

AGENDA
TROUTDALE CITY COUNCIL REGULAR SESSION AND PUBLIC HEARING
May 8, 1979, 7:00 P.M.

1. Call-to-Order and Roll Call and Agenda Update: Mayor and City Recorder
2. Consent Agenda:
 - 2.1 Adopt Minutes of Work Session on April 3, 1979; Regular Session on April 10, 1979; and Special City Council meeting on April 16, 1979.
 - 2.2 Approve Bills - April
 - 2.3 Business License Report
 - 2.4 Ratify Election Results of April 3, 1979
 - 2.5 Appointment of member to Planning Commission and members to Design Review Board.
 - 2.6 Resolution Adopting Supplemental Budget, FY 1978-79
 - 2.7 Ratify Halsey LID Easements
 - 2.8 Ratify increase in professional services for Municipal Judge, FY 1979-80.
 - 2.9 Resolution calling for election in June on Water Bond (loan)
 - 2.10 Resolution Accepting Deeded Property - Eldon Snider Farms Estates
 - 2.11 Accept streets for Valerie Terrace
3. Engineer's Report:
 - 3.1 Portland/Troutdale Airport Sewer
 - 3.2 Well #3
 - 3.3 Halsey Street LID
 - 3.4 Monthly Report
4. Resolution forming LID - West Columbia Sewer Extension: Public Works Director
5. Zone Change - City of Troutdale's Sewage Treatment Plant: Community Development Director.
6. Resolution designating streets and roads as Truck Routes: Public Works Director
7. Duplex Meter & Plumbing Ordinance - Second Reading & Adoption: Community Development Director
8. Ordinance Prohibiting Drinking of Alcoholic Beverages on beach - First Reading and Adoption (effective May 18, 1979) - Community Development Director
9. Tree Cutting Ordinance - First Reading: Community Development Director
10. Oral Communications and Adjourn.

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The Meeting was called to Order at 7:02 P.M., by Mayor Sturges.

COUNCILORS PRESENT: Sam Cox, Frank Kaiser, Helen Althaus, Dalton Williams, and Mayor Sturges. (Dan Lowe arrived at 7:18 P.M. and Fred Weissenfluh arrived at 8:35 P.M.)

STAFF PRESENT : Duane Lee, Ed Murphy, Jerri Widner, Bob Jean, Brian Freeman and Linda Murphy.

PRESS : Tom Fluhardy, Outlook

GUESTS : Bud Cook, Robert Johnson, and others

AGENDA ITEM #2, CONSENT AGENDA:

- 2.1 Minutes of Executive Session on March 28, 1979; Special City Council Meeting of March 28, 1979; Work Session on April 3, 1979; Regular Session on April 10, 1979, and Special City Council Meeting on April 16, 1979.
- 2.2 April Bills.
- 2.3 Business License Report - April.
- 2.4 Ratification of Election Results from April 3, 1979.
- 2.5 Appointment of Member to Planning Commission - tabled.
Appointment of Mr. Block as first alternate and appointment of Laura Unis as regular Design Review Board Members.
- 2.6 Resolution No. 252 adopting Supplemental Budget for FY 1978-79.
- 2.7 Halsey LID Easements:

Brian Freeman distributed a Resolution authorizing the Mayor to accept a Utility Easement for the City regarding the Shroy property. Brian noted some minor changes from the resolution distributed.

Frank Kaiser moved to adopt Resolution No. 253 regarding the Shroy utility easement. Seconded by Sam Cox.

YEAS: 4
NAYS: 0

The next easement discussed was for property owned by Mayor Sturges. Brian requested that the Mayor convey his agreement as to a similar easement at the same price per square foot as the Shroy easement and that Brian would then prepare a similar easement and resolution for the Mayor's property. Mayor Sturges stated he was in agreement with this proposal.

The next easement discussed concerned the Don Bennett property. Brian stated that negotiations are continuing regarding this easement and he further described some minor problems associated with this easement. Brian stated that he would have a more complete report on this later.

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Dan Lowe arrived at 7:18 p.m.

The last easement to be discussed was the Kaz Fujii acquisition. Brian stated that the Court has found the City does have a necessity to immediately possess this property, which is the additional 30' of a strip of land 15' on either side of the existing easement on the Fujii property. Brian stated that when he filed the complaint for condemnation he did not include any amount for crop damage since he felt this amount could only be ascertained after the damage had actually occurred. Brian stated that he alleged in the complaint that the value of the land, for the taking of the easement, was \$3,300, which was based on appraisals of similar lands. Kaz Fujii and his attorney have asked the court to require the City to deposit a larger sum of money than the \$3,300. Brian stated that the judge asked that the City and Kaz work out an amount agreeable to both which the City would deposit with the court as security for the taking of the land. Brian stated that Council needed to decide if they wanted to deposit a larger amount of money than the \$3,300 and stated that any additional amount of money could be applied to crop losses also. Brian cautioned Council that the deposit would be subject to withdrawal upon request of the defendant and upon approval of the court.

Dan Lowe stated that he felt the City made a good faith offer and that the burden of proof that it is not a good faith offer is on Kaz and his attorney.

Brian stated that one alternative would be to leave the \$3,300 as a deposit for the time being but to stipulate that the deposit can be increased to an amount not to exceed \$8,500 after showing of crop loss. Council concurred that this alternative was acceptable and Brian stated that he would convey this to the Court.

- 2.8 Increase in professional services for Municipal Judge, FY 1979-80.
- 2.9 Agenda changed - this item to be Small Cities Street Project Resolution No. 256
- 2.10 Resolution No. 254, Accepting Deeded Property for "Eldon Snider Frams Estates."
- 2.11 Resolution No. 255, Accepting Dedicated Street for Valerie Terrace.
- 2.12 (Added Agenda Item) Resolution No. 257, Accepting Dedicated Streets in C.P. Park.
- 2.13 (Added Agenda Item) Resolution No. 258, Accepting Dedicated Streets in Corbeth.

Frank Kaiser moved to adopt the Consent Agenda, including added items and amendments, with the stipulation that the Mayor does not sign Resolutions Nos. 257 and 258 (Items 2.12 and 2.13) until all of the administrative documents have been completed. Seconded by Helen Althaus.

YEAS: 5
NAYS: 0

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AGENDA ITEM #3, ENGINEER'S REPORT:

- 3.1 Portland/Troutdale Airport Sewer: Duane Lee stated that this project is about a week behind schedule but he hopes to make this time up.
- 3.2 Well #3
- 3.3 Halsey Street LID
- 3.4 Monthly Report, included a report on the Sewage Treatment Plant, Columbia Boulevard, and a project priority list from the Engineers.

AGENDA ITEM #4.1, WEST COLUMBIA SEWER EXTENSION LID 79-1, RESOLUTION No. 259.

Mayor Sturges read once by title. Frank Kaiser moved to adopt this resolution. Seconded by Dan Lowe.

YEAS: 5
NAYS: 0

Frank Kaiser moved to accept the Engineer's report (including both Agenda Items No. 3 and No. 4.1). Seconded by Dalton Williams.

YEAS: 5
NAYS: 0

AGENDA ITEM #4.2 (Added Agenda Item), RESOLUTION DECLARING THE FORMATION OF LID 79-2 TO BE KNOWN AS THE JACKSON PARK WATER LID.

Bob Jean explained the necessity of this Resolution and there was discussion by Council. Mayor Sturges read once by title.

Frank Kaiser moved to adopt this Resolution No. 260. Seconded by Sam Cox.

YEAS: 5
NAYS: 0

AGENDA ITEM #5, CITY OF TROUTDALE SEWAGE TREATMENT PLANT ZONE CHANGE.

Ed Murphy explained the need for this zone change from an F-2 to M3-CS zone, and stated that this change has been recommended by the Planning Commission. Ed further stated that the surrounding property owners had been contacted but none had responded with any comments or objections.

Frank Kaiser moved to approve this zone change from an F-2 to M3-CS Zone. Seconded by Dan Lowe.

YEAS: 5
NAYS: 0

AGENDA ITEM #6, RESOLUTION No. 261 DESIGNATING CERTAIN STREETS AND ROADS AS TRUCK ROUTES.

Bob Jean explained that one change in this resolution regarded the weighted gross weight of trucks and should be changed from 6 tons to 25 tons.

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Helen Althaus moved to adopt this resolution with a change in Section 1 from 6 tons to 25 tons and change in Section 2 from 6 tons to 25 tons. Seconded by Dalton Williams.

YEAS: 5
NAYS: 0

AGENDA ITEM #7, ORDINANCE No. 289 ADOPTING SEPARATE WATER PIPING SYSTEMS FOR TWO FAMILY DWELLINGS.

Mayor Sturges read once by title. Bob Jean stated that a study has been completed which indicates no substantial impact on rental/landlord relationships.

Frank Kaiser moved to adopt this Ordinance No. 289. Seconded by Dalton Williams.

YEAS: 5
NAYS: 0

Break at 8:20 P.M.
Meeting Reconvened at 8:30 P.M.

Fred Weissenfluh arrived at 8:35 P.M.

AGENDA ITEM #8, ORDINANCE No. 290 RESTRICTING THE POSSESSION AND USE OF ALCOHOLIC BEVERAGES AT THE TROUTDALE COMMUNITY PARK, AMENDING ORDINANCE No. 237, AND DECLARING AN EMERGENCY.

Mayor Sturges read once in full. Helen Althaus questioned the advisability of allowing the Police Department to destroy liquor without citing the individuals in possession. Brian recommended that Item #1, Paragraph D, Section 1 of the draft ordinance be changed to read "notwithstanding subsection A above no person shall consume or be in possession of any alcoholic... (rest as written)." Brian further recommended that Item #2, Paragraph D, Section 1 of the draft ordinance be changed to read "Notwithstanding subsection A above no person shall consume any alcoholic beverages...(rest as written)." Brian further recommended that the last six words of Section 2 of the draft ordinance be omitted.

Sam Cox moved to adopt this Ordinance No. ^{290 mls} 289 with the corrections and amendments as suggested by Brian Freeman. Seconded by Dalton Williams.

YEAS: 6
NAYS: 0

AGENDA ITEM #9, (Amended Agenda Item), WILSON BUILDING AND ADJOINING LOT:

Dalton Williams briefly outlined his intent to purchase the Wilson building and adjoining lot, across from City Hall. Dalton stated that the purchase price had increased from what he originally understood it to be and stated that he is continuing negotiations. Dalton requested Council make its intent known as far as the City's intent to purchase the lot across from City Hall.

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Dalton further discussed the possibility of a parking variance and Bob Jean stated that a parking variance should not be tied to the sale but kept as a separate issue, entirely, and the sale price to the City could be increased to include Dalton's variance fees.

Sam Cox moved to offer to purchase from Dalton Williams the parcel of ground being Lot 4, Block 3, Troutdale Addition, being located just West of City Hall, for the purchase price of \$13,150, subject to the condition that Dalton Williams acquires the land and subject to the granting of a 12' wide easement by the City for access on the north portion of Lot 6, Block 3, Troutdale Addition. Sam further moved that this offer should remain open for 120 days. Seconded by Fred Weissenfluh.

YEAS: 5
NAYS: 0
ABSTAIN: 1 (Dalton Williams)

AGENDA ITEM #10, FEES AND CHARGES ORDINANCE. (Added Agenda Item)

Bob Jean stated that there were a few changes to be made to this draft ordinance prior to a first reading. Paragraph E, Section 3, and Paragraph F, Section 3, relating to condominium and mobile home units, should be omitted from the Ordinance. Paragraph G, relating to non-conforming uses should be relabeled as Paragraph E. Section 5, Public Works, Water Standpipe Fees, should be added. This fee would work in such a way that the construction water will be charged at the flat rate of \$35, an administrative charge of \$5 would be charged, and a \$10 standpipe fee shall be non-refundable, making the total charge for construction water and standpipe \$50.

There was further discussion of Section 4 of this draft ordinance but no changes made.

Read once by title by Mayor Sturges.

AGENDA ITEM #11, CITY ATTORNEY REPORTS, (Added Agenda Item).

11.1 Brian Freeman stated that on November 14, 1978, a resolution was passed regarding the Halsey Storm Sewer. Brian stated that the Resolution No. is 226 and that the date of passage shown on that resolution is September 12, 1978 instead of November 14, 1978.

Dan Lowe moved to re-execute Resolution No. 226 to change the date of adoption to November 14, 1978. Seconded by Frank Kaiser.

YEAS: 6
NAYS: 0

11.2 Brian stated that it was apparently going to be necessary to initiate condemnation proceedings in order to acquire an easement over property of Mr. and Mrs. Ed Finegan. Brian stated that Council needed to declare that this easement is necessary and pass a resolution declaring the necessity of this easement and directing condemnation proceedings to begin. Bob Jean referenced the adopted Water Plan of the City and the

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adopted Comprehensive Plan, both of which relate to the necessity for this water line to go through in this location.

Dalton Williams moved that Council declare a necessity for said easement based on fire flows and previously adopted Water Plan and further moved that the City Attorney be directed to proceed with the condemnation procedures. Seconded by Dan Lowe.

YEAS: 6
NAYS: 0

Bob Jean stated that it was his understanding that this directed Brian to prepare a resolution. Council concurred.


AGENDA ITEM #12, ORAL COMMUNICATIONS.

- Dalton Williams directed comments to Tom Fluhardy of the Outlook regarding misstatements about the sewer allocations.
- Ed Murphy gave a brief report on the acquisition of an easement over Mackey property.
- Sam Cox stated that he does not like the idea of condemnation but realizes that sometimes this is the only thing that the City can do. He stated, however, that he felt Council should try to avoid these circumstances.

Frank Kaiser moved to adjourn. Seconded by Fred Weissenfluh.


YEAS: 6
NAYS: 0

Meeting adjourned at 9:35 P.M.



R. M. Sturges, Mayor

ATTEST:



Jerri L. Widner
Finance Director/City Recorder