

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

August 27, 1984

- (A) 1. Pledge of Allegiance, Call to Order, Roll Call and Agenda Update: **MAYOR**
- (A) 2. Consent Agenda:
2.1: **Accept:** Minutes of August 14, 1984 - Regular Session
- (A) 3. **RESOLUTION:** Extension of Service to Port of Entry
- (A) 4. **RESOLUTION:** Setting Water Rates for Irrigation
- (A) 5. **ORDINANCE:** Amending Ordinance #326 Providing for Increased Interest rate collection.

*** **

PUBLIC HEARING: Formation of Harlow and 2nd Street L.I.D.

*** **

- (A) 6. **RESOLUTION:** Formation of Harlow and 2nd Street L.I.D.

*** **

CONVENE: Board of Equalization to Review proposed Assessment Role

*** **

- (I) 7. **STAFF REPORT:** Levying Final Preassessment Role
- (A) 8. **ORDINANCE:** An Ordinance Spreading the Assessment for the Local Improvement District Known as Stark Street Sanitary Sewer L.I.D. 2-83. A Sanitary Sewer Line Improvement.
- (A) 9. **ORDINANCE:** An Ordinance Spreading the Assessment for the Local Improvement District Known as Troutdale Road Sanitary Sewer L.I.D. 2-83. A Sanitary Sewer Line Improvement.
- (A) 10. **ORDINANCE:** An Ordinance Spreading the Assessment for the Local Improvement District Known as West Columbia Highway Sanitary Sewer L.I.D. 4-83. A Sanitary Sewer Line Improvement.

- (A) 11. **ORDINANCE:** An Ordinance Spreading the Assessment for the Local Improvement District Known As Columbia Storm Sewer Outfall L.I.D. 5-83.
- (A) 12. **ORDINANCE:** An Ordinance Spreading the Assessment for the Local Improvement District Known as S.E. Kibling Street L.I.D. 2-83. A Street and Storm Drain Improvement.
- (A) 13. **ORDINANCE:** An Ordinance Spreading the Assessment for the Local Improvement District Known as S.E. Second and S.E. Harlow L.I.D. 85-001. A Street Improvement.
- (A) 14. **RESOLUTION:** Approve rebonding of P.T.A. Water and Sewer Assessments - Peabody Estate
- (A) 15. **RESOLUTION:** Appointing Registrar/Paying Agent for the City of Troutdale's Municipal Bond Issues.
- (A) 16. **RESOLUTION:** Authorizing Finance Director to Publish Notice Of Bond Sale.
- (A) 17. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 18. **PUBLIC COMMENT**
- (A) 19. **ADJOURNMENT.**



Sam K. Cox, MAYOR

MINUTES
TROUTDALE CITY COUNCIL MEETING
AUGUST 27, 1984 - 7:00 P.M.

The meeting was called to order at 7:15 p.m.

Gene Bui led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Marge Schmunk, Dave Butzer, Mayor Sam Cox and Gene Bui. Dan Lowe arrived at 7:55 p.m. Ron Burgin and Paul Thalhofer were absent.

STAFF: Pam Christian, Nancy Nixon, Greg Wilder, George Haddock, Brian Freeman and Barbara Rossman

GUESTS: Marty Gault, Louella Albin, Frank Windust, Robert Sturges, Frank Kaiser, Alex Jones, Charles Finegan, Chuck Blanchard, Roger Williams, Mr. & Mrs. Ernest Ruth, John Null and Ed Burnacci

Pam Christian, City Administrator, said new agendas had been handed out so there would be no agenda update.

AGENDA ITEM #2 - CONSENT AGENDA

Gene Bui moved to accept the Consent Agenda. Marge Schmunk seconded the motion. Ayes 3 Nays 0.

AGENDA ITEM #3 RESOLUTION: EXTENSION OF SERVICE TO PORT OF ENTRY

Pam Christian said the State Highway Division/Port of Entry. The resolution states that the City agrees to extend the sewer service at State Highway Division cost if the Port of Entry is sited at that property. Mayor Cox read the resolution by title.

Gene Bui moved for approval of the resolution. Dave Butzer seconded the motion. Ayes 3 Nays 0.

AGENDA ITEM #4 - RESOLUTION: SETTING WATER RATES FOR IRRIGATION

Pam Christian reminded Council that the request by some Troutdale property owners that irrigation water rates be reviewed had been brought before Council at the last meeting. She said there is a provision in the existing ordinance to enter into water use contracts rather than setting a flat irrigation rate. Pam said staff would like to have Council confirm the

ordinance and authorize Greg Wilder, Community Services Director and Nancy Nixon, Finance Director, to draw up contracts that reflect the basic cost of delivering water and any special costs that go into the agricultural use. Mayor Cox read the resolution by title.

Marge Schmunk moved to adopt the resolution. Gene Bui seconded the motion. Ayes 3 Nays 0.

AGENDA ITEM #5 - ORDINANCE: AMENDING ORDINANCE #326 PROVIDING FOR INCREASED INTEREST RATE COLLECTION

Nancy Nixon said interest rates on municipal bonds being issued now or in the past few months are considerably higher than what we had to pay in 1979 or 1980. Bonds were then sold for less than 7%. In June of 1984 there were no bond issues sold by any municipalities in the State of Oregon for less than 10%. Nancy said the next issue of bonds would be about 10%-13% interest. She said this ordinance would allow the interest rate to float with the bond interest rate. There is a 1% administrative cost added to the rate of interest. All bonds now have to be issued in registered form. Registered form means there will be ongoing costs in administering bonds. Each time a bond is traded the old bond has to be retired and a new bond issued and this will be handled by a paying agent and registrar resulting in additional costs. Dave Butzer asked if this 1% had been included on the original LID assessment. Pam said it was not because the assessment is the cost of the project itself and this 1% would only be included if someone decided to Bancroft their assessment. Mayor Cox read the ordinance by title.

Dave Butzer moved to adopt this ordinance. Gene Bui seconded the motion. Ayes 3 Nays 0.

Mayor Cox closed the Council Meeting at 7:32 p.m. He opened the public hearing for Harlow and 2nd Street.

Greg Wilder explained the boundaries of the 2nd Street and Harlow Street local improvement district. Greg said the project would improve the street by widening it, reconstructing it, adding sidewalks on both sides and parking on one side making it a more commercially oriented roadway. The same is true of Harlow. Greg said the estimated total cost of the project is \$98,000 with a City budgeted contribution of \$32,000 and the remaining \$66,000 being distributed in the local improvement district. This is distributed on a front foot basis and results in an assessment of \$55 per foot.

Roger Williams of 202 E. Columbia asked the total assessed valuation of the properties affected. Greg said the total assessed valuation of all properties is \$199,650 - land and \$342,820 - improvements, not including this project. Greg said the project would improve the properties' valuation by \$66,000.

Dan Lowe arrived at 7:55 p.m.

Louella Albin, Troutdale, said the assessment is too high for an individual to pay. Mrs. Albin owns a corner lot that is zoned commercial, however, her residence is on the lot. Greg explained that the Council had the option of changing the City's level of participation. Mrs. Albin said she did not use Second Street at all and why should she have to pay for it. Dave Butzer asked how many private residences were in the LID. Greg said there were two owner-occupied residences. Greg said there were deferral programs for senior citizens; they must be 65 years of age and can defer until the property is sold or they pass away. Mrs. Albin said that wouldn't help her. Nancy Nixon said Mrs. Albin could apply when she reached that age to defer the balance, during the interim she would be responsible for the annual payments. Nancy said the first payment would probably be due in March 1985. Mrs. Albin asked if she had to pay the assessment even if it was a hardship. Pam said if there were not enough remonstrances against it tonight by property owners then the LID would be formed and she would be responsible for her assessment.

There was no further public comment. Mayor Cox closed the public hearing.

AGENDA ITEM #6 - RESOLUTION: FORMATION OF HARLOW AND SECOND STREET L.I.D.

Pam read some corrections in the title of the resolution and in Section 2 of the resolution. Marge Schmunk moved to adopt the resolution and accept the engineer's report to form a local improvement district for the Second Street and Harlow Street with the corrections noted. Dave Butzer seconded the motion. Ayes 4 Nays 0.

Mayor Cox closed the Council meeting and opened the Board of Equalization Hearing at 8:00 p.m.

Pam Christian explained that the Board would hear anyone's concerns about any existing local improvement districts. These will be concerns or arguments against the way the LIDs were assessed. Pam said the Council could make adjustments in the assessments tonight.

Mayor Cox read the ordinance for the Stark Street Sanitary Sewer LID by title. There was no public comment.

Mayor Cox read the ordinance for the Troutdale Road Sanitary Sewer LID by title. There was no public comment.

Mayor Cox read the ordinance for the West Columbia Highway Sanitary Sewer LID by title. Chuck Blanchard, 601 W. Columbia, asked what this project entailed. Pam explained that the project was a sanitary sewer project located on the County Farm property on West Columbia. There was no further public comment.

Mayor Cox read the ordinance for the Columbia Storm Sewer Outfall LID. Greg Wilder explained again the area that is being assessed under the Columbia Storm Sewer Outfall LID. He explained that the State, County, City and property owners would pay for this. Mr. Ernest Ruth had asked about this assessment and wanted to know how it was being paid for. Greg replied that the total cost of the project was \$132,000. The State is paying \$44,000; the County is paying \$44,000 and the City is paying \$20,000. \$24,000 is left to be paid by the property owners. Mr. Ruth asked if this was a yearly assessment and Greg explained that it was a one time payment only.

After the explanations on the LID, Mr. Ruth did not have objections to the assessment.

Charles Finegan asked to be relieved of the assessment against 7 acres of his property in this LID. He said he had no objection to the other 3½ acres. Greg said staff, with Lee Engineering, had taken another look at the drainage boundaries and, with very few exceptions, drainage boundaries were correctly established. Greg also explained that the ordinance prohibits the City from creating another drainage LID for another outfall and assessing this property again. Greg said that the seven acres is undeveloped and does not contribute to the runoff at this time, but when developed it will contribute. Mr. Finegan said the soil was rocky soil and was very porous and would not drain off into the street. Greg said the problem would come when the land was commercially developed. Mr. Finegan said he was being asked to pay 11.3% of the total charge and it was too much. Greg said the assessment was based on the area the person owned. Dan Lowe asked if there were any alternatives for payment of this. Nancy Nixon said that Mr. Finegan was eligible for a senior citizen deferment. Pam said that spreading his assessment over 20 years would make his payments \$135 per year plus interest, but the senior citizen deferral would allow him to pay nothing until the property is sold. Mr. Finegan said he objected to having the seven acres included in the assessment.

Ed Burnacci, 28622 Sweetbriar Road, said he was speaking concerning 5 or 6 acres on Hensley Road. He said there was no development on that piece and he felt it should be assessed at the time it was developed and not now especially when there was some question about the drainage. Pam explained that the final portion of the drain pipe had to be able to handle drainage in the case of development on the land. This enables you to sell your property with the drainage services available. Mr. Burnacci asked for a copy of the enabling resolution for Columbia Storm Sewer.

Robert Sturges said that he was not remonstrating against the LID but wanted to call the attention of the Council to the fact that any assessed property owner in an LID must either contribute to the problem or benefit by the abatement of the problem. He said he had some problems with the boundaries and did not feel that Mr. Finegan's property was draining that

way. Dan Lowe said the property is not contributing now, but will when developed. Greg reviewed again the drainage pattern for this area and said that the drainage district boundaries were established with aerial photos. There was no further comment on the Columbia Storm Sewer Outfall LID.

Pam said that Mrs. Albin's assessment payment would be \$514 per year plus interest until she could apply for a deferral. Pam recommended to the Council that if 2nd and Harlow is assessed as it is now and if it is included in the bond sale that the Council authorize 20-year bonds rather than 10-year bonds.

Mayor Cox read the ordinance on S.E. Kibling Street by title. There was no public comment.

Mayor Cox read the S.E. Second and Harlow LID ordinance by title. John Null was there representing the Masonic Temple and Greg Wilder went over the project boundary map with him and explained the project. Mrs. Albin asked what could be done to help her. Pam said if consideration was made for Mrs. Albin, other corner lots would have to be looked at. Dave Butzer said there were special circumstances in her case more than just being a corner lot, she is a private resident in a commercial zone. Brian Freeman said the law provides that the assessments must bear a rational relationship to the benefit inferred upon the property. If there is not a rational relationship between her assessment and her benefit then you can make an adjustment, but it also must be equalized among all the rest of the properties. Marge Schmunk asked if Mrs. Albin was the only one remonstrating against the LID. Greg Wilder said yes. Dave Butzer said he saw a private resident living in a commercial zone and the commercial benefit is there and he questioned whether the same benefit was derived by a private resident in equal fashion. Brian asked what you did if in a year or two the property was converted to a commercial use because the value is there. Brian said you could not go back and assess at that time.

Mayor Cox adjourned at 8:50 p.m. for a break. The meeting reconvened at 9:07 p.m.

Dave Butzer said that while the property is zoned for a business there is not one on the property now. He said he believed this sets it apart from other corner lots and Council needs to address the issue of owner-occupied lots. Dave said he thought the City should pick up the assessment for Harlow Street. Mayor Cox asked Mrs. Albin how she felt about this and she replied that it would certainly help her. Frank Windust asked if this would mean that other owner-occupied homes would be entitled to the same benefit. Dave Butzer said this was a corner lot. Dan Lowe said it was setting a precedent whether it was a corner lot or not. Marge Schmunk asked if this same problem would not occur on different projects. Greg

said it would occur at different levels in different projects. Brian said the criteria that Councilman Butzer put forth is criteria based on the residential occupancy by the owner. The question was raised if this would apply to mid-street property as well as corners. Brian said that if that is the criteria it certainly does, no matter where the property is located if simply being an owner who occupies a piece of land under the assessment is to call for different treatment. Brian said that criteria is not appropriate criteria to be applied when you are judging whether or not the benefit to the property is appropriately related to the assessment and that is what Council has to determine. Dave Butzer asked what if the scope was narrowed down beyond owner-occupied residents to owner-occupied corner lot? Brian said the assessments have been laid out on the basis of the benefit related to the assessment and corner lots have been deemed to receive more benefit by these improvements. All corner lots have to be treated the same. Dave said he did not argue the benefit of the corner lot for a business and he said he did not want to change the assessments for all and if, in fact, Council was setting precedent that would filter down to other projects, he had a problem with that. Brian said that the fact that property is used for residential purposes, notwithstanding that it is in a commercial zone, or the fact that it is occupied as a residence by the owner, neither of those criteria would be an adequate support for addressing that property's assessment different from other properties. Gene Bui asked about the criteria of hardship. Brian Freeman said that as a Board of Equalization they were trying to eliminate unequal or unfair assessments by removing or eliminating assessments against one property owner which disproportionately bears the cost as compared to other property owners in the district. The second issue is to relieve a particular property owner of hardship. The State legislature has passed the Bancroft Bonding Act specifically for that purpose so a person doesn't have to pay it all at one time. The senior citizen deferral is again for the purpose of relief for the property owner. Beyond that the State legislature has made no other provisions to relieve hardship. Brian said if this Council were to establish some deferral process or some way to relieve hardship you would have to set up some criteria - income, value of property, etc. The City would be administering a new hardship relief program because there is nothing on the books nor are we prepared to do that. Dave Butzer said in light of the foregoing discussion he could not put the City in the position of opening up a Pandora's box for the future. There were no further comments.

Mayor Cox closed the Board of Equalization at 9:23 p.m. and reconvened the Council meeting.

AGENDA ITEM #8 - ORDINANCE: AN ORDINANCE SPREADING THE ASSESSMENT FOR THE LOCAL IMPROVEMENT DISTRICT KNOWN AS STARK STREET SANITARY SEWER L.I.D. 2-83. A SANITARY SEWER LINE IMPROVEMENT.

Mayor Cox read the ordinance by title. There were no comments on this assessment. Dan Lowe moved to adopt this ordinance. Gene Bui seconded the motion. Ayes 4 Nays 0 .

AGENDA ITEM #9 - ORDINANCE: AN ORDINANCE SPREADING THE ASSESSMENT FOR THE LOCAL IMPROVEMENT DISTRICT KNOWN AS TROUTDALE ROAD SANITARY SEWER L.I.D. 2-83. A SANITARY SEWER LINE IMPROVEMENT

Mayor Cox read the ordinance by title. Marge Schmunk moved to adopt the ordinance. Dan Lowe seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #10 - AN ORDINANCE SPREADING THE ASSESSMENT FOR THE LOCAL IMPROVEMENT DISTRICT KNOWN AS WEST COLUMBIA HIGHWAY SANITARY SEWER L.I.D. 4-83. A SANITARY SEWER LINE IMPROVEMENT

Mayor Cox read the ordinance by title. There was no public comment. Dave Butzer moved to adopt the ordinance. Dan Lowe seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #11 - ORDINANCE: AN ORDINANCE SPREADING THE ASSESSMENT FOR THE LOCAL IMPROVEMENT DISTRICT KNOWN AS COLUMBIA STORM SEWER OUTFALL L.I.D. 5-83.

Mayor Cox read the ordinance by title. It was noted that Ed Burnacci and Charles Finegan had remonstrated against this LID. Marge Schmunk moved to adopt this ordinance on the Columbia Storm Sewer Outfall. Dave Butzer seconded this motion. Ayes 4 Nays 0.

AGENDA ITEM #12 - ORDINANCE: AN ORDINANCE SPREADING THE ASSESSMENT FOR THE LOCAL IMPROVEMENT DISTRICT KNOWN AS S.E. KIBLING STREET L.I.D. 2-83. A STREET AND STORM DRAIN IMPROVEMENT.

Mayor Cox read the ordinance by title. There was no public comment. Gene Bui moved to adopt the ordinance. Dan Lowe seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #13 - ORDINANCE: AN ORDINANCE APREADING THE ASSESSMENT FOR THE LOCAL IMPROVEMENT DISTRICT KNOWN AS S.E. SECOND AND S.E. HARLOW L.I.D. 85-001. A STREET IMPROVEMENT.

Mayor Cox read the ordinance by title. Louella Albin remonstrated against the LID and John Null, representing the Masonic Temple, had questions only. Marge Schmunk moved to adopt this ordinance. Dan Lowe seconded the motion. Ayes 2 Nays 1. Dave Butzer abstained. Gene Bui said the Board of Equalization has a purpose and that is to equalize and to change those things that don't sound right. He said he felt that the Board should have been able to deal with Mrs. Albin's problem and if he changed his vote to yes it would be with real concerns. Brian Freeman said there are no deferral programs that any City has enacted that goes beyond the legislative relief provided by the Bancroft Bonding Act or the Senior

Citizen Deferrals. He said we are not prepared to implement such a deferral program and neither is any other city. Dave Butzer said it was not his intention to block this and his abstention was not for that purpose. Frank Windust said that on the Halsey Storm Sewer LID there is a provision there that it does not have to be paid until such time as the property is developed. Brian said it was controversial when that was done and the decision was made under pressure and it was not a procedure that was advised. Nancy Nixon said the auditors had had some very serious questions about it.

Marge Schmunk moved to reconsider the vote. Dave Butzer seconded the motion. Ayes 4 Nays 0.

Mayor Cox read the ordinance by title again. Marge Schmunk moved to adopt the ordinance. Gene Bui seconded the motion. Ayes 4 Nays 0. The ordinance passed unanimously.

AGENDA ITEM #14 - RESOLUTION: APPROVE REBONDING OF P.T.A. WATER AND SEWER ASSESSMENTS - PEABODY ESTATE

Pam Christian said the estate would have to pay all interest due in order to rebond. She said it was being addressed tonight so the rebonding application could be included in this bond sale. Nancy said they have not tendered their interest payment, however, the ORS says they cannot make application for rebonding unless the Council has previously approved rebonding. She said this resolution also makes that available to anyone else who chooses to bring their interest current. Mayor Cox read the resolution by title. Dan Lowe moved to approve the resolution. Dave Butzer seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #15 - RESOLUTION: APPOINTING REGISTRAR/PAYING AGENT FOR THE CITY OF TROUTDALE'S MUNICIPAL BOND ISSUES

Pam said this appointed a Registrar/Paying Agent for the City. She said Oregon Bank would be the Registrar/Paying Agent.

Mayor Cox read the resolution by title. Dan Lowe moved to pass the resolution. Gene Bui seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #16 - RESOLUTION: AUTHORIZING FINANCE DIRECTOR TO PUBLISH NOTICE OF BOND SALE

Pam said this resolution authorized the Finance Director to publish notice of the bond sale. Gene Bui moved to pass the resolution. Dan Lowe seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #17 - COUNCIL CONCERNS AND INITIATIVES

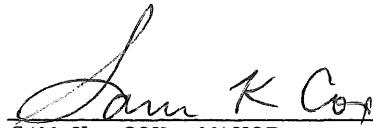
Pam asked the Council to note the coming events agenda in the packet. She said the Downtown Task Force meeting and the Port of Entry had been changed. The Downtown Task Force meeting would not be on the 5th. The Mayor said he would like all the Council to attend the Port of Entry meeting on September 5, 1984.

AGENDA ITEM #18 - PUBLIC COMMENT

Frank Windust asked if anyone was going to attend the meeting on the Port of Entry in The Dalles. The Mayor said that there would be people attending.

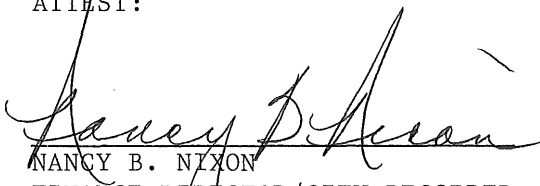
AGENDA ITEM #19 - ADJOURNMENT

Dan Love moved to adjourn the meeting. Gene Bui seconded the motion. Ayes 4 Nays 0. Pam Christian said she would like to give a pat on the back to Nancy and Greg for the work done on the LIDs. The meeting was adjourned at 9:42 p.m.



SAM K. COX, MAYOR
DATE SIGNED: _____

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER

