

AGENDA
TROUTDALE CITY COUNCIL
EXECUTIVE SESSION
JULY 28, 1981 7:00 P.M.
TROUTDALE CITY HALL

1. Executive Session Pursuant to ORS 192.6.60 (e), Real Property Transactions
2. Executive Session pursuant to ORS 192.660 (h) Acquiring additional access to landfill site

AGENDA
TROUTDALE CITY COUNCIL
REGULAR SESSION
JULY 28, 1981 7:30 P.M.
TROUTDALE CITY HALL

1. Call-to-Order, Roll Call, Agenda Update: Mayor
2. Consent Agenda
 - 2.1 Accept Minutes of 6/23/81 Council Session, 7/18 Goal Setting
 - 2.2 Accept Bills for the Month of June
 - 2.3 Accept Business License Report
 - 2.4 Ratify Election Results -- Resolution
 - 2.5 Ratify Frischman Liquor License
 - 2.6 Ratify Plumbing Inspection -- Resolution
 - 2.7 Efforts of General Telephone towards 911 System -- Resolution
3. Authorizing substitution of revised payment schedule in lieu of performance security for construction of Well #6 Pump House -- Resolution
 - 3.1 Change Order -- Well #6 Pump House
4. Declaration of excess capacity in Halsey Storm Sewer Trunk outfall and authorizing temporary connection for land outside the LID boundary to same -- Resolution
5. Request by the City of Fairview re. Sanitary Sewer
6. Departmental Reports
 - 6.1 Finance and Records -- Selection Committee Recommendation
 - 6.2 Police
 - 6.3 Community Development
 - 6.4 Public Works
 - 6.5 Engineer
 - 6.6 Attorney
 - 6.7 Executive -- House Bill 2956
7. Council Concerns and Initiatives
8. Oral Communications and Adjournment


R. M. STURGES, MAYOR

0217
2.1

MINUTES
TROUTDALE CITY COUNCIL
EXECUTIVE SESSION
JULY 28, 1981 7:00 P.M.
TROUTDALE CITY HALL

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

PRESENT: Councilors Cox, Lowe, Williams and Blanchard. Councilor Kaiser arrived at 7:10 p.m.; Councilor Althaus arrived at 7:20 p.m.

AGENDA ITEM #2

Scott Pemble presented background information concerning the American Lutheran Church commitment to dedicate a 50 foot strip of land to the City to provide access to the Landfill site. The dedication had been a condition of a 1979 Zone Change request by the Church.

Brian Freeman presented his legal opinion as to the options available to the City for obtaining access to the Landfill.

OPTIONS:

1. Accept Church's decision to not dedicate the access land; the City would then construct an access road on the Western side.
2. Revoke Community Service Zone Change if easement is not granted.
3. Begin condemnation procedures on the property in question.

Brian also notified the Council that the Church has requested they be relieved of assessments for future street improvements.

Discussion ensued by Council.

Brian Freeman suggested that Council extend the Community Service Zoning until August 25, 1981, the date of the next regularly scheduled City Council meeting. This would allow time for Brian to negotiate with Mr. Davis, Attorney for American Lutheran Church. Council unanimously agreed.

AGENDA ITEM #1

Regarding the Cully Property Condemnation. Brian Freeman presented background information concerning the City's need for an easement across the property for the purpose of constructing a fence around the Landfill site.

AGENDA ITEM #1 (CONTINUED)

Mr. Bob Spikes is now owner of the property in question.

As stated in a letter to Council, Mr. Freeman feels that it would be more costly to attempt to fill and place a fence on City property than to pay the \$2,700 requested by Mr. Bemis, Attorney for Bob Spikes and Irene Cully.

This amount would be for Attorney and appraisal fees, plus fees for past and future use of the land until the property becomes developable.

Discussion of recommendation followed.

Dalton Williams moved to continue Executive Session after the regular session scheduled to begin at 7:30 this same evening. Dan Lowe seconded the motion. Ayes: 6.

The Executive Session recessed at 7:45 p.m.

Executive Session reconvened at 9:42 p.m.; all Council members present.

AGENDA ITEM #1 (CONTINUED)

Proposal that City pay \$2,700 was again stated.

Scott Pemble voiced his concern over using the term "developable" or "platted" when negotiating a settlement with Mr. Bemis. The use of these terms would severely limit the length of time the fence would be allowed to remain.

Brian Freeman suggested that if the \$2,700 figure was acceptable to Council, he would agree to pay Irene Cully and Bob Spikes that amount and negotiate the definition for the term "developable". Once the terms are negotiated, Brian will return to Council for action on the Agreement.

Council unanimously directed Brian Freeman, City Attorney, to negotiate.

Councilor Kaiser moved to adjourn, Councilor Cox seconded. Meeting adjourned at 10:04 p.m.



R. M. STURGES, MAYOR

8-10-81

DATE SIGNED

ATTEST:



PAM CHRISTIAN
ADMINISTRATIVE ASSISTANT

MINUTES
CITY COUNCIL MEETING
JULY 28, 1981

The Mayor called the meeting to order at 7:47 P.M.

ROLL CALL :

PRESENT : Dalton Williams, Helen Althaus, Frank Kaiser, Sam Cox,
Dan Lowe, Mayor Sturges and Chuck Blanchard
STAFF : Allen Perkins, Harry Parsi, George Haddock, Brian
Freeman, Scott Pemble, Pam Christian, Lois Howell and
Walt Mintkeski of Lee Engineering
PRESS : Cassandra Burrell of the Gresham Outlook

Allen Perkins gave an agenda update. 2.1: minutes from the goal setting session; 2.7: resolution concerning the 911 system for emergencies; 6.7: executive report will include some additional items; Council Concerns: a letter from Frank Ivancie to Rick Gustafson of Metro.

AGENDA ITEM #2 - CONSENT AGENDA

- 2.1 : Acceptance of minutes of 6-23-81 and 7-18-81 goal setting session
- 2.2 : Acceptance of bills for month of June
- 2.3 : Acceptance of business license report for month of June
- 2.4 : Ratification of election results
- 2.5 : Ratification of Frischman liquor license
- 2.6 : Ratification of Plumbing inspection agreement and Resolution (438-R)
Council asked if Brian Freeman had read through the agreement. Brian informed council that he had read it and had also made some changes.
- 2.7 : General Telephone resolution (439-R) George Haddock informed council he had written the resolution which entails dialing the number 911 anytime you have an emergency situation such as police or medical.

Frank Kaiser made a motion to accept the consent agenda item 2.1 through 2.7. Dalton Williams seconded the motion. Yeas 4 Nays 1 (Dan Lowe) 1 abstention - Helen Althaus

AGENDA ITEM #3 - RESOLUTION AUTHORIZING SUBSTITUTION OF REVISED PAYMENT SCHEDULE IN LIEU OF PERFORMANCE SECURITY FOR CONSTRUCTION OF WELL #6 PUMPHOUSE (440-R)

Allen Perkins introduced Walt Mintkeski from Lee Engineering. Council had questions on this matter regarding the payment schedule. Dan Lowe wanted to know 40% of what and the total price of the contract? Walt explained that it was 40% of the payment of the contract and that the total price of the contract was \$91,985.00. Each month the contractor submits an invoice for the work he's done and when you approve it and make any adjustments that are necessary then the City will pay 60% of that and 40% would be retained. Dan Lowe brought up that the change order suggests that the contract be negotiated which would delete the language requiring a performance bond be provided by a registered bonding company and that a revised payment schedule be substituted. He further stated that the proposal was accepted by FmHA verbally on July 9, 1981. Dan said he would like this in writing.

Walt explained that that was the purpose of the change order that was being presented to council tonight. If you agree to the change order tonight that will put it in writing. The contractor has agreed to accept the revised payment schedule. Brian Freeman interjected that the contractor would have been happy to provide a corporate bond but was unable to because he was involved in some other big projects and had reached his bonding limit.

Dalton Williams made a motion to accept the change order and resolution. Chuck Blanchard seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #4 - RESOLUTION DECLARING EXCESS CAPACITY IN HALSEY STORM SEWER TRUNK OUTFALL AND AUTHORIZING TEMPORARY CONNECTION FOR LAND OUTSIDE THE LID BOUNDARY (441-R)

Allen Perkins briefed the council by saying that this would enable us to have some sort of storm sewer control not only down Buxton but also down Columbia probably sometime in the future. He asked that the council concur with this proposal and accept the resolution. Scott Pemble explained that because of the Interstate Transfer Program the Metro region has received some money for transportation projects. Some are allocated to Multnomah County, Washington County, Clackamas County and local jurisdictions within each of those counties. We have a list of priority projects which has been submitted but because we must move quickly on the availability of federal dollars some of the first priority projects weren't ready to go. As a result, Cherry Park Road which wasn't even on the list of seven priorities, became eligible for funding. We have 1,425,000.00 with which to improve Cherry Park Road which would be used for sidewalks, curbs, etc. Along with the improvement of the curbs and sidewalks there are also dollars available for a storm drain. Scott went on to further explain that the main problem was the discharging of the water after flowing down Buxton. This is where the Halsey Storm sewer came into it. It was felt that this would only be a temporary solution and would be benefitting everyone involved. Dan Lowe felt that if we used the Halsey Storm sewer that we would be infringing upon peoples rights, those in particular the people that are paying for the sewer now. Brian Freeman reiterated that this would only be a temporary thing but he felt that because it is benefitting someone who has to pay on the sewer and only so long as the capacity exists that there wasn't really a problem there.

Dalton Williams made a motion to accept the resolution. Dan Lowe seconded. Yeas 6

AGENDA ITEM #5 - REQUEST BY THE CITY OF FAIRVIEW RE: SANITARY SEWER Nays 0

A letter was brought before council from the City of Fairview wherein they requested how we might feel about them contracting with us for the treatment of their wastewater. Council discussed this matter and decided that they would not take any action on this at this particular time.

AGENDA ITEM #6 - DEPARTMENTAL REPORTS

6.1 : Allen Perkins announced to council that in reviewing all of the applicants for the Finance Director/City Recorder's position, a candidate had been chosen and with the concurrence from council the position would be filled by Mrs. Nancy B. Nixon. Frank Kaiser made a motion to accept Mrs. Nixon as the new Finance Director/City Recorder. Dan Lowe seconded the motion. Yeas 6 Nays 0.

6.2 : George Haddock reported that he had been interviewing some potential police officers. He was finding that a lot of applicants were not certified or certifiable. He also mentioned that the river traffic has been extremely heavy. They've had more people go through the park than ever before since the counter was put in. It has created a lot of extra problems such as vandals, cars blocking other cars, etc. George indicated he would like to make a recommendation to have new striping in the parking lot to perhaps alleviate some of the parking problem.

Mayor Sturges reported to council that an offer has been made to give the land owned by Multnomah County that the bike riders use to the City. George Haddock said that the police wouldn't want it because it is such a high liability factor. Council discussed the matter. Allen Perkins said that he would like to put together a staff report on this and report back to council at a later date.

6.3 : Scott Pemble reported to council that the Obrist Pit was again being delayed. The DEQ and EQC have not yet issued us our permit. Therefore, we aren't able to contract any potential operators. We do have three operators who have indicated they were interested. The timetable now is that we won't be before DEQ until August 21st and won't be able to contract the operator until around September. At this point, we don't know if the public will be allowed to use the landfill site. Scott also indicated that the Motel 6 people should be in at the end of this month for their building permits.

6.4 : Harry Parsi reported to council that the sludge truck had arrived and that they had already used it and it was performing satisfactorily. Also, we received two bids on the mower/trailer. Harry felt that the bids that were received were much too high and asked that council concur with him in revising the specifications and asking for bids for a second time. Frank Kaiser made a motion to reject the bids. Chuck Blanchard seconded the motion. Yeas 5 Nays 0 (1 abstention - Dalton Williams)

Harry Parsi also commented on another problem down at Jackson Park Road. He was called by Mary Smith who said that an odor was coming from one of the manhole covers. Harry also received a call from DEQ asking us what was going on. Harry indicated that he went down to take a look at the problem and decided to seal the manholes and flush the lines. They found that the odor disappeared after doing this. Harry then called Mrs. Smith and asked her if she noticed anymore odor and she indicated that there was none. Also, applications have been coming in for the Sewage Treatment Plant Supervisor. Harry said he had gone through all of the applications and interviewed the potential candidates and found that there were 5 outstanding individuals. After interviewing Harry felt that one individual, Mr. Arlen Doyle, would be the best candidate for the job. Harry indicated that Mr. Doyle accepted the position and would be starting on August 17, 1981.

6.5 : The engineer's report was given by Walt Mintkeski. Dalton Williams commented on the 7th Street Reservoir project. He wondered if the structure would hold a vehicle. He said he was somewhat concerned because the reservoir was at ground level and anyone could at some point in the future drive onto the structure. Walt Mintkeski said he would look into the matter a little further but felt that the structure would not hold a vehicle because it had been designed for tennis courts.

- 6.6 : Brian Freeman didn't have an oral report for council.
- 6.7 : Allen Perkins told council that they should see Pam Christian after the meeting so that she could give them the proper keys to the building. He indicated that the black box was now ready where they could pick up all of their mail and agendas, etc. Pam Christian addressed council with a matter which was before the Oregon legislature, more specifically, House Bill 2956. This involves the selling of bonds in order to fund the new proposed 250 bed regional jail site. Allen Perkins indicated that Gordon Shadburne was in support of this bill and that hopefully he and Mr. Shadburne would be getting together in hopes that a better understanding of the City's position and Mr. Shadburne's position could be reached. Pam Christian reiterated to council that one of the reasons this proposed jail site was turned down last year was because they didn't have the funds to build it. If this is passed, it will go to the electorate, the citizens for a vote on that particular constitutional amendment to allow them to set this fund up. If that passes, they will then have the money and therefore alot more clout when they go back again and ask for the jail site.

AGENDA ITEM #7 - COUNCIL CONCERNS

Mayor Sturges indicated to council that a letter from Frank Ivancie to Rick Gustafson of METRO was in the packets. Council commented that it was a very nice letter.

Frank Kaiser said he met with Harry Parsi and Allen Perkins down at the City park and found that they didn't believe filling in the Sandy River banks would work. Some discussion ensued between council. Mayor Sturges brought up a problem which involves some property adjacent to Owens property on Halsey Street. No one is living in it but the grass is extremely high and needs to be cut. Scott Pemble reported that the owners were served notice July 17th. They were informed that the grass was a nuisance and that they were to cut it. As a matter of policy, we give them 10 days in which to cut the grass. An inspector then goes back out to check the site and to see if the problem has been corrected. If not, a certified letter is then sent out to the owner indicating that they have 10 days to comply, if not, the City will go out and contract to have the grass cut and to put a lien on their property. The owner is Mr. Ray Thompson.

Mayor Sturges indicated that permission was being requested for some skydivers to jump into Kiku Heights Park on August 1, 1981. We don't have an ordinance against this sort of thing and permission has been given by the adjacent land owners. The Mayor explained to council that all they really need is approval from the FAA and notify them when they are within three miles of an airport. They're each bonded up to \$150,000.00. Allen Perkins said that he had talked to Brian Freeman on this particular matter and it was suggested that maybe a letter from the group indemnifying the City would be helpful. Or, a certificate of their public liability insurance. Mayor Sturges said he would be getting back to the men on that particular issue.

Mayor Sturges brought up a matter that he has been concerned about lately, that being the use of mastercards by the staff. It was the Mayor's feeling that perhaps we should not use them as frequently as we do. He wanted to know the feeling of council. Frank Kaiser felt that it was almost impossible to pay for more than 1 persons meal because of the high costs of food and that it was much more convenient to have a mastercard. Dan Lowe indicated that as a business manager and consultant he recommended the use of the mastercard to his clients. George Haddock agreed with Frank Kaiser in that he doesn't carry that much cash around with him to be able to pay a big lunch tab. It is much more convenient to have the mastercard. Allen Perkins felt that maybe some of the concern was because of the big bills which had been incurred during his trip across country, travel expenses, etc. Brian Freeman voiced that it might be a concern because if members of the community knew that members of the staff had mastercards they might assume that their expense accounts were somewhat lavish. Allen Perkins indicated to council that he would monitor the situation and report back to council at a later date.

Mayor Sturges read a motion to council wherein it was moved that the conditional CS zone designation of the American Lutheran Church property adjacent and NE of the landfill pit not be revoked by reason of the owner's failure to begin construction within 2 years. Council discussed the matter. Dan Lowe moved to accept the motion. Frank Kaiser seconded the motion. Yeas 6 Nays 0.

Frank Kaiser made a motion to adjourn the meeting. Chuck Blanchard seconded the motion. Yeas 6 Nays 0.

The meeting was adjourned at 9:40 P.M.



R.M. STURGES, MAYOR

August 26, 1981

DATE SIGNED

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER

