

AGENDA
CITY OF TROUTDALE
TROUTDALE CITY COUNCIL PUBLIC HEARING AND REGULAR SESSION
JULY 10, 1979 7:00 PM

- Executive Session, Per ORS 192.660 (a) (Real Property Transactions)
- 1. Call-to-Order, Mayor
- 2. Consent Agenda, Mayor: Motion to Adopt
 - 2.01 Approve Minutes of June 5, 1979 and June 12, 1979 Council Meeting
 - 2.02 Approve Bills for June 1979
 - 2.03 Accept Business License Report for June 1979
 - 2.04 Pass Resolution Accepting Dedicated Streets in Beaver Creek Estates
 - 2.05 Ratify Ordinance No. 295 as in Conformance with Tax Commission Comments
 - 2.06 Ratify June 26 Election Results
 - 2.07 Ratify Sewer Allocation Ordinance No. 293
 - 2.08 Accept Report on Obrist Land Fill
 - 2.09 Accept Report on West Columbia Businesses
 - 2.10 Approval of Fleur de lis Entry Sign with Staff Recommendations
 - 2.11 Accept Departmental Reports
 - 2.12 Accept Planning Commission Report
- 3. Jackson Park Road Water Line Extension LID Assessment Hearing, Public Works Director: Motion
- 4. West Columbia Sewer Line Extension LID Assessment Hearing, Public Works Director: Motion
- 5. Community Service Zone for American Lutheran Church, Community Development Director: Motion
- 6. Engineer's Report
- 7. Water Tower Estates Report, Administrator: Motion
- 8. Legislative Rezones Resolution, Community Development Director: Pass
- 9. Resolution Extending Garbage Contract for 6 Months, Public Works Director: Pass
- 10. Harlow House, Administrator and Councilor Cox: Motion to Purchase
- 11. Water Bond Warrants Resolution, Finance Director: Pass
- 12. Public Contracts Ordinance, Public Works Director: First Reading

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3.1 Police goals take force
3.2 Jackson Park Road Water Line Extension LID Assessment Hearing,
Public Works Director: Motion

4. West Columbia Sewer Line Extension LID Assessment Hearing, Public
Works Director: Motion

5. Community Service Zone for American Lutheran Church, Community
Development Director: Motion

6. Engineer's Report

7. Water Tower Estates Report, Administrator: Motion

8. Legislative Rezones Resolution, Community Development Director: Pass

9. ~~Resolution~~ ^{Ord.} Extending Garbage Contract for 6 Months, Public Works
Director: Pass

10. Harlow House, Administrator and Councilor Cox: Motion to Purchase

~~11. Water Bond Warrants Resolution, Finance Director: Pass~~

12. Public Contracts Ordinance, Public Works Director: First Reading

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Agree

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MINUTES
TROUTDALE CITY COUNCIL EXECUTIVE SESSION
July 10, 1979

The Executive Session was called to order at 7:06 P.M., by Mayor Sturges.

COUNCILORS PRESENT: D. Williams, H. Althaus, F. Kaiser, C. Blanchard,
Mayor Sturges. Sam Cox arrived at 7:12 P.M.

STAFF PRESENT : B. Jean, E. Murphy, P. Christian, B. Freeman
and J. Widner.

The purpose of the meeting was to outline the alternatives open to the
City regarding the purchase of the Harlow House.

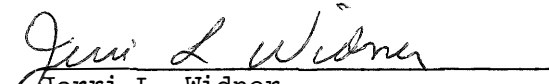
General consensus would be to purchase the Harlow House for \$70,000.00.
Action to be taken during Council Hearing.

The meeting was adjourned at 7:20 P.M.



R. M. Sturges, Mayor

ATTEST:



Jerri L. Widner
Finance Director/City Recorder

MINUTES
COUNCIL MEETING
TROUTDALE CITY COUNCIL
JULY 10, 1979

The meeting was called to order at 7:30 P.M. by Mayor Sturges.

Mayor Sturges read a letter of resignation from Councilman Fred Weissenfluh. Councilman Weissenfluh stated that as he had not been able to attend several of the past meetings he felt that his absence from duty is a disservice to the City and therefore felt he should be replaced. Mayor Sturges accepted the letter of resignation and placed the name of Charles Blanchard, from the Planning Commission, before the Council as a replacement to fill out the unexpired term, which runs until December 31, 1980.

Sam Cox moved to accept Charles Blanchard as a Council Member of the City Council of the City of Troutdale. Dalton Williams seconded.

YEAS: 6
NAYS: 0

Charles Blanchard was then sworn in by the City Recorder, Jerri Widner.

Mayor Sturges stated that if any member of the Council has reason to feel he is in conflict with anything on the agenda he should so state; if any member of the audience wishes to challenge any of the Council on any item they are free to do so.

Roll Call:

PRESENT: Dan Lowe, Frank Kaiser, Sam Cox, Helen Althaus, Dalton Williams, Chuck Blanchard, and Mayor Sturges.
STAFF : B. Jean, B. Freeman, J. Widner, E. Murphy, B. Bivin, D. Lee, and D. Lewis.
PRESS : Joyce Wydrznski, Oregonian; Kerry Virtue, Oregon Journal; and Tom Fluharty, Outlook.
GUESTS : Mary E. Smith, Eva Mae Ruth, Ernest Ruth, Steve and Carol Von Hagen, Virgil S. Samker, Milton Dick, Marge Schmunk, Rick and Marla Kline, Don and Jeane Kline, Terry Ege, Ivan Handy, Bill and Sharon Nesbit, Robert M. Johnson, Loren P. Frank, Miriam McGinnis, Zelma Sutherland, Anne Espenel, Vernon Rathman and Martine Rathman.

Bob Jean initiated an update on the agenda, changing and amending the agenda as follows: the Police Goals Task Force report was added to Agenda Item #2.11 as a departmental report; Agenda Item #2A, a resolution accepting deeded property from Don Bennet on the Halsey L.I.D., was added; Agenda Item #11, concerning the Water Bond Warrants, was removed from the Agenda for further review by the City Attorney, City Recorder and Public Works Director; two reports were added to Agenda Item #12, one concerning the County Commission and East County Storm Drainage and one concerning the administrative agreement with Portland and the County regarding plans examination; Agenda Item #2.09 was removed from the Agenda and placed on the August Work Session Agenda.

AGENDA ITEM #2, CONSENT AGENDA:

- 2.01 - Approval of Minutes of June 5, 1979 and June 12, 1979 Council Meetings.
- 2.02 - Approval of Bills for June 1979
- 2.03 - Accept Business License Report for June 1979
- 2.04 - Resolution Accepting Dedicated Streets in Beaver Creek Estates

AGENDA ITEM #2, CONSENT AGENDA (CONT):

- 2.05 - Ratify Ordinance No. 295 as in Conformance with Tax Commission Comments
- 2.06 - Ratify June 26 Election Results
- 2.07 - Ratify Sewer Allocation Ordinance No. 293
- 2.08 - Accept Report on Obrist Land Fill
- 2.09 - Tabled
- 2.10 - Approval of Fleur de lis Entry Sign with Staff Recommendations
- 2.11 - Accept Departmental Reports
- 2.12 - Accept Planning Commission Report

Dan Lowe moved to accept items 2.01 through 2.08 and items 2.10 through 2.12. Frank Kaiser Seconded.

YEAS: 6
NAYS: 0

AGENDA ITEM #2A, ACCEPTING DEEDED PROPERTY FROM DON BENNETT:

Brian Freeman explained the terms of the agreement with Don Bennett. This agreement provided for an exchange of surplus City property with Don Bennet's property. The appraisal found that one piece of property was more valuable than the other, the difference in value requires the City to make up the difference in the amount of approximately \$6,000.00. The land acquired from Don Bennet is to be used for the storm sewer ditch in the Halsey Street L.I.D. Bill Bivin described the present use of the City property, how it lies and what the potential might be. It would be necessary for the Council to find the City property surplus and then exchange it for the Bennett property by accepting a deed from Don Bennett for that property.

Dalton Williams moved to pass Resolution No. 278 declaring certain real property owned by the City of Troutdale to be surplus and authorizing the Mayor to execute a deed and an agreement to exhchange. Frank Kaiser seconded.

YEAS: 6
NAYS: 0

Frank Kaiser moved to pass Resolution No. 279 accepting deeded property from Don Bennett. Dalton Williams seconded.

YEAS: 6
NAYS: 0

AGENDA ITEM #3, JACKSON PARK ROAD WATER LINE EXTENSION LID ASSESSMENT HEARING:

Bill Bivin explained that Jeff Arndt installed a water line from the corner of Columbia Highway Scenic 30 down to the front of private property along Jackson Park Road; this water line is to serve six properties along Jackson Park Road. The short LID process was used; Mr. Arndt carried the cost of constructing the water line with the proposed LID, and the City will pay him back as various property owners pay the City. An ordinance spreading the assessment of the Local Improvement District known as the Jackson Park Road Water Main L.I.D. 79-2 had been written up to assess these property owners.

AGENDA ITEM #3, JACKSON PARK ROAD WATER LINE EXTENSION LID ASSESSMENT HEARING (CONT):

Jerri Widner read a letter of remonstrance from Mary E. Smith (attached) stating their disapproval of being assessed for the water line when they do not wish to hook up to City water.

Brian Freeman stated that he believes Mary Smith's remonstrance had real merit. Brian suggested that the City modify the short/forced LID procedure in two respects: 1. We should delete the requirement that the non-using property owner pay in ten years, even though after that time that property owner may not have utilized the service. Instead, allow that property to not be assessed until such time as they are hook up and connected to the utility. This suggestion to apply only to the short/forced LID procedure. 2. Postpone the actual assessment amount until such time as that property owner utilized or hooked up to the service. At that time have a hearing and determination as to the value of benefit to that property owner at the time of hook up. At this time you would take into consideration the depreciation of the system itself. Brian also suggested that we determine the amount of assessment to be levied against those property owners who hook up now, with the remaining amount to be deferred until such later time as those remaining property owners hook up.

Further discussion followed concerning financial arrangements and service requirements.

Frank Kaiser moved to continue the assessment hearing at a later date so that additional information may be gathered on this assessment hearing. Dalton Williams Seconded.

No Vote

Brian Freeman suggested that the Council complete the hearing and close the hearing and defer the decision on spreading the assessments until another time.

Frank Kaiser moved to amend the motion by closing the hearing at this time and to defer the decision regarding the spreading of assessments for further report by the City Attorney. Dalton Williams seconded.

YEAS: 6
NAYS: 0

AGENDA ITEM #4, WEST COLUMBIA SEWER LINE EXTENSION LID ASSESSMENT HEARING:

Brian Freeman read a letter of remonstrance from M.A. Cerrutti's attorney. M.A. Cerrutti stated that a portion of the assessment had been paid on the property he purchased from Mrs. Wilson; he stated that the interest rate is unreasonable on the assessment amount. Duane Lee stated that he would like to review the issue, as there may be some error in the assessment roll and maps.

Dalton Williams moved to continue the hearing at a future date in order to give Brian Freeman and Duane Lee time to research the background on this issue. Sam Cox seconded.

YEAS: 6
NAYS: 0

Jerri Widner mentioned that in 1977 the Oregon State Legislature passed a statute that the State will pay assessments for people who are over 62 years of age if by November 15 of each year they give them the year's expected assessments. That will then be repaid to the State at the time the property is either sold or developed in some manner. Bob Jean suggested Jerri get together with M.A. Cerrutti to explain this program in further detail to see if he may benefit from this program.

AGENDA ITEM #5, COMMUNITY SERVICE ZONE FOR THE AMERICAN LUTHERAN CHURCH:

Ed Murphy provided background information on the land and building that the American Lutheran Church is interested in. Chet Carpenter represented the church.

Dan Lowe questioned the fact that a methane gas problem may exist and whether or not it would be in the best interest of the citizens to permit services in such an area. Ed replied that the City has suggested, in conjunction with MSD, that gas venting devices be installed in the existing and any future buildings.

Bob Jean suggested amending item IV, paragraph a, of the staff report to read: that any measures deemed appropriate by MSD, or the Building Official, in order to protect against methane gas...

It was suggested by Ed Murphy that item IV, paragraph d, of the staff report be amended to read: that construction on the church is to begin within two years of the date of the zone change or the American Lutheran Church may lose their CS zone. Ed also suggested adding a paragraph 5 to item V to read: that a modification to the Obrist Pit contract be authorized to allow the existing structure to remain.

Dalton Williams moved to approve the request for zone change with the following conditions:

1. that any measures deemed appropriate by M.S.D., or the Building Official of the City of Troutdale, in order to protect against methane gas be incorporated in the existing structure or the new structures which will be constructed;
2. that if the existing structure is utilized for church activities that it meet the Building Code and that the parking be provided as required by the Zoning Ordinance.
3. that a 50' right-of-way be dedicated to the public. This right-of-way shall extend the full length of the lot and shall be measured from the southern property line;
4. that construction on the church is to begin within two years of the passing of the zone change, or the American Lutheran Church may lose their CS zone; and
5. that a modification to the Obrist Pit contract be authorized to allow the structure to remain.

Chuck Blanchard seconded.

YEAS: 4
NAYS: 2 (Lowe and Althaus)

AGENDA ITEM #6, ENGINEER'S REPORT:

Duane Lee provided a brief verbal outline on the engineer's report he submitted for Lee Engineering dated July 10, 1979. Vern Rathman questioned spring water amounts.

Frank Kaiser moved to accept the engineer's report. Dan Lowe seconded.

YEAS: 6
NAYS: 0

AGENDA ITEM #9, RESOLUTION EXTENDING GARBAGE CONTRACT FOR SIX MONTHS:

Bill Bivin explained that Ege's Sanitary Service contract expired July 9, 1979. They are working on a long-term agreement for franchise at this time but it is not completed. Mayor Sturges read the Ordinance extending the franchise to 1/8/80.

Dalton Williams moved to grant the extension. Dan Lowe seconded.

YEAS: 6
NAYS: 0

The Mayor suggested a break be taken and also that those people in the audience wishing to make statements on Agenda Item #7 give their name to the City Recorder.

Break at 9:25 P.M.
Reconvened at 9:40 P.M.

AGENDA ITEM #7, WATER TOWER ESTATES REPORT:

Bob Jean commented that his basic responsibility at this time is to report back to Council as to how to dispose of 1.3 acres of the 10 acre piece of property known as Watershed Park, legally City Watershed, and ruled at the last Council meeting as surplus for that particular purpose. Bob Jean then displayed a sketch and provided a recap of the action taken at the last Council meeting, and also the alternatives discussed at that meeting. He pointed out that at the Council's last action directed that the 1.3 acres be declared as surplus property and did direct him to prepare a report to Council as to whether they should be sold as one piece or whether they should be sold separately as five separate lots; that analysis was included in the Council packet for July 10, 1979.

The Mayor then asked for audience comment: Vern Rathman, Steve VonHagen, Carl Redden, Rick Cline, Ike Handy, Debbie Slatery, Frank Windust, Bill and Sharon Nesbitt, and Bob Johnson all spoke in opposition of declaring the Watershed property as surplus and selling the property for development.

On the basis of reports from the City staff, comments from the City Attorney and upon hearing the views and comments of the audience a decision for motion was made.

Dalton Williams moved to reverse the Council's decision to sell the 1.3 acres and also moved to direct the staff to adjust the budget accordingly, a point was made that any improvements made would come from a neighborhood LID. Helen Althaus seconded.

YEAS: 4
NAYS: 2 (Lowe and Kaiser)

AGENDA ITEM #8, LEGISLATIVE REZONES RESOLUTION:

Bob Jean pointed out that the Council had tabled this action because they wanted reassurance that these people had been notified. Ed Murphy stated that they had notified everyone again and invited them to the meeting. No letters of remonstrance had been submitted nor was there anyone in the audience to oppose. Further review of the rezoning followed. There is to be no upzoning of properties but downzoning as to bring the properties more in conformance with the Comprehensive Plan. Bob Johnson commented on the availability for the heavy industry-non polluting zoned land. Ed Murphy explained that should the City annex north of the airport it would be zoned M-1 for heavy industry.

Frank Kaiser moved accept the resolution altering the zoning of 25 properties within the City of Troutdale. Sam Cox seconded.

YEAS: 6
NAYS: 0

AGENDA ITEM #10, PURCHASING OF HARLOW HOUSE:

Bob Jean noted that some of the negotiations to date that have occurred were discussed the Executive Session prior to this meeting. Basically it dealt with some of the implications of the BOR Funding and some of the negotiations with the property owner. Recommendation of staff is that the City go forward with the acquisition. The appraiser has given the City a price of \$70,000 as the value of the house and

the piece of property. Staff suggests that the City go forward with the acquisition and that we not request BOR Funding on it because to do so would add greater cost to the project than the benefit we would receive back from BOR Funding., also it does not appear that BOR Funding would be forthcoming anyway since it is primarily an indoor activity and they are the Bureau of Outdoor Recreation. For those reasons Bob Jean recommended that the first purchase of the Parks Bond Fund be the Harlow House for \$70,000 based on the appraisers price presented by Younger and Neu and that we go forward with that acquisition as soon as possible.

Sam Cox moved to purchase the Harlow House at the price of \$70,000. Dalton Williams seconded.

YEAS: 6
NAYS: 0

AGENDA ITEM #12, PUBLIC CONTRACTS ORDINANCE:

The Mayor read the ordinance by title. The ordinance allows us to exempt all franchises from competitive bidding. This is the first reading of this ordinance. Brian Freeman stated he had reviewed the ordinance and found it to be in order.

ORAL COMMUNICATIONS:

Storm Drainage in East Multnomah County: Bob Jean stated that he was not sure if the County Committee was going to ask that a consortium agreement be formed or not. If the County Commission shows some interest in it then the City may come forward with a proposal to the Troutdale City Council that we would specifically enter into the consortium agreement with the County, Gresham, and Troutdale to solve the Beaver Creek/Kelly Creek problems on a consortium-wide collective basis. Just as the Cities of Fairview would join in to solve Fairview Creek and the City of Wood Village would join in to solve the Arata Creek problem.

Administrative Agreement with Portland and the County Regarding Plans Examination: Bob Jean reported on an administrative agreement that we have reached with the City of Portland and Multnomah County. It is an administrative agreement and can be terminated if Council doesn't approve of it. Basically because of the downturn in some of the housing activity we have some surplus time available to some of our Building staff which we do not feel should be reduced back any further. We have then entered into agreement with the County and Portland to do some plans examining for them. We will receive the plans examination fee and return the plans back to them and their field inspectors will do that work. We hope to net approximately \$3,000 over the course of the fiscal year from this opportunity.

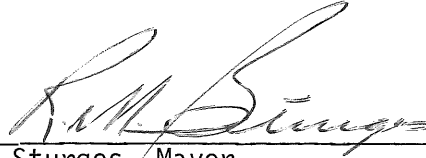
Bob Jean suggested that the Budget Committee Chairman and a few others decide if we should determine whether or not to go along with the recommended budget cuts. The implementation should be started in August in order to achieve the reductions by starting them into operation in September.

Brian Freeman commented that his current agreement is outdated and that changes should be made in his fee schedule. Brian recommended not changing the hourly rate for the Council meetings, so it would remain at \$35.00 per hour; he suggested changing the fee for other works to \$50.00 per hour, and eliminating the retainer portion of the fee. Helen Althaus stated that this was a very reasonable rate and is much below the general rates. Bob Jean supported Brian's request and asked for a formal proposal at the August City Council meeting.

Frank Kaiser moved to adjourn. Dan Lowe seconded.

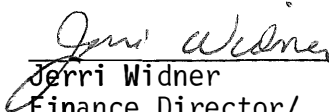
The meeting adjourned at 11:55 P.M.

Signed by the Mayor of the City of Troutdale this 23rd day of July,
1979.



R. M. Sturges, Mayor

ATTEST:


Jerri Widner
Finance Director/
City Recorder