inefficiency or ineffectiveness in job assignments."

Page 23, Item 7.5.6.1 - Change Section number from 5.7 to 7.5.7.

Page 27, Item 7.6.1.1 - The following sentence should be added at the end of this section: "The Mayor may vary the floating holidays."

Page 27, Item 7.6.1.4 - The last portion of the last sentence should be changed to read "...in addition to the regular straight time 8 hours of holiday pay."

Page 27, Item 7.6.1.5 - Insert the word regular before holiday pay in the second to last sentence.

Page 27, Item 7.6.1.6 - Insert the word regular before holiday pay in the second to last sentence.



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Page 28, Item 7.6.1.8 - After the first sentence add "This amount may be amended by Council motion in conjunction with Budget adoption or by Council Resolution.

Page 28, Item 7.6.2.1 - Change item No. 4 to read: "After five years of employment or after permanent appointment in a mid-level or senior management position as division or department head, vacation shall accrue at three weeks (120 hours) per year (i.e. 3 weeks per year during the sixth year); under normal circumstances no vacation shall be taken during any probationary period.

Page 29, Item 7.6.2.7 - Add this item as follows: "Vacation policy shall be as revised by Council Resolution.

Page 29, Item 7.6.3 - Change the last word in the third line from or to but and change the third word in the fourth line from may to must. Change the last sentence to read: "Time not worked because of authorized compassionate leave shall not affect accrued vacation nor result in negative sick leave."

Fred Weissenfluh moved to adopt this Resolution No. 250 upon review by the City Attorney and with corrections and deletions as discussed. Seconded by Dalton Williams.

YEAS: 3  
NAYS: 1 (H. Althaus)

AGENDA ITEM #14, ORAL COMMUNICATIONS:

- Mr. Del Pranke expressed his concerns relating to the County Farm Study as presented by Portland State University.
- Bob Jean stated that Mr. Ike Handy has received a lottery drawing for 25 sewer prepayment connections on March 5, 1979; the terms of that lottery were that he would pay by March 30th. He asked Council for an extension until 5:00 today. Ike has talked to Ed Murphy and indicated that he still intends to make good on the prepayments but has asked for an additional extension. Jerri has stated that she would recommend an extension to April 20, 1979.

Frank Kaiser moved to grant Ike Handy an extension of 10 days for the sewer prepayments. Fred Weissenfluh seconded.

YEAS: 4  
NAYS: 0

- Frank Kiaser moved to Adjourn. Seconded by Helen Althaus.

YEAS: 4  
NAYS: 0

Meeting Adjourned at 10:40 P.M.

Signed by the Mayor this 13<sup>th</sup> day of April, 1979.

ATTEST:

Jerri Widner  
Jerri Widner, Finance Director/City  
Recorder

R. M. Sturges  
R. M. Sturges, Mayor

