

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

March 13, 1984

- (A) 1. CALL TO ORDER, ROLL CALL AND AGENDA UPDATE: Mayor

- (A) 2. CONSENT AGENDA:
 - 2.1: Accept: Minutes of February 28, 1984 -- Regular Session
 - 2.2: Accept: Business License Report
 - 2.3: Accept: Bills for Month of February, 1984

- (A) 3. ORDINANCE: Relating to any playground, sports or athletic equipment or structure.

FIRST READING

- (A) 4. ORDINANCE: Park Ordinance
(Information distributed in January packet)

FIRST READING

- (A) 5. ORDINANCE: Establishing And/Or Closing Certain Funds
June 30, 1984

FIRST READING

- (A) 6. ACCEPT: Budget Committee's Recommended 1984/85 Budget

- (A) 7. RECOMMENDATION: Recommendation For Reallocation of Interstate Transfer Funding

- (A) 8. DEPARTMENTAL REPORTS:
 - 8.1: Police
 - 8.2: Finance & Records
 - 8.3: Community Services
 - 8.4: City Attorney

- (A) 9. COUNCIL CONCERNS AND INITIATIVES

- (A) 10. PUBLIC COMMENT

- (A) 11. ADJOURNMENT.



Sam K. Cox, Mayor

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MINUTES
TROUTDALE CITY COUNCIL MEETING
MARCH 13, 1984 - 7:00 P.M.

The meeting was called to order at 6:57 P.M.

ROLL CALL :

PRESENT : Ron Burgin, Marge Schmunk, Dave Butzer, Mayor Sam Cox, Paul Thalhofer, and Gene Bui. Dan Lowe was excused.

STAFF : Pam Christian, Nancy Nixon, Greg Wilder, George Haddock, Scott Pemble, Val Lantz, Jim Jennings and Barbara Rossman

PRESS : Lori Callister of the Gresham Outlook and John Enders of The Oregonian

GUESTS : Marty Gault, Jim Jensen, Barbara Carter, Sandy Kraus and Shari Anderson

AGENDA ITEM #2 - CONSENT AGENDA

Dave Butzer moved to accept the Consent Agenda as presented. Gene Bui seconded the motion. Ayes 5 Nays 0.

AGENDA ITEM #3 - ORDINANCE: RELATING TO ANY PLAYGROUND, SPORTS OR ATHLETIC EQUIPMENT OR STRUCTURE

Pam Christian said the legal opinion included basketball hoops specifically but it relates to anything, any structures that would be in the right of way. Dave Butzer asked if it was a violation if the object was off of the public right of way and the kids used the street as the access to the object. Pam said yes. Marge Schmunk pointed out that the ordinance said "encourages play activity". There was no public comment at this time. Paul Thalhofer said he would like a second reading on this ordinance. Mayor Cox read the ordinance by title. Gene Bui moved to continue this for a second hearing at the next Council meeting. Gene Bui amended the motion to ask for passage of the ordinance amending Chapter 7.30 of Title 7 of the Public Safety Code of the City of Troutdale and request a second reading at the next meeting. Dave Butzer seconded the motion. Ayes 5 Nays 0.

AGENDA ITEM #4 - ORDINANCE: PARK ORDINANCE

Val Lantz explained the proposed changes in the parks ordinance. She said one change had to do with safety in the Beaver Creek Canyon area asking that no wheelchairs, baby carriages or anything with wheels be allowed in the canyon area. Another change involves wording which allows for better definition when giving permits to large groups. Another change deals with prohibited games activity. The prohibited games change would prohibit the throwing of propelled objects such as stones, arrows, sharp objects, javelins or model airplanes, golf balls, baseballs or other hard or sharp

objects. Dave Butzer asked about frisbees. Val replied that frisbees had not been included specifically. Pam suggested that the change be phrased so activities that were specifically prohibited be posted. Paul Thalhofer felt it was a good idea to list what is not authorized. The Council decided to have the ordinance reworded to specifically list those activities prohibited. Pam said a motion to accept the recommendations of the Parks Advisory Committee for the revision of the park ordinance to include 7.40.75, 7.40.110, 7.40.130, 7.40.140, 7.40.150 and 7.40.055. Dave Butzer so moved and Paul Thalhofer seconded the motion.
Ayes 5 Nays 0 .

AGENDA ITEM #5 - ORDINANCE: ESTABLISHING AND/OR CLOSING CERTAIN FUNDS

Nancy Nixon said this ordinance is essentially closing the Enterprise Fund and transferring the balances of the Enterprise Funds assets, liabilities and retained earnings to the Water Fund and Sewer Fund which the ordinance establishes. It is also establishing the Central Garage - Internal Service Fund. This would be effective June 30, 1984. Gene Bui moved to adopt an ordinance establishing and/or closing certain funds. Ron Burgin seconded the motion. Ayes 5 Nays 0 .

AGENDA ITEM #6 - ACCEPT: BUDGET COMMITTEE'S RECOMMENDED 1984/85 BUDGET

Marty Gault, chairman of the Budget Committee, said that on behalf of the Budget Committee he recommended approval of the proposed 1984-85 budget as amended. The Budget Committee also made the following recommendations:

1. Any parks mini-grant funds which are unexpended at June 30, 1984 be carried over to the 1984-85 budget for the same purpose.
2. The City Council review the City Administrator's compensation for adequacy.

He said he would like to take this opportunity to say thank you to the Budget Committee members who had spent their time in meetings for the budget process, the staff for their willingness to answer questions and make detailed explanations as requested and a special thank you to Mrs. Nixon for her explanations and guidance through the budget process. Gene Bui suggested sending a letter to the citizen Budget Committee members thanking them for their time.

Gene Bui moved to accept the Budget Committee's recommendation as stated by Mr. Gault. Ron Burgin seconded the motion. Ayes 5 Nays 0 .

AGENDA ITEM #7 - RECOMMENDATION FOR REALLOCATION OF INTERSTATE TRANSFER FUNDING

Scott explained the Interstate Transfer Fund program and the monies available to Multnomah County. He said that recommendations of the City Council would be forwarded to the East Multnomah County Transportation Advisory Committee by the City's representative, Marge Schmunk. Scott said staff was recommending the following three projects:

1. Improve 257th to a Federal Highway standard warranted by conclusions identified in the EIS.

2. Improve Stark Street between 257th and 242nd to a County four lane arterial standard.

3. Improve 242nd between Stark Street and Division to a County four lane arterial standard.

Marge Schmunk asked about the Graham Road Overpass. Scott replied that if the 257th right of way was changed to the full standard of four lanes, it creates a problem when it narrows down to two lanes at the Graham Road overpass. Marge suggested that Graham Road be added to the City's wish list. Jim Jensen commented on the 257th improvements and the problems occurring going from two lanes to four lanes and back to two lanes. Scott replied that the first priority was intersection improvements. Marge Schmunk said if we are going to give them a wish list she would like a list of five projects, the first three projects being the ones recommended by staff with #4 the Graham Road Overpass and #5 Cherry Park Road Improvements. Gene Bui asked Scott where Graham Road was on the Six-Year Plan. Scott said it was on the back-up list which means it will not be funded during the next six years. It will be considered as they revise the plan. Marge Schmunk moved to include the three projects that Scott recommended and add #4 Graham Road Overpass Terminus and #5 Cherry Park Road Improvements. Ron Burgin seconded the motion. Ayes 5 Nays 0.

AGENDA ITEM #8 -- DEPARTMENTAL REPORTS

8.1 The Police Department had nothing to add to their report. Dave Butzer said George Haddock had recently finished a term as the president of the Crime Prevention Association of Oregon in which he had done an outstanding job. The Association awarded him a lifetime membership after only one term in office. This is usually only awarded after two terms and it set a precedent. Paul Thalhofer commended the Chief.

8.2 Nancy Nixon had nothing to add to her report.

8.3 Greg Wilder had nothing to add to his report.

Scott Pemble said the next Downtown Task Force meeting would be on March 29 and extended an invitation to the Council to attend. The architects that have been retained by the City to draw illustrations depicting the concepts that the Task Force is recommending concerning the downtown area will be there for discussion.

8.4 The City Attorney had no report.

Jim Jennings suggested that the legal opinion submitted by him in regard to basketball hoops should be retained and used as an analytical tool when deciding if action or non-action is to be taken by the City.

Pam Christian said the Council meeting for the 27th is on election day. She said there were two options: (1) start the meeting at 8:00 or (2) set another day. The deadline is April 1 for awarding the EDA project contract. The Council decided to hold the meeting at 8:00 p.m.

Pam said two Councilors had suggested having work sessions on weekday morning as there are already a number of night meetings. A tentative work

session has been scheduled for March 22 to discuss the Community Service Designation - Development Impact Statement. The meeting would be at 7:30 a.m. to 9:00 a.m. The Council agreed to meet at 7:30 a.m. on Thursday, March 22.

AGENDA ITEM #9 - COUNCIL CONCERNS AND INITIATIVES

Marge Schmunk asked about the sign ordinance committee meetings. Paul Thalhofer said there was a rough draft of the sign code and it would be fine tuned at the next meeting. Pam asked Scott what the process would be - the Committee makes their recommendation and then it goes to the Planning Commission? Scott said that was correct. Pam said April 1 had been set as the deadline for enforcing the sign ordinance for those nine people that were not in conformance. A new sign ordinance does not have to be adopted by April 1. Paul suggested extending the deadline for revising the sign code for 60 days. He proposed that the next Sign Committee meeting be March 27th at 6:30 at City Hall and that at the next Council meeting they discuss extending the April 1 deadline until sufficient time has been allowed for public input.

Paul said when a change of policy is being considered for the City he would like to see it as a formal agenda item so everyone knows that it is on the agenda.


AGENDA ITEM #10 - PUBLIC COMMENT

Barbara Carter, C. P. Park said she did not understand why basketball hoops were bad. She asked if the kids playing soccer, baseball or football in the street was going to be a public nuisance. The Mayor answered yes. Jim Jennings, the City Attorney responded by saying that not everything that children do in the streets will be a public nuisance. The City has to be concerned with the City creating a condition or allowing a condition to be created which in turn creates a public nuisance. He explained that a public nuisance is a situation where a dangerous condition is created in the streets over which the City has or should have control. Mrs. Carter said as anyone could be sued anytime over anything the City should worry about other things. The Mayor explained that lawsuits were paid for by all citizens in the form of increased taxes to cover those costs. Shari Anderson said she was for maintaining the basketball hoops and asked if there was a possibility that a design task board could be started for basketball hoops to see that they meet safety requirements. She said she understood the liability of the City. Sandy Kraus, Sweetbriar, said most people here are aware that kids are in the street playing especially in the spring through fall. She asked how the police force would enforce the ordinance. Mayor Cox said the Parks Advisory Board is coming up with more places for basketball hoops. Jim Jennings said the ordinance says that all basketball standards on a public right of way or emanating from a public right of way or hanging into a street are now identified as public nuisances and should not be allowed to exist. It is not a discretionary decision by the police officer on duty. He suggested that people might wish to put backboards on houses as an alternative. Paul Thalhofer said he sympathized with the people and the kids, but what happens when there is the first fatality or child seriously injured. He asked if there was any

way that neighbors who wanted a hoop on the public right of way can go together and enter into a contract with the City to hold the City harmless. Jim Jennings replied that he had given some thought to that idea and even though the neighbors had entered into an agreement with the City, another child could play who had not signed the agreement and if he was injured the City could still be sued. This agreement would probably not have much weight in Court. Paul advised the citizens that there would be another meeting on March 27th on this subject.

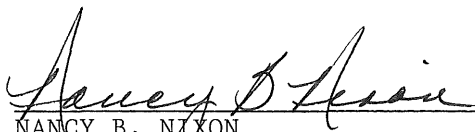
Marge Schmunk made a motion to adjourn. Dave Butzer seconded the motion.
Ayes 5 Nays 0.

The meeting adjourned at 8:50 P.M.



MAYOR SAM K. COX
DATE SIGNED: 3-30-84

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER

