

AGENDA
TROUTDALE CITY COUNCIL
February 9, 1982 -- 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 1/26/82 Regular Session
 - 2.2 Accept Business License Report
 - 2.3 Accept Bills for the Month of January, 1982
- (A) 3. Amend Ordinance #264 re: Fees and Charges Relating to Building Permits
- (A) 4. Approval of Zone Change from F2 to CS for TL 29 and 39, Sec. 1, T1S, R3E, W.M.
- (A) 5. Zoning Ordinance Text Amendments
- (A) 6. Zoning Ordinance Map Amendments
- (A) 7. Downtown Parking Ordinance
First Reading
- (A) 8. Residential Parking Ordinance
First Reading
- (A) 9. Review of Land Lease from Reynolds Aluminum
- (A) 10. Citizen Comment
Mike Chambers
- (A) 11. Departmental Reports
 - 11.1 Police:
 - 11.2 Finance and Records
 - 11.3 Community Development
 - 11.4 Public Works
 - 11.5 Attorney
 - 11.6 Engineer
 - 11.7 Executive
- (A) 12. Council Concerns and Initiatives
- (A) 13. Oral Communications and Adjournment



R. M. STURGES, MAYOR

(A) = Action
(I) = Information

MINUTES
CITY COUNCIL MEETING
FEBRUARY 9, 1982 - 7:00 P.M.

The meeting was called to order by Mayor Sturges at 7:01 P.M.

ROLL CALL :

PRESENT : Dalton Williams, Helen Althaus, Sam Cox, Mayor Sturges, Frank Kaiser, Chuck Blanchard and Dan Lowe arrived at 7:04 P.M.

STAFF : Harry Parsi, Ken Prickett, Scott Pemble, Pam Christian, Nancy Nixon, George Haddock, Dave Lee, Brian Freeman arrived at 8:05 P.M. and Lois Howell

PRESS : Joyce Wydrzynski of the Oregonian, Mark Stewart of the Gresham Outlook, Jim Warinmer of the Journal and John Meyers from KRDR

GUESTS : Marge Schmunk, Jolene Geates-Johnson, Vern Frischman, Ron Martinez, Bill Whisenant, Tony Buzzard, Bob Ward, Mike Chambers, Jae Lee, Nick Steffenoff, John Heiting, Allen Anderson, Jim Burch, Allen Perkins and his attorney William Poole, members of the Faith United Church and members of City Hall staff

AGENDA ITEM #2 - CONSENT AGENDA

2.1 : Acceptance of minutes of 1-26-82 regular session

Chuck Blanchard made a motion to accept the minutes of January 26, 1982. Dalton Williams seconded the motion.
Yeas 5 Nays 0

: Nancy Nixon told council that a handout was before them of the goal setting session minutes and they could approve those tonight if they so desired. Council voiced that they would like to delay that action until they had looked over the material.

2.2 : Acceptance of business license report

2.3 : Acceptance of bills for the month of January, 1982

Dalton Williams made a motion to accept 2.2 and 2.3 excluding the list of computer checks ran in January that was handed out tonight. Chuck Blanchard seconded the motion. Yeas 5 Nays 0

Dan Lowe arrived at 7:04 P.M.

AGENDA ITEM #3 - AMEND ORDINANCE #264 re: Fees and Charges Relating to Building Permits (365-O)

Ken Prickett, from the City's building department, told council that

the ordinance before them tonight was addressing the new regulations which the Building Code has already put into effect. Mr. Prickett said there was a need to increase fees pertaining to building permits and plan reviews as set forth in the Uniform Building Code (Table 3A). Ken told council that the League of Oregon Cities advised building officials to draw up an ordinance on this matter and to have their City's pass it thereby lawfully adopting this particular section in the Building Code.

Dalton Williams made a motion to accept the ordinance. Frank Kaiser seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #4 - APPROVAL OF ZONE CHANGE FROM F2 to CS for TL 29 and 39, Sec. 1, T1S, R3E, W.M. (457-R)

Scott Pemble presented to council a zone change request initiated by the Faith United Methodist Church. Scott directed council to his staff report for background information on this subject. Scott indicated that the applicant was in compliance with State-wide goals and in compliance with the comprehensive plan. The goals talked about specifically were 10, 11 and 12. Scott said that Goal 10: Housing the applicant is proposing three acres of land for their facility. The staff felt that this would work and that the church would not displace housing stock for the year 2000 population. Goal 11: Public facilities (sewer) was discussed. It was felt that by allowing the church sewer hookups we still would have enough left over for other applicants. There shouldn't be a problem with this goal. Goal 12: Transportation was a big concern for the planning commission and staff. One question concerning the staff and planning commission members was the fact that there eventually will be three churches in this section of the City, if this proposal is approved. Impact on traffic should be gauged not in terms of this individual church, but of this church as the third church at this corner of the City. Summarizing Scott indicated that the Planning Commission is recommending approval of this zone change with the following conditions:

1. All public improvements shall be designated to City standards and reviewed and approved by the City Engineer.
2. Stark Street shall be improved to County standards.
3. A right-of-way, designed to local street standards (50 feet), be dedicated in an alignment consistent with Alternative B so that 33rd street can be extended eastward to 31st street.
4. A major partition map shall be prepared as per City standards segregating the CS designated parcel from the R-7 designated parcel.
5. A six (6) foot general utility easement shall be designated along the site lot lines and the rear lot line of the Community Service parcel.
6. No more than four (4) sewer connections shall be allocated from the City Community Service reserve category to serve the proposed

church site.

7. The applicants shall undertake to re-pay their fair share of the cost of storm sewer, water and sanitary services extended along Stark Street by NuPacific, which directly benefits Tax Lots 29 and 39, Section 1, T1S, R3E, W.M.

Scott indicated that an addendum has been prepared for condition 7 and it should be inserted after the legal description. It reads as follows:

Fair share means that the northern portion of the property (i.e., the Church site) shall have a pay back assignment of \$2,224.74 which shall be paid to NuPacific prior to the issuance of any building permit required for a change in use from Residential to Church. The southern portion of the property (i.e., the designated R-7 area) shall have a pay back assignment of \$3,337.11 which shall be paid to NuPacific prior to the signing of a Final Subdivision Plat or approving a General Plan and Program for a Planned Development.

At this point, Scott suggested to council that an open hearing be held on the issue allowing proponents and opponents and rebuttal comments to be made by the various parties. A few questions from council were directed to Scott concerning the sewer connections, parking spaces and acreage of the proposed site. Mayor Sturges then asked to hear from the proponents. Mr. Nick Steffanoff, representing Faith United Methodist Church, indicated his firm of Steffanoff & Horning had done the site plans and prepared the zone change material for the church. He indicated to council that he came here tonight to answer any questions. Dalton Williams posed the question of how many parking spaces were going to be allotted? Mr. Steffanoff indicated that approximately 87 spaces were to be placed at the church site. This was about 15% more than required in the ordinance. Dalton's main concern was the fact that he didn't want the cars to be overflowing into the residential areas.

Mayor Sturges asked for anyone not in favor of the proposed development to come forward. Allen Anderson, a planning commission member, told council that he had voted in favor of the zone change but that his personal opinion on this matter was that he didn't like the idea of 3 churches in a row on Stark Street. He felt that the value of his home would be affected. Marge Schmunk, planning commission chairman, agreed with Allen Anderson in that she didn't personally believe that another church was needed in that neighborhood. She also wanted to know if the church agreed to the addendum on condition 7? Jim Burch, Pastor of the Faith United Church, told council that he didn't see any problem with the addendum at this point and probably wouldn't argue the issue. Tony Buzzard, a planning commission member, told council that he had voted against the proposal because he felt that it was very bad planning. He felt that the traffic flow would be heavy and would cause quite a few problems.

Nick Steffanoff came forward for rebuttal comments. He said that he didn't believe the traffic question mentioned would be that much of a problem. They had done a comparative analysis comparative to the residential use the church replaces. They found that if this site were to develop for the 30 to 37 residences cited earlier the ADT (average daily traffic) would be: low: 300 vehicles per day; high: 370 vehicles per day. His feeling was that the traffic problem is off-peak meaning it occurs on only 1 day out of the week for about a 1 to 1 1/2 hour period. Dalton Williams commented that traffic on Stark Street is extremely high during the summer months and during the Smelt run. His feeling was that problems would occur with left hand turns during the time that people were going to and from the church, during the summer months and during the smelt runs. Tony Buzzard said that one church would generate more traffic than the residential area of Sandee Palisades. Helen Althaus commented at this point that she didn't feel that a good enough case had been presented to warrant a no vote to the proposal. Chuck Blanchard was concerned with the fact that too much area was involved.

Brian Freeman arrived at 8:05 P.M.

Dan Lowe agreed with Helen Althaus in that there wasn't a strong enough case presented to be against the zone change request. Mayor Sturges closed the open hearing.

Dalton Williams made a motion to grant the zone change with the recommendations from staff including the addendum to condition 7. Helen Althaus seconded the motion. Yeas 5 Nays 1 - Chuck Blanchard.

Council took a break at 8:10 P.M. The meeting reconvened at 8:17 P.M.

AGENDA ITEM #7 - DOWNTOWN PARKING ORDINANCE

Mayor Sturges told council that item 7 was not ready for tonight because staff hadn't had time to prepare the material. Bill Whisenant, a businessman, wanted to know why it wasn't ready? He said that meetings had been held and the opposition that he was witnessing tonight had not shown up for any of the meetings. The matter has been going on along time and his feeling was that something should be done on it immediately. Scott Pemble told Mr. Whisenant that staff had priority matters to attend to first, i.e. comprehensive plan and that as soon as that particular item was taken care of he would be able to move forward on the downtown plan. In the downtown plan, the topic of downtown parking would be addressed. The time element at this time would be as follows: Hopefully, the comprehensive plan would be completed sometime in March. If that were the case, then we would be able to commence with the downtown plan and we are presuming at this point that that process will extend for about 6 months. In other words, the downtown plan should be completed before the end of the calendar year. The feeling from council was that with the amount of people that were showing opposition on this matter tonight it is, therefore, a matter

which should be looked at carefully and not rushed into. Therefore, Mr. Whisenant was instructed to talk to the people who are in opposition, perhaps to set up some more meetings, and to be patient because the problem was going to be addressed.

AGENDA ITEM #5 - ZONING ORDINANCE TEXT AMENDMENTS (366-0)

Scott Pemble requested action on the ordinance for the amendment to the R-4 district. He said that this action will implement Troutdale's Comprehensive Plan policies which allow for single-family attached housing. Also, it will reduce costly delays to developers and City staff now required to process requests for single-family attached dwellings. There would be no impact on the budget.

Mayor Sturges read by the title. Dalton Williams made a motion to adopt the ordinance. Helen Althaus seconded the motion. Yeas 5
Nays 1. (Chuck Blanchard)

AGENDA ITEM #6 - ZONING ORDINANCE MAP AMENDMENTS

Scott Pemble prefaced this particular matter by saying that the map he would be talking about tonight should really have been delayed until he had discussed the land use map with council. But because of some staff misunderstanding the zoning map was being addressed. Scott told council that the LCDC in their February 9, 1981 Acknowledgement Review Staff Report indicated that the City's Zoning Map and Land Use Map were inconsistent. Because of these inconsistencies the City did not comply with Statewide Planning Goal #2. Scott then proceeded to explain the changes that he was proposing to make on the various maps.

Frank Kaiser made a motion to table the matter until staff had time to prepare the land use map amendments. Chuck Blanchard seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #8 - RESIDENTIAL PARKING ORDINANCE

George Haddock told council that after preparing this ordinance and reviewing it before submitting it to council he decided that it didn't do exactly what he wanted it to do. Therefore, there wasn't an ordinance before them tonight because he had gone back to the drawing board with it. Hopefully, at the next council meeting this issue could be addressed.

Dalton Williams made a motion to table the matter. Helen Althaus seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #9 - REVIEW OF LAND LEASE FROM REYNOLDS ALUMINUM

Mayor Sturges was concerned with this particular matter after reading a memorandum that Nancy Nixon had prepared indicating the potential public liability exposure to the City. Dalton Williams felt that the original intent was that we were to acquire the property not lease the

property from Reynolds.

Chuck Blanchard made a motion to reject the lease proposal. Frank Kaiser seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #10 - CITIZEN COMMENT

Mike Chambers, a licensed plumber, told council he was before them tonight with a concern regarding deed restrictions in the Teton Ridge area. The deed restriction requires a minimum 1,200 sq. ft. and he felt that some residences in the area were not built to the standards which were set-out. Mr. Chambers voiced that the City's building department should do something to enforce this rule. Ken Prickett responded by saying that we don't enforce private matters because it's not state law. He mentioned that he didn't know of any deed restriction in that area, of which he is a resident, until after his house was completed. Mr. Chambers responded by saying that Ken's attitude was such that nothing would be done until some authoritative body challenges the rule. The council listened to Mr. Chambers and thanked him for bringing the issue before them and advised him that the best way to check into whether there are requirements on a house is by doing a title search. Mr. Chambers thank council for letting him come before them tonight.

AGENDA ITEM #11 - DEPARTMENTAL REPORTS

- 11.1 : Police Report - no additional information other than in report
- 11.2 : Finance and Records - Nancy Nixon asked council if they would appoint a selection committee in regard to the computer consultant services. Mayor Sturges appointed Dalton Williams and Dan Lowe to be on the committee.
- 11.3 : Community Development - no further information added to report
- 11.4 : Public Works - Harry Parsi indicated that some material was being dumped into the pit. Dalton Williams asked if it was being compacted? Harry advised that the dirt being dumped was not being put in the area that needs the slope re-built. Scott Pemble indicated that the dirt was being placed in an area to be used for a variety of uses. Possible continuation of Hensley road was mentioned.
- 11.5 : Attorney's report - An oral report was not given
- 11.6 : Engineer's Report - Dave Lee said that water pressures were being affected in the City because of the new 7th Street Reservoir. It was felt that they should even out in the near future. He also mentioned that with the lower pressure that the usage of water per each resident would probably result in a lower bill. Dave said that the Cherry Park Road Waterline Bid was out and that to date Lee Engineering had printed 55 sets of plans of which none are left. He told council that this would mean a low, cheap bid. Therefore, we must be cautious in who we choose to do the project. He would report to council later as to how the bid went. Mayor Sturges brought up a problem that Glen Otto had talked to him about. He said

that Mr. Otto was having an awfully high water bill to pay in a residence in Troutdale that he no longer resided at. He wanted to know if a pipe was leaking, a miscalculation in the billing, etc. could warrant such a high billing. Mr. Otto had talked to Nancy Nixon this date and Nancy had talked to Ed Kubicki regarding the problem. It was mentioned that a bathroom located on the outside of the house might be being used by passers by. Harry Parsi indicated that he had done a check of the waterline running from the house to the valve and that a leak was not in that area. He also mentioned the possibility of the usage of the bathroom facilities. Council indicated that staff should check into the matter further regarding the bathroom facilities and report back at a later date.

- 11.7 : Pam Christian reported that the executive department has been involved with the budget and had nothing further to report.

Tony Buzzard told Dave Lee that his water pressure was about 1/2 what it should be and he was wondering what the problem was? Dave didn't know of anything going on around the Sandee Palisades area to warrant the low pressure and advised Tony to contact Ed Kubicki to do a pressure check at his residence.

AGENDA ITEM #12 - COUNCIL CONCERNS AND INITIATIVES

Mayor Sturges said that council would go into Executive Session at this point and then come back into open session. Mr. William Poole, attorney for Allen Perkins told council he was requesting an open session on the City Administrator's position question which was within his rights. Therefore, if council had something else to address in Executive Session go right ahead but if not, an open session was being requested.

Council took a break at 9:30 P.M. The meeting was reconvened at 9:50 P.M. in an open session.

Mayor Sturges indicated that Brian Freeman would set the guidelines for the procedure. Mr. Poole interjected that Brian could go ahead and do that but that he had no intention of following the guidelines. Mr. Poole directed council's attention to the employment agreement between the City and Mr. Perkins. More specifically, Page 2, Section 4, Sub-section B. Council requested copies of this particular page before Mr. Poole continued. Copies were handed out to council. Mr. Poole read from the agreement: if Employee resigns following suggestion, whether formal or informal, by the Mayor or City Council that he resign, then the Employee may, at his option, deem the Agreement to be involuntarily terminated at the date of such reduction or such refusal to comply within the meaning and context of this Agreement, and the severance pay provision under Paragraph A of this Section shall apply. Mr. Poole indicated that by reason of the allegations the Mayor made, with or without the consent of Council, in his letter of January 25, 1982, memorandum of February 2, 1982 and

another letter of February 8, 1982, it is obvious that both a formal and informal suggestion had been made to Mr. Perkins to resign and/or be terminated. Mr. Poole at this point handed Mayor Sturges an envelope wherein a response from Mr. Perkins to Mayor Sturges regarding the allegations made in the January 25, 1982 letter was within. Mr. Poole continued by saying that because the Mayor had taken back the authority to hire and fire employees which was specifically set out in Section 1 - Employment, Duties and Authority in the employment agreement and that by reason thereof the City has breached the employment contract and Mr. Perkins therefore resigns his position as City Administrator. Council started to ask Mr. Poole questions but were advised by Brian Freeman that all questions be directed to him first. Brian asked Mr. Poole what the effective date of the resignation was? Mr. Poole advised it was effective immediately. Mr. Poole advised that there was no doubt in his legal opinion that this contract had been breached and that he intended to file a lawsuit to pursue the rights of Mr. Perkins.

Mr. Poole reiterated the areas where the contract was violated. Section 1 - Employment, Duties and Authority: Any reduction or revocation of either the duties or authority, except by mutual written agreement to the contrary, shall constitute a breach of this Agreement.


Brian Freeman advised council at this point that the only question before them was whether or not to accept Mr. Perkins resignation. Council asked Brian about the severance pay issue. Brian indicated that that was entirely a separate issue and could be addressed at a later date. Right now, however, the question before you is whether or not to accept the resignation.

Dalton Williams made a motion to accept the resignation of Mr. Allen Perkins as City Administrator. Chuck Blanchard seconded the motion. Yeas 6 Nays 0.


Dalton Williams again asked what point in time do we consider the severance pay question? Brian Freeman indicated that an executive session can be set up to discuss that particular issue.

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

The meeting was adjourned at 10:15 P.M.


R.M. STURGES, MAYOR

ATTEST:


NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER