

AGENDA
TROUTDALE CITY COUNCIL
7:00 P.M. - CITY COUNCIL CHAMBERS
104 SE Kibling Street
TROUTDALE CITY HALL

JANUARY 11, 1983

- (A) 1. Call to Order, Roll Call and Agenda Update: Mayor
- (A) 2. Swearing in of new Council members
- (A) 3. Consent Agenda:
 - 3.1 Accept: Minutes of December 14, 1982 regular session
 - 3.2 Accept: Minutes of December 4, 1982 Work Session
 - 3.3 Accept: Business License Report
 - 3.4 Accept: Bills for the Month of December, 1982
- (A) 4. RECOMMENDATION to fill Council vacancy: Mayor
- (A) 5. RESOLUTION: Adopting current Fire Code
- (A) 6. Purafax Process Report by Lee Engineering. Wastewater Processors Authorization Request
- (A) 7. ACCEPT: Auditor's Letter to Management
- (A) 8. RESOLUTION: Declaring Intention to Reassess the Local Improvement District known as Portland-Troutdale Airport Sewer LID 1-78
- (A) 9. APPOINT: Transportation Committee Representative
- (A) 10. APPOINT: Water Quality Evaluation Panel
- (A) 11. Department Reports:
 - 11.1: Police
 - 11.2: Finance & Records
 - 11.3: Community Services
 - 11.4: City Attorney
 - 11.5: Executive
- (A) 12. Council Concerns and Initiatives
- (A) 13. Oral Communications and Adjournment



R.M. STURGES, MAYOR

(A) = Action item
(I) = Information item

2.1
MINUTES
TROUTDALE CITY COUNCIL MEETING
JANUARY 11, 1983 - 7:00 P.M.

Mayor Sturges called the meeting to order at 7:00 P.M.

Mayor Sturges indicated that calling this meeting to order was his last official act as Mayor. He spoke to the new council offering them some words of wisdom and then turned the meeting over to the new mayor, Sam K. Cox.

AGENDA ITEM #2 - SWEARING IN OF NEW COUNCIL MEMBERS

Nancy Nixon swore in Sam Cox as Mayor. Nancy Nixon then swore in the new council members, Paul Thalsofer, Marjorie G. Schmunk and Ronald G. Burgin.

ROLL CALL :

PRESENT : Dan Lowe, Mayor Cox, Eugene Bui, Paul Thalsofer, Ronald G. Burgin and Marjorie G. Schmunk
STAFF : Pam Christian, Nancy Nixon, Scott Pemble, Sargeant Bill Farr, Dave Lee and Duane Lee, Brian Freeman and Lois Howell-Jessee
PRESS : Lori Callister of the Gresham Outlook and Joyce Wydrzynski of the Oregonian
GUESTS : Frank Windust, John & Mary Eaton, Fire District #10 representatives including Mr. Demorae, Jean Burgin, Marty Gault, Chuck Blanchard, Leon Berg, Jim Jensen, Albert Mauck, Dale Krueger, Kathy Mahaffy-Dietrich, Mona Mitchell, Heather Mitchell, Ed Schmunk, Sharon Kelly, Arlen Doyle, Alex Jones, Paula Goldie, Barbara Iverson, Jolene Geates-Johnson and Bill McAmbrose

AGENDA ITEM #1 - AGENDA UPDATE

Pam Christian indicated that an additional item regarding the approval of the selection process for planning commission members would be added to the agenda as Agenda item #11, located before the departmental reports. Also, Agenda item #6 will be moved to the end of the agenda in order to give Duane Lee of Lee Engineering time to arrive tonight from another meeting.

AGENDA ITEM #3 - CONSENT AGENDA

- 3.1 : Acceptance of minutes of December 14, 1982 regular session
- 3.2 : Acceptance of minutes of work session of December 4, 1982
- 3.3 : Acceptance of business license report
- 3.4 : Acceptance of bills for the month of December, 1982

Dan Lowe made a motion to accept the consent agenda, items 3.1 through 3.4. Eugene Bui seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #4 - RECOMMENDATION TO FILL COUNCIL VACANCY

Mayor Cox recommended to the council that David Butzer be appointed as the new council member. He indicated that Dave was a Sargeant with the Portland Police Bureau, married with two children, has served for several years on the Budget Committee and lived in a part of the City that doesn't have any representation.

Marge Schmunk made a motion to accept David Butzer as the new council member. Eugene Bui seconded the motion. Yeas 5 Nays 0.

David Butzer then took his position on the council. Nancy Nixon swore David Butzer in.

Pam Christian asked Mayor Cox if he would like to appoint the President of the Council tonight or wait until the next meeting? Mayor Cox indicated they would wait until the next meeting.

AGENDA ITEM #5 - RESOLUTION: ADOPTING CURRENT FIRE CODE

Pam Christian introduced Mr. Demorae, Fire Marshall from Fire District 10, who will speak to council regarding the current fire code. Mr. Demorae indicated that the ordinance before council tonight was basically the same one that was before the council in 1977. There were three parts to the ordinance. The first part being an update of technical changes that have taken place since we last came to you for a resolution. The second major change is that the Fire Board Code of Appeals should consist of professional people who are better able to act on changes. The third change is one of enforcement procedure. On Page 4, of the ordinance, Mr. Demorae mentioned that Ken Prickett, Building Official for the City of Troutdale, had pointed out that the Multnomah County Zoning Ordinances mentioned in Sections 4,5 & 6 were not in effect in the City of Troutdale. Pam Christian indicated that they would like to hold action on this item until the next meeting in order for everyone to fully review the ordinance and the resolution which the council would be adopting. At this point, Mr. Demorae asked if there were any questions? He emphasized that the whole intent of the fire code was to serve the public and also fulfill the legal obligations of the fire department's fire code which is the enforcement and adoption of a fire code.

Eugene Bui made a motion to table the resolution approving the adoption of the uniform fire code. Dan Lowe seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #7 - ACCEPT: AUDITOR'S LETTER TO MANAGEMENT

Nancy Nixon told council that in the packets were copies of the management letter from our auditor's also in the packet was our response to those recommendations that the auditor's made. She asked council if they had any questions? Paul Thalsofer asked about the assessment receiveable due from the Federal Government in the amount of \$56,800. He wanted to know why it was uncollectible? Nancy recommended that we hold that question until the next agenda item since it would be talked about at that time. Paul

Thalhofer wanted to know if we were involved with developing a written accounting policies and procedures manual? Nancy responded that we were now in the process of developing the manual which was being worked on periodically depending upon the time available. However, this was not a priority item at this time. David Butzer questioned the cost estimates for the fixed assets, manual system vs. custom programming for a computer system and the time for staff to implement that system? Nancy responded that as far as the fixed asset system was concerned the computer that we have and the software that we have currently will not accommodate the fixed asset accounting. There isn't anyway we can have an integrated system. If we at sometime in the future go to another computer, we could. The appraisal companies will maintain fixed asset accounting on a contract basis. She indicated she did not have at this point any cost estimates. We do have money in the budget for the appraisal, which is our first step. Also, we do not have at this point, reliable, historical cost data. At least not reliable to the point our auditors will rely on. The appraisal needs to be done first. Nancy indicated that at the next council meeting she would bring before you a request for permission to call for proposals. At which time we will get and can also ask for the cost estimates on maintaining the fixed assets on appraisal companies computer systems as opposed to maintaining it inhouse manually. She also explained that at that time she would be in a better position to do a comparison as to costs.

Eugene Bui made a motion to accept the auditor's letter to management. Marge Schmunk seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #8 - RESOLUTION: DECLARING INTENTION TO REASSESS THE LOCAL IMPROVEMENT DISTRICT KNOWN AS PORTLAND-TROUTDALE AIRPORT SEWER LID 1-78 (484-R)

Brian Freeman told council that in 1979 the Port of Portland came to the City and encouraged us to make some public improvements, in particular, sewer and water improvements around the Portland-Troutdale Airport which could service new industries and the lessees who were on the Portland-Troutdale Airport site. In order to do that the City agreed to make proposal as to how the systems might interrelate and tie in with the City's existing systems and to form a local improvement district for the purpose of financing it. Proposals were sent out and notices sent to all land owners including the tenants at the Portland-Troutdale Airport, the Corps of Engineers, the Forest Service and the General Services Administration, the three agencies who are occupants of the United States Government land on the Portland-Troutdale Airport. The notices told them of the time and place of the hearing to be held to form the local improvement district (LID) and if they so desired to come forward and remonstrate or they may file a written remonstrance. The U.S. Government received the notices but they found there way only as far as the in basket or the round file and no representative of any of these agencies ever appeared or filed any notices of objections or remonstrances. Consequently, our engineers prepared the plans, the district was formed and then through the LID process the time finally came to spread the assessments equitably among the several property owners including the Port of Portland, U.S. Government and several private property owners. Still no one appeared from the U.S. Government to oppose the spreading of the assessments. The assessment roll was adopted by ordinance by the City of Troutdale. Bonds were floated,

contractors were paid and then it came time to collect the assessments. At this time, the U.S. Government said that they didn't have to pay. Several meetings have been held with the representatives of these agencies and the outcome was that they were sorry but that the Constitution of the United States says they were not subject to the taxes of local governments. The district was already formed and based upon the total area the assessments were spread. We are now faced with not receiving assessments in the total amount of the bills to be paid. The forest service, who needed the service, and were afraid that we wouldn't provide it to them, which was our right if they didn't pay for it, paid us a certain amount of money which was their proportionate share. One alternative that was discussed was that the City would not give any service to the forest service until the other agencies came up with their portion of the money. However, it was felt that for the best interest of the community and other reasons, since the Forest Service was making a good faith effort, that we wouldn't harm the efforts of the Forest Service and for this reason would accept their payment on their part and hope by some other means to get payment from the others. The efforts to get the other agencies to pay their portion failed. We are now at the point where the payments we receive and the payments we have to pay out are unequal. In other words, we are going to need more money. Because the other alternatives have failed we now must reassess the land. The statutes provide that we can reassess the property by first coming back to the council and having a resolution adopted requiring us to go back and determine what the prorata amount among the property should be as reassessed. Then we must send out notices to the property owners, they'll come back and there will be a hearing. At which time we will review the reassessment roll and adopt it by ordinance unless there are changes. This is the process we're proposing tonight and through this process we will pick up the extra \$56,800 which is the portion represented by the Government agencies which have not paid. Their share will be spread among the remaining property owners. The Port of Portland has been made fully aware of the situation and are expecting to pay a higher rate. The reassessment would not be required to be paid in one lump sum unless somebody wanted to. We would allow them to pay it over the remainder of the term of their LID payments which are now in effect. Nancy Nixon indicated that this would probably not be Bancrofted since it was such a small amount. Instead it would be carried on our books as a receivable but in our billing process we would bill along with their bancroft bills. Paul Thalhofer suggested that we approach our congressmen in hopes of applying pressure to the U.S. Government to pay for their portion of this LID. A discussion followed. Nancy Nixon suggested that council could adopt the resolution before them tonight and in addition pursue the idea suggested by Mr. Thalhofer. Nancy said if we were by chance successful with our efforts through our congressmen we could simply respread the amount that we received from the Federal Government and reduce the assessment.

Mayor Cox read by the title. Dan Lowe made a motion to accept the resolution declaring intention to reassess the local improvement district known as Portland-Troutdale Airport Sewer LID 1-78 and also to approach our congressmen with the hope that money could still be received from the U.S. Government. Paul Thalhofer seconded the motion. Yeas 6 Nays 0.

Brian Freeman said that the motion made with respect to the Congressional Delegation was a political avenue to follow and wanted to know if the staff

or anyone in particular was to follow that avenue? Pam Christian suggested that Nancy Nixon and herself prepare a letter for the Mayor's signature.

Brian Freeman spoke to council on the differences between ordinances, resolutions and motions. Ordinances are the laws of the City, that bind people who deal with the City and that's the only laws. Other than that everything else is just the direction of council. Resolutions have no more weight than a motion does but we draw them up to clearly write down what we want presented and what we want preserved in a certain form. It is also a convenient document to have so we don't have to extract it from minutes.

AGENDA ITEM #9 - APPOINT: TRANSPORTATION COMMITTEE REPRESENTATIVE

Mayor Cox suggested that Marge Schmunk be appointed as the representative for the East County Transportation Committee.

Eugene Bui made a motion that Marge Schmunk be appointed as our representative to the East County Transportation Committee. Paul Thalhofer seconded the motion. Yeas 5 Nays 0 1 abstention - Marge Schmunk.

Paul Thalhofer made a motion to support the nomination of Margaret Weil as the East Multnomah County JTAC representative. Eugene Bui seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #10 - APPOINT: WATER QUALITY EVALUATION PANEL

Scott Pemble supplied some background as to why we need a water quality evaluation panel. He indicated that Reservoir 3 has an alleged taste problem which has resulted in us removing it from the City's distribution system. Staff believes it emanates from a coal tar treatment used on the reservoir. The contractor has been contacted and both the contractor and the supplier are not at this point accepting responsibility for remedying the problem. In fact they raised a question as to whether a significant problem even existed. Scott said the problem becomes significant when we look at alternatives to treat the problem. The dollar amount would involve \$25,000 to \$50,000. Scott said that a water tasting panel would be able to establish that in deed there was a problem with the taste of the water from Reservoir 3. He suggested that the panel consist of two council members, also people who live in the area served by Reservoir 3, two other people who live outside of that zone but who are served by Troutdale Water from other reservoirs, and then people who are not served by Troutdale Reservoir water. This would be the first step we can take before we can pursue any remedy to the taste problem. Scott asked council to appoint two members of council to be on the water quality evaluation panel.

David Butzer and Ron Burgin indicated that they would be willing to serve on the Water Quality Evaluation Panel.

AGENDA ITEM #11 - APPROVAL OF THE SELECTION PROCESS FOR THE PLANNING COMMISSION

Scott Pemble told council that the Planning Commission was missing three members with Paul Thalhofer's, Marge Schmunk's and Eugene Bui's appointment to the City Council. It was established prior to this time that a selection

committee consisting of one council person, two planning commission people and one staff person interview the potential people. Scott asked council if this process was acceptable that they go ahead and appoint a council member to be on the selection committee.

Dan Lowe was appointed as the council representative to be on the Planning Commission Selection Committee.

AGENDA ITEM #6 - PURAFAX PROCESS REPORT BY LEE ENGINEERING. WASTEWATER PROCESSORS AUTHORIZATION REQUEST

Dale Krueger came before council to speak in regards to Wastewater Processors Inc. He said the owners consist of Albert Mauck of Troutdale, Rick Reynolds and Ross Milton and himself. Basically, Wastewater Processors Inc. would like to install purafax equipment on the City's property adjacent to the Sewage Treatment Plant. The purafax equipment is essentially a wastewater sludge or sewer treatment processor and it is done through chlorine. Mr. Krueger said he would like to know how the City Council felt about them leasing the property to place purafax equipment on it? They would be spending approximately \$350,000 on site improvement to install the equipment. Time was of the essence because they needed the City of Gresham's sewage to make this operation work. He pointed out that the City of Gresham would like to consider alternative processing of their sludge so they were receptive to negotiate with Wastewater Processors Inc. The problem at this time was that they cannot operate unless they had a place to locate their equipment. Therefore, they were coming to find out if Troutdale was even interested in leasing them 1 acre of property with an option of 2 more. They were willing to pay the going commercial rates. He explained they could also process septic tank sludge which is a problem for some people in the area. He noted they needed to submit a zone change and also a area parcel change which is several thousand dollars in expense. This would probably take 60 to 90 days. If the council is receptive to our idea we will immediately submit our zone change request and pursue the other legal obligations. Council raised some questions at this point. Mayor Cox wanted to know what the final product would be? Could it be used for gardening? Mr. Krueger explained that first you take the sludge which is approximately 3% or 4% solids from Gresham's treatment plant and 96% water and dewater that. We take approximately 90% water out of it and then you have a heavy, syrupy pancake batter type solid. Phase II would be a drying process to reduce the water in that final pancake batter heavy sludge. That material can be used with additives for fuel or fertilizer. A discussion followed. Scott Pemble clarified some of the questions from council by indicating that council did not have to approve or disapprove the actual process that Wastewater Processors Inc. would be undertaking but that council approve or disapprove the application for a zone change which is needed prior to setting up any type of sludge treatment process. By applying for the zone change many questions will be raised and answered which should alleviate the uncertainties of the project. A discussion ensued. Brian Freeman suggested having a Hearings Officer. He said that basically the Hearings Officer would do what the City Council does when it hears a zone change appeal or passes a final judgment on a zone change. The Hearings Officer takes the evidence presented by the opponents and proponents and reaches a decision. Paul Thalhofer suggested that a memorandum of understanding be prepared stipulating what

Wastewater Processors Inc. was planning to do and a schedule and also information regarding the leasing of the land. Pam Christian clarified the issue by saying that the recommendation at this point was to enter into this memorandum of understanding and also at the same time indicate the intention to having a Hearings Officer so that you are taken out of that decision. Scott Pemble clarified the purpose of the memorandum of understanding by indicating that in the memorandum that council authorized Mr. Krueger, et al to pursue a comprehensive plan and zone change amendment for the parcel of land that the City holds title to but that council does not approve of the application of process but simply authorizes him to pursue that application process. Consensus from council was that it was their understanding. A discussion followed. The question arose as to whether or not council would be bound by the decision that the Hearings Officer made? They were informed that they were. Council was not in agreement with that nor with the price that the City would have to pay for the Hearings Officer. Conclusion at this point was that the memorandum of understanding must be authorized by council prior to making an application for a zone change. Further discussion ensued.

Eugene Bui made a motion to authorize the applicant to make application for the zone change for City property. David Butzer seconded the motion. Yeas 4 Nays 2 (Paul Thalhofer and Marge Schmunk)

Dan Lowe made a motion that council declares and expresses that any action that council takes this evening to authorize the applicant to make application for zone change and comprehensive plan change should not be interpreted as a decision made by this council to approve either application. Eugene Bui seconded the motion. Yeas 5 Nays 1 (Marge Schmunk)

AGENDA ITEM #11 - DEPARTMENTAL REPORTS

Pam Christian indicated that Kathy Mahaffy-Dietrich was here tonight to discuss the latest about the Cable TV issue. She said that 11.5 - Executive report will be addressed first.

11.5 : Pam brought before council 5 options for the process to conclude cable franchising. She explained that if the county and cities pursue separate processes, the options for the cities may not be as limited as one would think. The Cities could pursue negotiations with Viacom based on the Gresham only bid or could explore the 5 options as follows:

1. Negotiate with CSP (Cable Systems Pacific)
2. Entertain new offers from CSP and Viacom. Send both companies copies of the white cover contract (with analysis of Viacom's specific conditions described in Recommended Option 1, 1-17-83) asking what changes would be required in rates, services and conditions before they would sign. Establish evaluation criteria; negotiate best offer.
3. Entertain offers from operators in the Portland Metropolitan area. The following Major System Operators (MSO's) are active in the Portland area: Storer in the MACC and Clackamas County area, Warner Amex in Sandy, Tribune in Milwaukie, Liberty in West Portland and Clackamas County, McCaw in St. Helens and Scappoose. Send a letter to each asking if they would be interested in

serving; ask for comments on the white cover contract or issue new RFP if response is favorable.

4. Extend Portland system into Multnomah County. Adopt the Portland ordinance for cable services and subcontract regulation to the Portland Cable Office; negotiate only that CSP assume franchising costs to date.

5. Do Nothing. Absorb franchising costs to date, close the Multnomah County Cable Office, issue permits to build to all applicants and see who builds what where.

Pam Christian indicated that at the meeting on Monday night Option 2 was the option that was recommended. Pam said she needed two things from council tonight. A ratification or an agreement and also a recognition of your existing negotiating team to continue through this process. She asked Kathy Mahaffy-Dietrich to speak to council regarding the cable process. Kathy said that after negotiating for two years, negotiations broke down right at the end for a couple of reasons. 1. It was a very tight contract; 2. It was too tight of a contract for the company to go with. Kathy explained that the company felt that the County at the last minute was asking if they could go back to the original rates and thus possibly diminish some of the services that they had already composed. The company thought that they were asking for substantial changes which would open them up to a lawsuit from cable systems for a major change in the proposal. Kathy further stated that we are still interested at this point to get cable into this area as soon as we can and to get the best offer that we can. Kathy said that at this point the committee would like to give the white cover contract (which Troutdale's council approved in December 1982) to both Viacom and Cable Systems Pacific and give them 30 days to look through the contract and make changes concerning the service, rates, etc. and come back to the committee and at that point the committee could evaluate which of the companies is going to appear more realistic.

Marge Schmunk made a motion to go with option #2 and to reappoint Kathy Mahaffy-Dietrich, Helen Althaus and Pam Christian as representatives on the cable negotiating committee. Eugene Bui seconded the motion. Yeas 6
Nays 0.

- 11.1 : council didn't have any questions for Sargeant Farr.
- 11.2 : council didn't have any questions for Nancy Nixon
- 11.3 : council didn't have any questions for Scott Pemble
- 11.4 : council didn't have any questions for Brian Freeman. Brian Freeman did say that anytime any member of the council would like to call his office and discuss a situation, it has been and still is a no charge call.

AGENDA ITEM #12 - COUNCIIL CONCERNS AND INITIATIVES


Dan Lowe said that there was a mattress on SW 17th Street and Troutdale Road. Please have it removed.

Paul Thalhofer said he was really pleased with the turnout tonight and the comments from the audience. He was hopeful that the people would come to all of the meetings.

AGENDA ITEM #13 - ORAL COMMUNICATION AND ADJOURNMENT

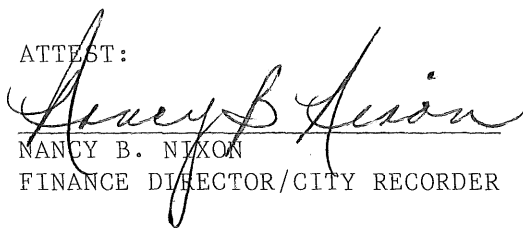
Eugene Bui made a motion to adjourn the meeting. Dan Lowe seconded the motion. Yeas 6 Nays 0.

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



SAM K. COX, MAYOR
DATE SIGNED: 1-26-83

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER

