

AGENDA
 TROUTDALE CITY COUNCIL
 OCTOBER 27, 1981 7:00 P.M.
TROUTDALE CITY HALL

- (A) 1. Call-to-Order, Roll Call and Agenda Update: Mayor
- (A) 2. Consent Agenda
 - 2.1 Accept Minutes of 10/13/81 Regular and Executive Sessions of the City Council
 - 2.2 Accept Business License Report
 - 2.3 Liquor License Application, Tads Chicken 'N Dumplings
 - 2.4 Liquor License Application, Troutdale General Store
 - 2.5 Liquor License Application, Red Baron
 - 2.6 Accept Utility Easement from Park Rose Baptist Church
- (A) 3. Supplemental Budget, Federal Revenue Sharing--Ordinance
- (A) 4. Adopt Policy Area #2 Revisions to Comprehensive Plan as Accepted at 10/13/81 City Council--Ordinance
- (A) 5. Address Fee Adjustment for City Attorney
- (A) 6. Appointment of Budget Officer
- (A) 7. Policy of Administrative Procedures for Downtown Redevelopment
- (A) 8. Adopt Amendments to Public Safety Code Ordinance
- (A) 9. Address General Engineering Services Contract with Lee Engineering, Inc.
- (I) 10.
 - 10.1 Public Works
 - 10.2 Engineer
 - 10.3 Attorney
 - 10.4 Community Development
 - 10.5 Police
 - 10.6 Finance and Records
 - 10.7 Executive
- (I) 11. Council Concerns and Initiatives
- (I) 12. Oral Communications and Adjournment



 R. M. STURGES, MAYOR

(A) = ACTION ITEM

(I) = INFORMATION ITEM

MINUTES
CITY COUNCIL MEETING
OCTOBER 27, 1981

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

ROLL CALL :

PRESENT : Dalton Williams, Sam Cox, Mayor Sturges, Frank Kaiser, Dan Lowe, Chuck Blanchard and Helen Althaus arrived at 7:20 P.M.

STAFF : Harry Parsi, Pam Christian, Nancy Nixon, Scott Pemble, Allen Perkins, Duane and Dave Lee, George Haddock and Brian Freeman

PRESS : Cassandra Burrell of the Gresham Outlook and Joyce Wydryzinski from the Oregonian

GUESTS : Marge Schmunk, Terry Ege, Mr. Martinez, Tony Buzzard and Al Hutchins from the Gresham City Council

The Mayor indicated that two items which we must take action on are under Item #10. Allen Perkins told council that under the consent agenda, 2.7 would be added which was a license renewal for the Portland Salvage Pool, Inc.

Chuck Blanchard commented that he was glad to have the City Administrator back. He did want to know if Allen had obtained a doctor's release? Allen said yes. Chuck Blanchard made a motion to have that release statement submitted to Allen's file as part of the City's records. Mayor Sturges asked if that had been placed in the file yet? Allen Perkins said it had not but that he still had the release. Dalton Williams seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #2 - CONSENT AGENDA

- 2.1 : Acceptance of minutes of 10-13-81 regular session and 10-13-81 executive session
Frank Kaiser commented on how minutes show the attendance. They have read in the past that at the time of roll call if a member is gone they are marked as absent. In the future a member who is gone at the time of roll call, it will be noted that that member was there but also an indication that they arrived late and the time of the arrival. Nancy Nixon indicated she would take care of that correction.
- 2.2 : Acceptance of business license report
- 2.3 : Acceptance of liquor license application for Tad's Chicken 'N Dumplings
- 2.4 : Acceptance of liquor license application for Troutdale General Store
- 2.5 : Acceptance of liquor license application for Red Baron Restaurant

- 2.6 : Acceptance of utility easement from Parkrose Baptist Church
- 2.7 : Acceptance of business license for Portland Salvage Pool, Inc.

Sam Cox made a motion to accept the consent agenda items 2.1 through 2.7. Chuck Blanchard seconded the motion. Yeas 5
Nays 0.

AGENDA ITEM #3 - SUPPLEMENTAL BUDGET, FEDERAL REVENUE SHARING - ORDINANCE

Dan Lowe made a motion to accept the supplemental budget for the Federal Revenue Sharing Fund for fiscal year 1981-82. Dalton Williams seconded the motion. Yeas 5 Nays 0. The motion was carried unanimously.

AGENDA ITEM #4 - ADOPT POLICY AREA #2 REVISIONS TO COMPREHENSIVE PLAN AS ACCEPTED AT 10-13-81 CITY COUNCIL MEETING - ORDINANCE

It was explained that the ordinance before us will change the text of the Troutdale Comprehensive Plan and amend Ordinance 252.

Dalton Williams moved to adopt the ordinance to change the comprehensive plan policy area #2. Frank Kaiser seconded the motion.

Dan Lowe wanted to know if Scott Pemble had anything to say. Scott Pemble indicated that it was what the council approved at the last meeting but we are merely putting it in ordinance form.

Yeas 5 Nays 0. The motion was carried unanimously.

AGENDA ITEM #5 - ADDRESS FEE ADJUSTMENT FOR CITY ATTORNEY

The Mayor told council that we would come back to this later because the City Attorney had not yet arrived.

AGENDA ITEM #6 - APPOINTMENT OF BUDGET OFFICER

Chuck Blanchard made a motion to nominate Nancy Nixon as Budget Officer. Dalton Williams seconded the motion. Yeas 5
Nays 0. The motion was carried unanimously.

AGENDA ITEM #7 - POLICY OF ADMINISTRATIVE PROCEDURES FOR DOWNTOWN REDEVELOPMENT

Allen Perkins addressed council by telling them that they had before them tonight a standard operating procedure (SOP) that we have put into effect which outlines basically a procedure for the adequate redevelopment of our downtown policy area #2. Based upon the SOP, the planning department and building department are now coordinating their activities and efforts to provide a master check sheet which should clearly outline to any prospective applicant those steps that are necessary to acquire; (1) a new business license; (2) an application for a building permit

for new construction; (3) an application for a building permit for reconstruction of an existing structure. Dalton Williams wanted to know if this was a guideline for style by which the staff treated the public? A discussion followed. Dalton wanted to know what the consensus was from the council in regards to public relations. Chuck Blanchard felt that it was very costly to come in and get a building permit. Dan Lowe expressed some negative feedback in regards to the staff in the building department. Tony Buzzard, sitting in the audience, made a comment in regards to the basketball hoop matter which had started such a commotion awhile back. He expressed that it was merely one man's opinion that had started the whole affair. Mayor Sturges said that because of the absence of the City Administrator that there has not been a chain of command lately. He indicated that with Allen back we can address some of these issues properly. The Mayor also addressed the issue of the Design Review Board by saying that perhaps we should review the Board and make sure that the people on it are more business oriented.

Dan Lowe made a motion to have staff look at the sign and fence ordinance and bring it back to council after checking for any problems in that area.

Scott Pemble said that with respect to doing something on the sign and fence ordinance that approximately six months ago the Planning Commission reviewed the fence ordinance and with City Council's approval the ordinance was amended to accommodate the new height on a standard model chain link fence. Scott said that according to the work program the comprehensive plan was the first thing to be addressed right now and then at a later date the fence, sign, design review board and the downtown development plan would be worked on.

Dan Lowe withdrew his motion.

Dalton Williams expressed a concern that there aren't any guidelines for the Design Review Board to follow. They should be a objective body of people rather than an subjective body. Scott related to council some of the problems that the Design Review Board run up against in reviewing plans. A discussion followed. The consensus from council was to review the Design Review Board at a work session.

Helen Althaus arrived at 7:20 P.M.

AGENDA ITEM #8 - ADOPT AMENDMENTS TO PUBLIC SAFETY CODE - ORDINANCE

Pam Christian indicated that Brian Freeman was suppose to bring an ordinance for this matter. George Haddock said that this was a matter that he requested the City Attorney do. He said these are specific laws that we would like to handle in our own Court. Basically, we are dealing with people who live in Troutdale so it would be more convenient to have our Court handle these requested types of cases. George said that 7.60.410 - PUBLIC CONSUMPTION OF ALCOHOL should be deleted because he still had some questions on that one. The items of Theft and Criminal Mischief are alright to be left in. Dan Lowe asked if Brian

Freeman had reviewed the amendments. George said he wasn't sure. Pam Christian said that he had read them but had not done any final work on them as yet.

AGENDA ITEM #9 - ADDRESS GENERAL ENGINEERING SERVICES CONTRACT WITH LEE ENGINEERING, INC.

Mayor Sturges voiced to Lee Engineering that this was not the time to come before City Council and ask for more money. But if you wish to pursue this at this time then you are entitled to do so. Duane Lee addressed council by saying that it had been quite awhile since we discussed the provisions of our providing the City normal engineering services. Dan Lowe said he would like to see what the previous rates are and how they are increasing in each individual category. For instance, Exhibit A - Secretarial rates are \$16.00 an hour. What was it previously? Allen Perkins commented on Agenda Items #5 and #9 by saying that he has objection to both the fee adjustment for the City Attorney and Lee Engineering not because of the firms involved but for the situation of the present budget structure. Our budget in my opinion and also Mrs. Nixon, Finance Director, is extremely tight for the remaining portion of this fiscal year. Based upon the present projected rates and what took place last year our City Attorney's department will be well over spent. Lee Engineering will be considerably less but there will be some overage we anticipate in looking ahead. I think the Council is well aware we are in the process of the Obrist litigation and inflation in other area has again hit our budget. Allen felt that at the time of the budget preparation, any consultants, whether it be the City Attorney or Lee Engineering or anybody else, should at that time make their request and then the Council and budget committee could take it into consideration. Allen reiterated that he was not against the rate increases requested by the City Attorney and Lee Engineering, both have displayed their talents to our satisfaction and that both of them have not had an increase in a considerable amount of time but the timing is off and it should be done at the time of the preparation of the budget. Duane Lee said that he would like to take the issue up again when he had more information available for council. Duane commented that they had gone into quite a bit of detail in the committee that was asked to review both our services regarding general engineering and the Cherry Park Road Waterline and these hourly rates that we are suggesting here are 10% lower than the rates that we negotiated with the City on the Cherry Park Road Waterline recently. I will bring some information back for the council to review in regard to other salaries of other engineers in the region and percentage amounts, etc. Chuck Blanchard made a motion to table this matter until the next meeting and for the City Administrator to work together with Lee Engineering in combining their reports. Dan Lowe seconded the motion. Yeas 6 Nays 0. The motion was carried unanimously.

Brian Freeman arrived at 7:40 P.M.

Mayor Sturges reiterated to Brian that this was not the time to ask for more money. Brian commented that Young, Freeman & Jennings was caught in the same kind of profits squeeze that he suspected Duane Lee was in. Also, he commented that the City employees had been given an annual rate increase on a cost of living basis and I have tried to point out that what we are doing is trying to keep even with the cost of living increase.

Dan Lowe made a motion to table the matter until the next meeting. Sam Cox seconded the motion.

Dalton Williams said that we needed additional information from what we have here or we haven't a reason to table it. More specifically, he wanted to know what the impact of this rate change would be to the budget.

Yeas 6 Nays 0. The motion was carried unanimously.

AGENDA ITEM #8 - ADOPT AMENDMENTS TO PUBLIC SAFETY CODE - ORDINANCE

Brian Freeman told council that they had submitted changes to the code to the Police Department for their review. George Haddock indicated that there was one section that he didn't want to have adopted with regard to the consumption of alcohol.

Brian said that council could pass the ordinance by simply deleting the consumption of alcohol section and pass it with regard to the section of criminal mischief and theft.

Dalton Williams made a motion to adopt the ordinance amending our other ordinance. Chuck Blanchard seconded the motion.

Brian explained that these particular sections are verbatim from the Oregon statutes and by adopting them as City ordinances we are able to deem that they are misdemeanors. We are then able to bring these cases before our own municipal court and that is the only significance of this document. Helen Althaus raised the question about the Minor in Possession of Alcohol section which was part of the inserts. Brian said that they would postpone amending that portion because he was unaware of those. Council's consensus was that they were deleting the Public Consumption of Alcohol and amending the portion on Theft and Criminal Mischief. A discussion followed. Brian told council that if someone would amend the motion that was just made to include the Public Consumption of Alcohol and Possession of less than one ounce of marijuana that that would be appropriate. Dalton so amended his motion. Yeas 6 Nays 0. The motion was carried unanimously.

AGENDA ITEM #10 - DEPARTMENTAL REPORTS

10.1 : Harry Parsi reported to council regarding his departmental report, street striping, test drilling for methane gas at the landfill site and the selection for the landfill operator. Harry reported that he was requesting some advice or decision from council in regards to buying street striping equipment. The gentleman who has been doing it for the past few years is not willing to do it anymore. It costs approximately \$1,600 a year

for this job. The gentleman is willing to sell us his equipment for the sum of \$3,200. A discussion followed as to how cost effective this would be.

Dalton Williams made a motion to postpone this matter until the next meeting and request that our staff bring to us a detailed description of the work performed by this individual for \$1,600 per year and in addition the specifics from the other companies in regards to pricing. Dan Lowe seconded the motion. Yeas 6 Nays 0.

Harry explained the problem involving Mr. Carlson and his contention that the City crew, Harry and an outside consulting engineer were trespassing on Mr. Carlson's land when attempting to drill holes for the testing of methane gas. Mr. Jim Jennings, from Young, Freeman & Jennings, appeased the situation and no one on the City staff was arrested. Harry said that 4 holes were drilled and the results have now been received. The costs are around \$4,500 to \$5,000. 2 holes were not drilled that were planned to have been drilled.

Harry reported to council concerning the recommendation the landfill operator selection committee made. He said that the committee was for Valley Landfill Inc. as no. 1; Genstar Conservation System as no. 2; and Ege Sanitation Service Inc as no. 3. Dalton Williams at this point made a recommendation that we change that staff report to coincide with what Lee Engineering's suggestion was in that the two other applicants should not be numbered and that the determination as to which one we would select be done at a later date if we were to select someone else. Allen Perkins commented that Dave Lee had a very good comment in his report in that it gives us more flexibility for our negotiation process. Dalton reiterated that the suggestion he made was to amend the staff report. Dan Lowe wanted to know if that was in the form of a motion? Dalton Williams said it was. Dan Lowe seconded the motion.

Scott Pemble wanted to get a clarification. He said that according to the committee you have a first choice for the landfill operator, Valley Landfill, your second and third choice being Genstar and Ege. Does the committee view them all to be qualified to operate the landfill site and that the process is one of negotiating with the first? Dalton Williams clarified by saying that the process is one of negotiating with the first with the intent to develop an agreement with the first and the last two would be considered only in the event that no arrangement could be made with the first one. Scott Pemble said if he understood correctly, council would recommend all three landfill operators applicants as qualified? Dan Lowe said that all we are doing is taking the 1, 2 & 3 off the staff report. Frank Kaiser said all three were qualified. Scott that if all three are qualified and we don't negotiate a contract with no. 1 then you all would feel comfortable with negotiating a contract with the remaining 2? Dalton indicated that which one we would approach first in the event we failed with Valley Landfill would not be determined at this point. That's the intent of removing the numbers from the staff report. The motion was just to remove the numbers from the staff report. Also, Dalton said that our process was not to qualify them as operators but rather to determine who we were

going to negotiate with first. If we cannot come to an agreement with Valley Landfill then we will determine who we deal with second at the time we fail with Valley Landfill. Chuck Blanchard directed a question to Scott Pemble as to what the \$5,000 amount was for that had been brought up at an earlier date. Scott said that the cost for a revised operational plan for the landfill operator, in order to meet the operator's unique operational needs, would be in the neighborhood of \$3,000 to \$5,000. Dalton Williams said his reason for removing the class entities in the remaining applicants is because we may at that time for various reasons change our mind on what kind of an operator we want. So, to prioritize those remaining applicants would be inappropriate.

Yeas 6 Nays 0. The motion was carried unanimously to to remove the numbers from the staff report.

Dalton Williams made a motion to direct staff to begin negotiations with Valley Landfill. Helen Althaus seconded the motion. Yeas 4 Nays 2 (Chuck Blanchard and Frank Kaiser) A discussion followed in regards to the criteria which was followed to identify a qualified landfill operator.

Sam Cox made a motion to bring it back for a second vote. Frank Kaiser seconded the motion. Yeas 4 Nays 2 (Helen Althaus and Dalton Williams)

A discussion followed. A letter was addressed by council from Lee Engineering to Harry Parsi. Dave Lee told council that the question involving criteria was the one that was given to us to follow. This criteria was also sent to the applicants stating that this would be used to evaluate the applicants. Dave Lee went through each applicant and gave his opinion on each one. He went on to say that he evaluated each applicant on the assumption that he would be best to safeguard the interest of the community as far as liability is concerned. He felt that that was an important aspect that council would have to consider. You know you're in a liability situation already with an active litigation in progress and one that can plague you into the future and so if you want to make sure that the person operating the pit can not only get the hole filled but can also have enough knowledge and experience to assist the City and the staff and to protect your interests. We have one other consideration that crops up at us out of the Metro regulations and that is in reference to the new franchising ordinance which was passed by Metro relative to solid waste operation or landfill operations and there is a provision in there which prevents people who are actively participating in the collection industry to also operate a landfill site. In other words, anyone who currently has any interest (financial or active business) in a collection portion of the industry cannot operate a landfill site. When Mr. Ege was asked about this, he indicated that if he was disqualified on this basis then Valley Landfill would also be disqualified because apparently there is a principal of that firm who also operates a collection box business. Mr. Ege also indicated that he would be willing to challenge this Metro ordinance legally if it was necessary. Brian Freeman suggested that we approach DEQ with our selection and see if the firm violates that provision in the new ordinance. Duane Lee clarified that Lee Engineering was working for the City of Troutdale and not Lee Engineering and in this letter of October 22, 1981 we were merely stating our opinion which council should

weight along with their own.

Frank Kaiser made a motion to rescind the first motion to negotiate with Valley Landfill. Chuck Blanchard seconded the motion.

Brian Freeman spoke to council in regards to the future issues that may arise over landfills. He said that the amount of time that this council directs staff to apply to monitoring the operation during the next 5 to 10 years will be a high cost item. The expertise of that landfill operator will have a direct effect on the amount of money that must be spent by staff to monitor and see that it is done right. Some other points are those of the relationship that exists between some of these operators with DEQ and their knowledge of why they need and what's necessary. In short, Brian said he was concerned over the expertise of the people who operate the pit because he thought if the operator was not both expert and financially capable of if he was irresponsible or just lacking in knowledge, as perhaps Obrist was, then it will be the City who ends up paying the bills. Terry Ege was in the audience and the Mayor directed a question to him wherein someone had told Terry to stay away from the pit, the Mayor wanted to know why? Terry Ege replied that Mr. LaVelle had told him to stay away because he didn't think there was enough money there to generate a business. Terry also added that Valley Landfill was going to send a cat driver out a couple of time a week and have one girl in the office. He said with the east wind out here he didn't think that that was proper. He said he would personally like to see this matter held over so that he could do some more talking with people. He said he didn't think he got a fair shake from Dalton Williams or Lee Engineering on this matter. Yeas 4 Nays 2 (Dalton Williams and Helen Althaus) The motion was carried to rescind the first motion to negotiate with Valley Landfill.

Dan Lowe made a motion to table this until the next meeting so we can go ahead and look into this situation in more depth and also that staff would have more time to make up a report as to what the operator must know to actually operate the pit. Sam Cox seconded the motion. Yeas 5 Nays 1 (Dalton Williams). The Mayor directed that this matter be tabled for 30 days.

- 10.2 : Duane Lee indicated that contracts that are out on the FMHA projects are generally going well but there are a few problems coming up with businessmen who are not adequately covering themselves, specifically, with the Seventh Street Reservoir project and Strebin Road Reservoir project. Duane addressed the problem with the odor or odd taste in the water. He said that they had found the problem to be not in the wells or water supply but in the coating of the new reservoir at Columbia Park. Evidentially, a number of cities are having similar problems. It has to do with changes both locally and federally in standards regarding solvents that are used in the paints and the paints are not curing as well as history indicates they should.
- 10.3 : An oral report was not given.

- 10.4 : An oral report was not given.
- 10.5 : George Haddock gave a brief explanation on the remodeling of the police facilities. He said that by the end of the next week they should be done with the major part of the operation.
- 10.6 : Nancy Nixon asked if there were any questions. Dan Lowe asked if he could get a copy of the audit report. Nancy indicated that he would receive a copy of that report tentatively at the November 10th council meeting.
- 10.7 : Allen Perkins told council that we are going to be going into a new procedure this year in regards to budget. In order that council and the budget committee both may have thorough knowledge of some of the background necessary to look at this years budget, we have arranged two separate tours. One, Saturday, November 14th, starting at 9:00 A.M., a tour of the parks system as we now have it along with what's involved with our building maintenance and grounds maintenance. The second tour will be December 5th with the budget committee and council touring the city facilities that we feel are going to be prominent in our budget for 1982-83. Based upon these two tours we will submit to you and to the budget committee the budget document sometime after the first of the year. We will then set up an open house basically for the council and budget committee wherein staff and employees will be at City Hall to answer questions regarding the budget for that department. Then, in mid-January we will start the budget process where we will discuss specific line items and department heads and division heads will be there. Another item, Congressman Ron Wyden has introduced a bill which in essence will provide for a single Federal Audit. This merely is a bill to provide for our auditors to audit one time no matter how many federal programs we may involved in at the time. This should be a tremendous help.

AGENDA ITEM #11 - COUNCIL CONCERNS AND INITIATIVES

Dalton Williams had a concern about the liability we're putting ourselves into in relationship to the landfill. He felt that we ought to consider that very carefully before choosing an operator.

Helen Althaus wanted to extend greetings from Ed and Dana Murphy who she had had dinner with while in Ashland awhile back. Frank Kaiser was concerned about Scott Pemble's position and whether or not it was a permanent position with the City. Allen Perkins indicated that Scott had been upgraded to Planner III which is the top planner for the City and that it was a permanent position.

Chuck Blanchard made a motion to adjourn the meeting.

Dan Lowe seconded the motion.

The Mayor introduced Al Hutchins, from Gresham City Council, who was sitting in the audience.

Yeas 6 Nays 0.

The meeting was adjourned at 10:04 P.M.

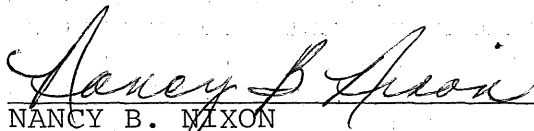


R.M. STURGES, MAYOR

11-12-81

DATE SIGNED

ATTEST:



NANCY B. NIXON

FINANCE DIRECTOR/CITY RECORDER