

AGENDA
TROUTDALE CITY COUNCIL
MAY 26, 1981 7:00 P.M.
TROUTDALE CITY HALL

0. Resolution to amend Resolution 430-R regarding June 30th levy election
1. Cable TV Request for Proposal--Resolution Adopting Revised
2. Ordinance of Codification of Public Safety Ordinances--Second Reading and Adoption
3. Discussion of Current Contract
4. Mr. Paul Taylor--Discussion of Ordinance 121
5. Council Concerns and Initiatives
6. Oral Communications and Adjournment



R. M. STURGES, MAYOR

MINUTES
CITY COUNCIL MEETING
MAY 26, 1981

The Mayor called the meeting to order at 7:05 P.M.

ROLL CALL :

PRESENT : Helen Althaus, Chuck Blanchard, Dalton Williams, Mayor Sturges, Frank Kaiser arrived at 7:07 P.M. and Dan Lowe arrived at 7:10 P.M. Sam Cox was absent.

STAFF : Allen Perkins, Jerri Widner, Harry Parsi, Ed Murphy, Pam Christian and Brian Freeman

PRESS : Paul Koberstein from the Oregon Journal, Tom Fluharty of the Gresham Outlook and Joyce Wydrzynski of the Oregonian

GUESTS : R.A. Payton, Alex Hooper, Roberta Treick, Betty, Don & Larry Little, Melba & Jim Klinker, Gary Stonewall, Marge Schmunk, K. Meeds, R. Trayhorn, Mike Kalhar, Dick Filbert, Fred Weissenfluh, Mary Bieker, R. Scott Savage, Tony Buzzard, Paul Taylor, Judy Swiggins, Bill Whissenant, Denny Evans, Jim Sheely and Barbara Carter

Mayor notified council there was an addition to the agenda. Item 0 would be a resolution to amend resolution 430-R regarding the June 30th levy election.

AGENDA ITEM #0 - RESOLUTION TO AMEND RESOLUTION 430-R (433-R)

Jerri Widner discussed the general fund changes as addressed in the memorandum handed out to council. She responded to questions from council. Dalton Williams moved to accept this amended resolution for the June 30th election. Helen Althaus seconded the motion. Yeas 2 Nays 1 (Chuck Blanchard) 1 abstention - Frank Kaiser

AGENDA ITEM #1 - CABLE TV REQUEST FOR PROPOSAL - RESOLUTION (434-R)

Dalton Williams moved to adopt the resolution for the Cable TV. Chuck Blanchard seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #2 - ORDINANCE OF CODIFICATION OF PUBLIC SAFETY ORDINANCES (352-0)

This item was tabled until Brian Freeman arrived.

AGENDA ITEM #3 - DISCUSSION OF CURRENT CONTRACT - CARETAKER'S AGREEMENT

Dalton Williams wanted to know if the addition to the agreement which was penciled in under Item 2E had been reviewed by Brian Freeman before it was signed because it changes the context of the agreement. Pam Christian responded that she didn't know if Brian Freeman had read it or not. Dalton Williams moved to attach alternative 3 as outlined in the memorandum from Ed Murphy to council directing staff and the city attorney to draft a new caretaker's agreement. Chuck Blanchard seconded the motion. Yeas 5 Nays 0.

Mayor Sturges said he felt uncomfortable with the work being done around the park. Dalton Williams felt that the original agreement had been properly worded but improperly altered.

Brian Freeman arrived and council went back to Item #2.

AGENDA ITEM #2 - ORDINANCE FOR CODIFICATION OF PUBLIC SAFETY ORDINANCES - (352-0)

Dalton Williams pointed out to Brian Freeman that Item #12, at the top of the 2nd page of codification had a definition of private garage, which he didn't understand, and was an example of the vague wording he found throughout the codification. Chuck Blanchard felt that the codification was repetitious in many areas. Dalton Williams also wanted to know what the definition of a hazardous vehicle was.

Dalton Williams moved to table this matter until after Item #4 had been discussed. Dan Lowe seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #4 - DISCUSSION OF ORDINANCE 121

Ed Murphy informed council that the Basketball Hoop Item in the Public Safety Codification was under Item 7.30.005. He presented three choices to council as to what their options were:

1. All hoops stay up.
2. All hoops come down.
3. Some stay up and some come down.

Fred Weissenfluh acting as spokesman for many people in the audience stated he had surveyed other jurisdictions in the local area asking if they had ever had any problems with basketball hoops being in right of ways. The results of the survey indicated that there weren't any accidents reported involving basketball hoops. However, harrassment and sidewalk accidents had been reported. A question was raised as to whether the City of Portland allowed basketball hoops in right of ways. Ken Prickett, a former Portland employee, stated that they did not permit any personal property in a public right of way. Ed Murphy proceeded to show slides of basketball hoops that are up throughout the City of Troutdale. He pointed out the differences in style and location. Brian Freeman commented to the audience that when a City is notified of a hazardous condition and does not take steps to rectify this hazard that the City can be held liable for any damages that may result from the use of such a hazardous condition. He further stated that indemnification of property owners was discussed but that there is a difficulty involved because children from other parts of the City may come and use a basketball hoop and a parent hasn't any control in that particular situation. There merely isn't any way to protect the City from risk. Homeowner's policies may cover as well but there is still some exposure to the City. Helen Althaus said that her first thought was that this was similar to unsafe playground equipment. Ed Murphy said the question he wanted to present to council was, "What if an accident occurred, what would council do, how would they handle the problem?" Fred Weissenfluh responded by saying there is safety in these basketball hoops because parents want to know where their children are and they would rather have them playing in the street than have them two miles away playing in a park. Dan Lowe wanted to know what prompted the letter that was written to the people about the basketball hoops?

Ken Prickett responded by saying that he has 1 to 3 inspectors going out daily into the City and that an increasing number of children are playing in the streets around basketball hoops. If children would get out of the street when cars go by it would not be hazardous. However, when inspectors go by they don't move, they hit the cars. Fred Weissenfluh further responded that even mailboxes are in right of ways and even these are liabilities. The parents would like to be a part of the solution of this problem. Helen Althaus asked the question, "what's wrong with basketball hoops on garages?" Fred Weissenfluh said that not everyone has a driveway to accommodate a basketball hoop. Paul Taylor said that it would be impossible for his basketball hoop to be in his driveway because it is at a 40° angle. Ed Murphy stated that the enforcement of this ordinance is not new to the building department, the prior building official also addressed the issue. Tony Buzzard wanted to know what the extent of the liability was. It was explained that for each given situation there would be a different liability. He recommended that hoops be outlawed on main thoroughfares. Brian Freeman said that it depended upon the definition of what's unsafe. Dick Filbert said the City should rest assured that the responsible adults are doing everything they can to protect their children's safety. His hoop is on a thoroughfare and he felt that parents have been doing a good job of policing. Roy Trayhorn liked the closeness of his neighbor's basketball hoop because he could keep track of his children and he felt that parents would go after the person who lets the children play at an unsafe basketball hoop. Betty Little felt that the council should have been notified about the letter before it was mailed. She also pointed out that the 7th Street Reservoir was just as unsafe if not moreso than basketball hoops. Jim Klinker was concerned about the liability factor. Melba Klinker said that if basketball hoops are taken down and placed in driveways then the kids will be playing in driveways and not aware of cars in the street. Whereas, now they play in the street and are aware and watch for cars. Mike Kalhar said that out of 8 houses on 8th Circle only 1 house didn't use the basketball hoop. Scott Savage said that what Mike Kalhar said was true. The people who drive on the street are aware of the kids playing. He felt that the City's letter was more of a vendetta than a safety factor. Danny Evans agreed with Scott Savage that the kids are alot safer when playing in the street. Mary Bieker of 2329 Beaver Creek Lane said her family received a notice indicating a violation of zoning and that if the basketball hoop was not removed in 7 days from City property they would be cited into municipal court. She said that they responded with a letter to the City stating that if their basketball hoop had to be taken down within 7 days, would all basketball hoops have to be down? She also indicated that they had taken down their basketball hoop. She received a letter back from Mr. Prickett thanking her for taking her basketball hoop down and explaining that the inspector while driving through new subdivisions found violations such as basketball hoops in public right of ways. She further said that the neighborhood children wanted to know what they could do to get their basketball hoop back up. She said 12 children signed a petition and sent it into City Hall. She felt that she should come down and tell the council what had occurred. Dave Treick said that if hoops are put up on garages then the cars will be in the street. He also stated that everyone was notified by certified mail regarding the basketball hoops. Jim Sheely had several points he wanted to bring up. They were as follows: (1) First of all, this was defined as a nuisance. Is this to be determined by the homeowner's or by the City Council? (2) Utility poles - he felt that it was the company's prerogative as to whether they wanted basketball hoops attached to the utility poles. (3) Travel - what amount of travel is on the street? (4) Location - are

basketball hoops only put in cul-de-sacs? (5) Premiums - insurance (6) Priority - is this really a top priority? (7) Some up and Some down. He felt that we should leave the control in 1 persons hands. Barbara Carter stated she lived in C.P. Park and she informed council she had a petition signed by 37 people for the hoops to stay. In the letter that was sent to everyone it was stated that gravel was also considered a violation on 26th Street. It had been left by the builder. She had requested the builder to remove the gravel several months ago. Brian Freeman asked the council what they needed to know about the hoops. Risk or safety? Tony Buzzard commented that we should be allowed to take a risk. In conclusion, Ed Murphy said that staff did not handle the situation as they could have. He apologized to council for placing them in this situation and mentioned that in the public safety codification the appeal process for this kind of violation was very clear.

Council moved back to Item #2

AGENDA ITEM #2 - ORDINANCE OF CODIFICATION OF PUBLIC SAFETY ORDINANCES (352-0)

Chuck Blanchard moved to pass the public safety codification ordinance. Helen Althaus seconded the motion. Yeas 5 Nays 0.

Council moved back to Item #4

AGENDA ITEM #4 - DISCUSSION OF ORDINANCE 121

Tony Buzzard stated that if its obviously dangerous then the basketball hoop should be taken down. Ed Murphy said that it was an honest mistake citing Ordinance 121 which had been superceded by Ordinance 275.

A break was taken at 8:45 P.M.
The meeting was reconvened at 8:55 P.M.

AGENDA ITEM #5 - COUNCIL CONCERNS

Dan Lowe - commented on how good the area looked around Stark and Troutdale Road where the house was once located. Also, he wanted to make sure the follow up was done on the gravel problem on 26th Street.
Dalton Williams - stated the letter to the people of Troutdale about the basketball hoops was inappropriate.
Mayor Sturges - wanted to know how to avoid this sort of thing in the future.
Brian Freeman - said that the codification would help in keeping everything up-to-date.
Helen Althaus - said if a violation is not specifically spelled out the City Attorney and City Administrator should be consulted.
Frank Kaiser - no comments
Chuck Blanchard - he mentioned that he had heard some rumors about the conditions of the Community Park Building after the party Friday night. Also, wanted to find out if the kitchen utensils that the Lions provided had been taken or misused.
Marge Schmunk - wanted to know who was going to redo the caretaker's agreement and also who was going to enforce it. Allen Perkins stated that enforcement would be inclusive in the agreement.
Mayor Sturges - suggested it was time to have a work session to discuss these

issues.

Helen Althaus - wanted to know if there were any provisions for termination of the caretaker's agreement.

Brian Freeman stated that in actuality it was a rental agreement and was subject to landlord-tenant law requiring 30 days written notice of termination.

Dalton Williams - said that the text of the agreement had to be changed.

Brian elaborated on the work session concerning the agreement and the line of supervision.

Dalton Williams - said he would prefer the spirit of the original agreement without the penciled in changes.

Ed Murphy - said the staff will try to draft a new agreement but wanted to know what the council thought the value of the house was.

Helen Althaus - requested that staff check with the League of Oregon Cities and other jurisdictions regarding basketball hoops.


Allen Perkins - suggested an early evening work session with a box supper.

Chuck Blanchard - wanted to be introduced to Harry Parsi. Allen indicated that he had already introduced Mr. Parsi to the other members of council when Chuck had stepped out for a minute.

Mayor Sturges - determined that council would meet on June 2, 1981 at 7:00 P.M. for a work session to discuss the Caretaker's Agreement, tax levy, basketball hoops, building clean-up and other items. Pam Christian notified the council that a picnic meeting would be held at City Hall, Thursday, May 28th, 1981 evening.


Dan Lowe moved to adjourn the meeting. Chuck Blanchard seconded the motion.

The meeting was adjourned at 9:30 P.M.



R.M. STURGES, MAYOR
DATE SIGNED 6-24-81

ATTEST:



JERRI L. WIDNER
FINANCE DIRECTOR/CITY RECORDER

