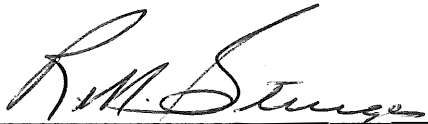


AGENDA
TROUTDALE CITY COUNCIL
7:00 P.M. -- City Council Chambers
104 S.E. Kibling
TROUTDALE CITY HALL

July 13, 1982

- (A) 1. Call to Order, Roll Call and Agenda Update: **Mayor**
- (A) 2. Consent Agenda:
 - 2.1 **Accept** Minutes of 6/22/82 Regular Session
 - 2.2 **Accept:** Minutes of 7/1/82 Special Council Meeting
 - 2.3 **Accept:** Business License Report
 - 2.4 **Accept:** Bills for the Month of June, 1982
 - 2.5 **Ratify:** Call for Bids-- Frontage Road Pump Station Improvement
 - 2.6 **Ratify:** Election Returns
 - 2.7. **Ratify:** Purchase of Police Car
- (A) 3. **Status Report:** Landfill Operator Negotiations
- (A) 4. **ORDINANCE:** Adopting Penalties for Failure to Pay Parking Fee
- (A) 5. **PUBLIC HEARING:** Awarding Parking Concession Contract
- (A) 6. **Recommendation:** Appointing Agent of Record (Insurance)
- (A) 7. **Agreement:** City of Fairview
Contracting Building Inspections
- (A) 8. **Department Reports:**
 - 8.1 Police
 - 8.2 Finance & Records
 - 8.3 Community Services:
 - Planning & Engineering
 - Building
 - Parks/Grounds Facilities
 - Water
 - Sewage Treatment Plant
 - Streets
 - Lighting
 - Shop Operations
 - 8.4 City Attorney
 - 8.5 City Engineer
 - 8.6 Executive: Cable TV Negotiations Update
- (A) 9. Council Concerns and Initiatives
- (A) 10. Oral Communications and Adjournment.



R.M. Sturges, MAYOR

(A) = Action Items
(I) = Informational Item

MINUTES
TROUTDALE CITY COUNCIL MEETING
JULY 13, 1982 - 7:00 P.M.

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

ROLL CALL :

PRESENT : Mayor Sturges, Dalton Williams, Helen Althaus, Dan Lowe
Chuck Blanchard and Sam Cox
ABSENT : Frank Kaiser
STAFF : Pam Christian, Nancy Nixon, Scott Pemble, George Haddock,
Ken Prickett, Dave Lee, Brian Freeman and Lois
Howell-Jessee
PRESS : Joyce Wydrzynski of the Oregonian and Lori Callister of
the Gresham Outlook
GUESTS : Marge Schmunk, Harry Parsi, Glenn Otto, Frank Windust,
Valerie Kay and Kathy Mahaffy-Dietrich

AGENDA UPDATE

Mayor Sturges asked for an agenda update. Pam Christian indicated that an Ordinance amending 389-0 adopting the City of Troutdale's fiscal year 1982-83 annual budget is before council tonight as agenda item #3 (a).

AGENDA ITEM #2 - CONSENT AGENDA

- 2.1 : Acceptance of minutes of 6-22-82 regular session
 - 2.2 : Acceptance of minute of 7-1-82 special council meeting
 - 2.3 : Acceptance of business license report for the month of June 1982
 - 2.4 : Acceptance of bills for the month of June 1982
 - 2.5 : Ratification of Call for Bids on Frontage Road Pump Station Improvement
 - 2.6 : Ratification of election returns
 - 2.7 : Ratification of purchase of police car
- Chuck Blanchard had a question pertaining to the police cars. He wanted to know what the status was on the Citations? George Haddock responded that the agreement with the Citations was for a period of 3 years and/or 70,000 miles whichever came first and at that point the City would have to pay a mileage charge of approximately 7 1/2 cents per mile. George felt that in order to avoid having to pay the mileage charge on the Citations that a new car would be put into full service and leave the Citations as a back up thereby cutting back on the mileage on the two Citations.

Dalton Williams made a motion to accept the consent agenda, items 2.1 through 2.7. Dan Lowe seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #3 (a) - ORDINANCE AMENDING ORDINANCE 389-0 ADOPTING THE CITY OF TROUTDALE'S FISCAL YEAR 1982-83 ANNUAL BUDGET, MAKING APPROPRIATIONS AND LEVYING TAXES (390-0)

Nancy Nixon told council that this was an ordinance amending the budget after the results of the election on June 29, 1982.

Mayor Sturges read by the title.

Chuck Blanchard made a motion to adopt the ordinance. Dalton Williams seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #3 - STATUS REPORT: LANDFILL OPERATOR NEGOTIATIONS

Scott Pemble addressed council. He indicated that as of this date a new development had occurred. He proceeded to read for the record a letter from Mr. Terry Ege. It stated that: "After due consideration and the inconsideration of many bureaucratic powers we, of Ege Sanitation Service, Inc. feel that it would be in the best interest of the City of Troutdale and ourselves that negotiations be terminated in regard to the Troutdale Landfill. We would, though, like to keep open channels that if in the future problems are worked out and we could be of help that the City not hesitate to call or consult with us." Scott continued by saying he talked to Terry when he brought the letter in and got a clarification from him regarding the same. Terry Ege is not withdrawing his interest in the landfill site he is simply stating that given the terms we initially proposed as we thought to be the best interest of the City "no risk to public" that it would not be a profitable venture for him. Scott then directed council's attention to his staff report, in which he had laid out three alternatives: 1. Continue negotiations with Mr. Ege. 2. Terminate negotiations with Mr. Ege, and initiate negotiations with one of the other two qualified applicants. 3. Terminate negotiations with Mr. Ege and explore other land use options for the Obrist extraction site. He asked for council's direction as to which alternative 2 or 3 to proceed with at this point in view of the notice of termination from Mr. Ege.

Chuck Blanchard made a motion to terminate negotiations with Mr. Ege and let the pit fill as it's filling right now. There was no second to the motion.

A discussion followed as to how long it would take to fill the pit. Brian Freeman estimated that it would take approximately 15 years to fill the pit. Dalton Williams asked whether or not Don Obrist had any interest in pursuing the filling of the pit? Brian indicated that he was the owner of some adjacent lots and so there was in deed an incentive for him to complete the filling and to correct the one slope.

Chuck Blanchard made a motion to terminate negotiations with Terry Ege. Dan Lowe seconded the motion. Yeas 5 Nays 0.

Chuck Blanchard made a motion to leave the landfill as it is and to continue filling it with dirt. There was no second.

Dalton Williams commented that he felt it prudent that council negotiate with the other two operators to see if they felt that the conditions set by the City were favorable for them. If the conditions are not favorable, then we can go back to Mr. Ege or determine another approach. Chuck Blanchard felt that money had already been spent on this and was told at one point that it would cost \$5,000 to negotiate and wanted to know how much it was costing the City to start negotiations with another operator? Brian Freeman said that the bulk of the work had been done, therefore, the cost should be minimal.

Dalton Williams made a motion to approach Valley Landfill and get their first impression on our conditions and have staff report back to council for their response. Helen Althaus seconded the motion. Yeas 4 Nays 1 (Chuck Blanchard).

AGENDA ITEM #4 - ORDINANCE: ADOPTING PENALTIES FOR FAILURE TO PAY PARKING FEE

Pam Christian said that this problem was presented to her and she wanted to know what council felt about this matter. If someone crashed the gate and refused to pay the parking fee what recourse does the City have?

Dalton Williams felt that this matter should be postponed until agenda item #5 had been discussed. Council was in agreement.

Pam Christian did say that the money for the parking lot was funded by a State grant and one of the requirements by the State is that if you do charge everyone is charged equally rather than making special provisions for citizens in Troutdale. Therefore, we cannot allow citizens of Troutdale in free of charge.

AGENDA ITEM #5 - PUBLIC HEARING: AWARDING PARKING CONCESSION CONTRACT (473-R)

Pam Christian told council that according to the ordinances that this Council has adopted, Frank Windust would have to go to the Planning Commission for a temporary use permit on his portion of the land but that the City could go ahead with the concessionaire's agreement for our parking area right now. She also said that Frank had withdrawn his offer as he was in disagreement with the City's contention to have to get a temporary permit and wanted to be taken off the agenda. Pam said she declined to take it off because she felt it was something that council needed to address. Scott Pemble explained that the problem is not dealing with the City parking lot at the Community Park, it is the problem of attaching Mr. Windust's property as part of this proposal. Mr. Windust's property is in the C4 district which requires off-street parking and is subject to a variety of standards which have to be met, i.e. hard surface, drainage, lighting, marking, signing and landscaping. If you choose not to meet those standards then you have one of two options to pursue. (1) Go through a variance procedure before the Planning Commission to weigh those standards or, (2) go through a temporary permit process which in essence is a type of variance procedure which also has to go before the planning commission. So, for purposes of Mr. Windust's property for off-street parking in order to meet the standards of the zoning ordinances you have one of two procedures to go to. (1) temporary permit procedure. (2)

simply recommend Mr. Windust go through the major variance procedure set forth in the zoning ordinance. The temporary permit would be for 12 months. Mr. Pemble asked council for a recommendation that Mr. Windust either go through the variance procedure set forth in the zoning ordinance or a major variance procedure which would also be before the planning commission. In anticipation of tonight's outcome, Scott has scheduled a planning commission meeting for that purpose on the 21st of July, 1982. Council asked Frank Windust for comment. Mr. Windust didn't have any comment. Scott continued by saying that we have received a business license as of this date from Mr. Windust for off-street parking on his portion of the property. This means that Mr. Windust, if he met all of the standards of the ordinance, then he would simply take out a building permit, have all of the work done, i.e. landscaping, marking, signing, etc. and then engage in that activity. If he doesn't want to meet all of those standards, then he is still faced with the same two options even if he doesn't want to operate in conjunction with the City but operate independently.

Council took a break at 7:50 P.M.
The meeting was reconvened at 8:03 P.M.

Mayor Sturges reported that Frank Windust withdrew his offer because he was angry with the City and at this time he would like to continue working with the City to get this matter worked out. A discussion ensued.

Helen Althaus made a motion that we declare the area in question, Mr. Windust's property, to be appropriately used for temporary parking. There was no second.

Frank Windust wanted to know if the Council was talking about the City's lot or his lot? Council indicated they were talking about his lot.

Frank also wanted to know that if he was heard before the Planning Commission on the 21st of July, 1982, would this issue then have to come back before the City Council? Brian Freeman answered that it should come back before council because council should approve what the planning commission has recommended and also the concessionaire's agreement which has been proposed should be addressed.

Dalton Williams made a motion that we adopt the resolution before us tonight which brings the City into agreement with Frank in this parking matter and have it pending the outcome of his hearing for a temporary permit to use his property for a parking lot. In other words, we will enter into the agreement if he gets his temporary permit and it's agreeable to him in the form that he gets it and then that way the only thing that is necessary to bring this thing full circle is for us to ratify the planning commission's recommendation.

Frank Windust said that there have been a lot of expenses involved in this matter in order to get it started. Overall, approximately \$1,600 will be spent.

Dalton Williams withdrew his motion.

Dalton Williams made a motion to move to the next item. There was no second.

A discussion ensued.

Dalton Williams restated his previous motion whereby council adopt the resolution before us tonight pending the outcome of the hearing before the planning commission for a temporary permit. Sam Cox seconded the motion.

Yeas 5 Nays 0.

Dan Lowe made a motion to have a City Council meeting on the 21st of July, 1982 to review the planning commission's recommendation on the temporary permit for off-street parking. Chuck Blanchard seconded the motion. Yeas

5 Nays 0.

Dalton Williams made a motion that the resolution be amended. The correction from the previous motion is that the words "and that the contract be awarded to Frank Windust, Jr. upon the terms and conditions setforth in the form attached hereto as Exhibit "A" be deleted from the resolution. The conditions as stated in the first motion i.e. suitable contract negotiated and ratified by the council and that he acquires the temporary permit are still in effect. Dan Lowe seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #4 - ORDINANCE: ADOPTING PENALTIES FOR FAILURE TO PAY PARKING FEE

Pam Christian again voiced her concern to council regarding the action the City could take if someone did not pay the parking fee. Council thought that the police could be called for such a matter. George Haddock said it was very vague as to what recourse the police could actually take on a situation such as this. Judge Sweeney suggested that the City make it the responsibility of the concessionaire. Brian Freeman commented that perhaps we could go ahead and issue a parking ticket on an occasion when someone crashes through the gate without paying, in that event, we will simply test our ordinance.

AGENDA ITEM #6 - RECOMMENDATION: APPOINTING AGENT OF RECORD (INSURANCE)
(474-R)

Nancy Nixon explained that council appointed Dan Lowe, Dalton Williams and herself to be on the selection committee to recommend an agent of record after reviewing all of the bid proposals. Each member independently rated the proposals and after doing so their recommendation was to appoint Walrad Insurance Agency as the agent of record for the City for a 3 year period beginning August 1, 1982 through July 31, 1985.

Sam Cox made a motion to approve the recommendation from the committee and appoint Walrad Insurance Agency as the City's agent of record. Chuck Blanchard seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #7 - AGREEMENT: CITY OF FAIRVIEW - CONTRACTING BUILDING INSPECTIONS

Pam Christian told council that this was a good way to obtain additional revenue for the City since our building department has slowed down

considerably in the past year. Mayor Sturges commented that the City of Wood Village went to the City of Gresham for their building inspection request and he was sending a letter off to the City of Wood Village voicing his displeasure concerning them going to the City of Gresham rather to us.

Sam Cox made a motion to approve the building inspection agreement with the City of Fairview. Chuck Blanchard seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #8 - DEPARTMENTAL REPORTS

- 8.1 : George Haddock told council that June was a fairly calm month. However, alot of accidents have occurred because of the construction going on in the City.
- 8.2 : Nancy Nixon had nothing to add to her written report.
- 8.3 : Scott Pemble reported to council on the EDA title 9 grant. Scott said that according to the EDA representative the State will receive a \$2,000,000 EDA Title 9 grant from the Federal Government. A question was raised as to whether or not the East County area would receive any of that money. Scott said that Glenn Otto and Mayor Sturges attended a meeting in Klamath Falls and told the governing bodies that the East County area would like to be considered.
Scott also mentioned that a booth is going to be set up at the Multnomah County Fair with an exhibit for the City of Troutdale.
- 8.4 : Brian Freeman said that Harry Parsi has filed a suit against the City of Troutdale in an attempt to rescind the action the City took regarding the reorganization of the Public Works Director's position. Trial is set for October, 1982.
- 8.5 : Dave Lee reported that the bid invitation has been published for the Frontage Road Force Main and Pump Station No. 2 and the closing date will be the 22nd of July. A recommendation for your approval for the contractor of the job will be before you on the 27th of July.
- 8.6 : Pam Christian told council that she and Helen Althaus have been attending the Cable T.V. meetings. They are now in the process of going through responsibilities and authorities that the regulatory commission and the local jurisdictions will have. Meetings are held every Monday for the public if anyone would like to attend. She explained that other jurisdictions are having problems with their councils because the councils do not want to let go of their authorities. She questioned council as to whether or not they wanted to have everything come back to them for decisions and then back to the Cable T.V. people? Council said they were not interested in deciding every minor point but wanted to leave that up to their representatives.

Helen Althaus made a motion to have a resolution drawn up opposing Senate Bill 2172 and to have copies sent to the appropriate people. Dalton Williams seconded the motion. Yeas 5 Nays 0.

This was a bill taking all control away from local jurisdictions regarding the Cable T.V.

AGENDA ITEM #9 - COUNCIL CONCERNS AND INITIATIVES

Dalton Williams - attended a meeting of the Multnomah County Board of Commissioners wherein the Correction Facilities was discussed. He said the commissioners were proposing a 50 bed restitution center of which \$20,000 was set aside to work on the development of a regional site. The second resolution adopted was for setting aside \$800,000 for a 250 bed facility to be placed at a location not yet disclosed. He commented that several references were made about using Edgefield as a medium security facility but that overall there was considerable reluctance on the part of the Commissioners to discuss available sites for the correction facilities.

Mayor Sturges - Gladys McCoy's office contacted him in regards to setting up a meeting between Multnomah County and the City Council on a Saturday sometime. Mayor asked council what Saturday would be convenient for them. He indicated that the meeting would probably be to discuss the County Farm and correction facilities planned. Council decided on August 14, 1982 at 10:00 in the City Council Chambers at Troutdale City Hall for the public hearing.

Helen Althaus - concerns over Cable T.V. regarding the Senate Bill 2172 matter.

Sam Cox - What has happened on Sandy Drive? Pam Christian related that they are still in the process of working with the County on this matter. She said they should have something definite to you by the next council meeting.

Mayor Sturges - read a list of names of people that would like to be on the Downtown Task Force. Council approved the list.

Dan Low - wanted to have a mini-retreat. It was decided that the morning of the 11th of September at 9:00 A.M. a mini-retreat would be held by Council. The location was not set.

Chuck Blanchard - Everything for the City Picnic is pretty much set up. We're still working on obtaining judges for the parade.

AGENDA ITEM #10 - ORAL COMMUNICATIONS AND ADJOURNMENT

Glenn Otto told council that a meeting was being held July 15, 1982 at 6:30 P.M. in the PERS Building in Portland relative to Industrial Development Bonds if anyone was interested in attending.

Mr. Otto came before council this evening to discuss his water bill. He indicated to council that he was not present at the last meeting when the decision was made to not refund him money back on a water bill that was extremely high when his house was vacant back in January. He explained that he had drained all the water out, put anti-freeze in the toilets and turned his water off down in the basement. He then received a bill for \$48.52, which normally runs \$26.00, when the house was vacant during the time stated on the billing. He called City Hall and was informed to pay the bill. He did so reluctantly. The City's public works crew pulled out the old meter box to check for any defects as it was ascertained that none of the pipes leading to the house were leaking. The meter box proved to be alright but a new meter box was installed anyway. Mr. Otto told council that the meter box had approximately 6" to 8" of water in it when they opened it up and he was informed by the public work's crew that this was a common occurrence during the winter time. However, his contention was: do you believe that the meter

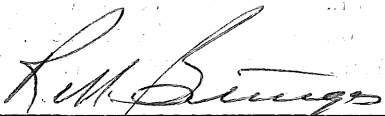
box is an infallible object? He felt he shouldn't have to pay for the high water bill and therefore, would like a refund on it. He had read in the minutes of a previous meeting that the council felt that a precedent has been set and therefore did not want to refund money to him. Mr. Otto felt that each case should be decided on it's merits and in this case he hadn't used the water and therefore felt he shouldn't have had to pay.

A discussion followed.

Helen Althaus made a motion that the case be re-opened regarding Mr. Otto's water bill. Sam Cox seconded the motion. Yeas 2 (Helen Althaus and Sam Cox) Nays 3 (Dalton Williams, Dan Lowe and Chuck Blanchard) The motion was denied.

Dalton Williams made a motion to adjourn. Sam Cox seconded the motion. Yeas 5 Nays 0.

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


R.M. STURGES, MAYOR
DATE SIGNED: 7-28-82

ATTEST:


NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER