


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

October 9, 1984

- (A) 1. **Pledge of Allegiance**
Call to Order, Roll Call and Agenda Update: MAYOR
- (A) 2. **Consent Agenda:**
 - 2.1 **Accept:** Minutes of September, 1984 - Regular Session
 - 2.2 **Accept:** Business License Report
 - 2.3 **Accept:** Bills for month of **September**, 1984
 - 2.4 **Approve:** Sandy Flats Liquor License
- (I) 3. **STATUS REPORT:** EDA Progress
- (I) 4. **STATUS REPORT:** Project(s) Summary Review
- (A) 5. **ORDINANCE:** 82-85-005. A Zone Change request by Harrison McKnight and Consolidated Assessment Group, Inc. for approval of A-1-B District to allow for a mixed use development consisting of multi-family, commercial, and medical office uses.

FIRST READING

- (I) 6. **DOWNTOWN CONCEPT PLAN**
- (A) 7. **REVIEW AND APPROVE:** Job Description
- (A) 8. **REQUEST:** Position Authorization
- (I) 9. **AGREEMENT:** Contract Services
Electrical Inspection Agreement
- (I) 10. **DEPARTMENT REPORTS:**
 - 10.1: Public Safety
 - 10.2: Finance & Records
 - 10.3: Community Services
 - 10.4: City Attorney
- (A) 11. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 12. **PUBLIC COMMENT**
- (A) 13. **ADJOURNMENT.**



SAM K. COX, MAYOR

UNIT 1
THE HISTORY OF THE
UNITED STATES

LESSON 1

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4. The Constitution	4
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MINUTES
TROUTDALE CITY COUNCIL
OCTOBER 9, 1984 - 7:00 P.M.

The meeting was called to order at 7:00 p.m.

Mayor Cox was not in attendance, therefore Gene Bui, Council President, presided over the meeting.

The Pledge of Allegiance was lead by Dave Butzer.

ROLL CALL:

PRESENT : Ron Burgin, Dave Butzer, Marge Schmunk and Gene Bui and Paul Thalhofer. Pam Christian said Dan Lowe had asked to be excused and the Mayor was in Ashland for the Port of Entry Hearings.

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

PRESS : John Enders of the Oregonian and Steve Hunter of the Gresham Outlook

GUESTS : Harrison McKnight, Marty Gault, Al Lufthausen, Dalton Williams, Gina Williams, Sharon Nesbitt, and Andy Anderson

Gene Bui asked if there was a Consent Agenda update. Pam Christian, City Administrator, said there were no additions to the agenda. She asked that Agenda items #3 & 4 be moved to the end of the agenda because of the time needed for other agenda items.

Pam said Andy Anderson, the Council's representative on the Cable Regulatory Commission, would be at the meeting about 8:00 p.m. to briefly explain the reconfiguration by Roger's Cablesystems.

Marge Schmunk moved to accept the Consent Agenda, 2.1, 2.2, 2.3 and 2.4. Dave Butzer seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #5 - ORDINANCE: 82-85-005. A ZONE CHANGE REQUEST BY HARRISION MCKNIGHT AND CONSOLIDATED ASSET GROUP, INC. FOR APPROVAL OF A-1-B DISTRICT TO ALLOW FOR A MIXED USE DEVELOPMENT CONSISTING OF MULTI-FAMILY, COMMERCIAL, AND MEDICAL OFFICE USES

Scott Pemble, Senior Planner, reviewed the staff report for this ordinance explaining the request was for a mixed use office, commerical and multi-family residential planned development. It would include 42

multi-family units built at 22 units per acre on 1.93 acres, a 13,000 square foot commercial building on .99 acres, and a 6,000 square foot medical office building on .57 acres. Scott said that Mr. McKnight's conditional use permit which allows him to sell retail farm produce would expire June 8, 1986 and the use must be relocated at that time. The site of the new Gresham Community Hospital is located across the street from Mr. McKnight's property. Scott explained that the Planning Commission had approved this zone change subject to the ten conditions listed in Section IV of the adopted staff report. These conditions were included in the resolution being considered by the Council at this meeting. Mr. McKnight commented that condition #2 limited the number of trees that could be removed to 40%. He said that there were a number of the trees on the site that were badly damaged and created a hazard. Ron Burgin asked if #2 could be amended to read "healthy" trees. Paul Thalhofer asked Mr. McKnight why the trees were considered unhealthy. Mr. McKnight introduced Al Lufthausen, 193 S. E. Paloma, Gresham, a retired forester. Mr. Lufthausen said the trees had been damaged in an ice storm and from that point in the tree the growth was rotting on the inside. Scott said as an A-1-B Zone change the procedure would be for Mr. McKnight to come in and request that the plan be divided into three parcels. Each parcel would have a more detailed plan for the Design & Review Board. The issue of the healthy or unhealthy trees would then be handled by the Design and Review Board. Gene Bui read the resolution by title. Ron Burgin moved to amend the resolution to include the words "healthy" trees "as determined by a qualified forester". Paul Thalhofer seconded the motion. Ron Burgin said this gave Mr. McKnight assurances that he would not be required to maintain trees that are unhealthy. Dave Butzer asked who would be obligated to secure the services of the forester and who pays for it. Scott answered that the developer would pay for this service. Dave asked if there was anyone on the staff that could make a qualified judgement. Scott replied that the person would have to read a forester's technical report to make such a determination. Dave Butzer said he had a problem with the amendment as a matter of procedure. Dave said Mr. McKnight could make use of the system to handle the tree situation. Gene Bui asked Ron Burgin to read his amendment again. Gene then took a poll of the Council. Ron Burgin, Marge Schmunk and Paul Thalhofer voted aye. Dave Butzer voted nay. The amendment to the resolution passed. Dave Butzer moved to adopt the resolution. Paul Thalhofer seconded the motion. Ayes 4 Nays 0.

AGENDA ITEM #6 - DOWNTOWN CONCEPT PLAN

Scott Pemble summarized the concept plan for downtown. Scott said the document set forth strategy for development of the downtown district. It was not to say how to do this, but to create an image for the future. In the plan, the downtown district is divided into three areas: Subarea A - the anchor; Subarea B - the marketplace and Subarea C - the promenade. Scott stated that in Subarea A retail commercial uses to be encouraged would be factory outlet stores, specialty stores, auto service stores and convenience goods and service stores. There will be no on-street parking, but each firm will provide their own landscaped parking lots. Picking up on

the fact that Troutdale is the "Gateway to the Columbia Gorge, the City and Plaid Pantry have agreed to construct a monument at the western edge of Troutdale. This will set the tone for the architectural style of the area. Subarea A will be developed with low profile structures set back from the street. They will have landscaped parking between the street and the buildings.

Subarea B will be a "walking through" marketplace. There will be two-story structures for narrow frontages that will butt up against the sidewalks. A principal element of Subarea B is a public square. This is intended to be the informal and formal meeting place for shoppers and visitors. Seasonal events could be held here. The square would be located just north of the site of the present Oregon Bank. Another element of Subarea B would be a pedestrian corridor running between Columbia and 2nd Street, starting at Kibling at City Hall and ending at Buxton Street.

City Hall should continue to be located in Subarea B and could be expanded to accommodate population growth. Examples of commercial uses for Subarea B would be bakeries, specialty tea/coffee shops, restaurants, boutiques, antique or gift shops. There will be both on and off-street parking in this subarea.

Subarea C is from City Hall down Columbia to the Sandy River. Scott broke Subarea C into two smaller areas for the discussion. The first is the promenade along Columbia Street and the second is the promenade/peninsula. Initially, Subarea C would have been the place for bed & breakfast inns, motels/hotels, and some specialty shops within the inns. The area would also include recreation oriented businesses. There would be an eastern gateway established at Jackson Park Road and Columbia Highway. The 40-mile loop that encircles Portland could be extended along the Sandy River.

Scott explained that the Downtown Task Force Committee appointed by the City Council recommended last month to the Planning Commission a concept plan. It was deliberated in a public hearing by the Planning Commission and recommended to the City Council. The City Council needs to deliberate on the plan tonight or sometime in the near future. Scott went over the changes to the Downtown Plan as recommended by the Planning Commission. Ron Burgin asked Marty Gault, a Planning Commission member in the audience, to expand on the plan for the promenade. Marty replied that the Planning Commission did not want to stifle or constrain commercial activity. They felt that area needed to be looked at in more detail. Dalton Williams expressed his concern that some property in the area would not be large enough to support a bed and breakfast establishment. He was concerned that the inns and motels/hotels would not be realistic for development due to the size restrictions. He said that he agreed that not all commercial uses should be allowed, but was not certain what the breakdown should be. Marge Schmunk commented on the restrooms as a part of the public square. She had no objection to public restrooms but was not sure they should be located in the public square. Ron Burgin agreed with Marge and suggested that possibly the restrooms could be located in an expanded City Hall. Sharon Nesbitt, historian for Troutdale Historical Society, said the plan needs to define the kind of commercial business that will be permitted in the area. If the City is going to be commercial from one end to another, it didn't need a plan in the first place.

Gina Williams said Subarea "C" is the only area left that would accommodate high area housing. She said there needs to be better language and better definition concerning uses. Shops with the owner's homes located upstairs were brought up as possibilities for this area. Pam Christian said Multnomah County referred to this as cottage industry. Paul Thalhofer said he went along with most of the Planning Commission recommendations. He did think there should be restrooms for the public and felt they should be in the square. He said that the commercial usage on the promenade should have some kind of limit.

Ron Burgin said possibly the restrooms could be included in City Hall as it expands or, due to the small size of the square, possibly the restrooms could be located nearby. The Council agreed that restrooms were necessary but the concern was about where they should be located. Ron asked if Areas A & B could be accepted and defer consideration of Area C until such time as the uses were defined. Scott said that the subareas supported each other and needed to balance one with the other before you start doing anything. There was a five-minute break at 8:30.

The meeting was called to order at 8:42 p.m.

Scott Pemble said that there appeared to be a consensus on the following types of uses, not to suggest that it will be limited to these uses, but apartments and condominiums, motel/hotel inns, cottage commercial, light commercial seem to be the types of uses the Council has indicated for Subarea C. The definition of light commercial and cottage commercial will have to be reviewed. Ron Burgin said that cottage industry is usually referring to home knitting factories, etc. and he would like to see more of a public oriented business rather than a small home factory. Scott asked Council if someone manufactured something in their home would they also have to have some retail area. The Council agreed with that. Scott handed out the retail commercial uses allowed now in a C-3 area. He asked the Council to review them and return them to him with their recommendations. Pam said that guidelines needed to be established, but there will always be a use that comes up that is not on the list. These will be guidelines, rather than specific commercial uses. Dalton Williams proposed reviewing that commercial zone 2 as well as the one Scott handed out.

REPORT - RECONFIGURATION BY ROGERS CABLESYSTEMS

Andy Anderson, Multnomah Cable Regulatory Commission member, made a presentation concerning the reconfiguration by Rogers Cable System. Andy outlined the changes in the franchise. Andy explained that the Learning Channel was dropped. It was one of the channels providing telecourses. It was discontinued because Multnomah Cable Access Corporation will be providing similar services and this would be a duplication of services. Another issue was to reduce the number of local origination channels. The cable company reduced the channels from five to four. This will result in a more efficient operation, as it does not reduce hours or services, it

the division levels and act almost as a peer with division heads as they work through their proposals. Ron Burgin said he was concerned about creating a position in light of Ballot Measure #2. Pam replied that this position is actually not increasing the total number of employees. If Ballot Measure #2 passes, there are going to be some major organizational changes, we will have to combine or delete some part of the operation and she said she would guess that we may look at combining. Ron Burgin said he would prefer to wait until after the November election to authorize that position. Pam suggested getting the advertisements together and start the process, but not hire or interview until after the election. Ron and Paul said that would be fine. Gene Bui said the chair would entertain a motion understanding that the position probably won't be filled until after the election. Marge Schmunk moved to authorize a request for a new position. Dave Butzer seconded the motion. There was no discussion and the question was called for. Ayes 4 Nays 0 .

AGENDA ITEM #9 - AGREEMENT: CONTRACT SERVICES - ELECTRICAL INSPECTION AGREEMENT

Greg Wilder said prior to this all electrical inspections have been performed by the state. The state electrical inspector's office does not have many inspectors in the field and, as a result, many electrical projects are never inspected and are closed up before that takes place. This will solve the problem. By contracting services with Multnomah County they would provide those special services. We would issue the permits and they would provide the inspection. Multnomah County will, however, more than likely, contract that inspectional service through the City of Gresham, and then the department will be billed. Greg said staff recommended that the Council authorize the Mayor to execute the agreement. Pam said we are now contracting with Multnomah County for plumbing inspections. Paul Thalhofer asked why we did not just contract with Gresham. Greg said that once a year the City has to affirm its inspectional capabilities with the State. Once that affirmation is made it cannot be changed until the next go-around. Greg said that will probably happen when we get ready to reaffirm our inspectional listings. Ron Burgin asked how the fees would compare with what people are required to pay now. Greg said the fees would be basically the same and we feel that the cost to the developer/contractor would be less because he won't have the travel time to Salem or DES. Ron Burgin moved to adopt the agreement. Paul Thalhofer seconded the motion. Ayes 4 Nays 0 .

AGENDA ITEM #3 - STATUS REPORT: EDA PROGRESS

Greg said the EDA sewer projects are finished with the exception of some electrical work on the pump station on West Columbia. The projects are finished, tested and closed up. We have an easement that has to be executed that will come before the Council soon. Greg said the projects were finished up at about \$40,000 under budget which goes back to the Sewer Consortium. As a result of our recordkeeping efforts, the City will not be required to audit our projects. Pam Christian pointed out that because of the efforts of Gibbs & Olson the City finished under budget and ahead of schedule.

better promotes local origination. The most important change is the cable company's request for reconfiguration. There is a universal tier that has five public access stations which is provided to subscriber for an installation cost and there is no monthly charge. Tier 2 is currently 22 channels at a cost of \$5.25 per month. There are 42 subscribers under this tier. Tier 1 has nine subscribers. Tier 3 offers 54 channels at a cost of \$8.95 with 592 subscribers. Tier 4 has the same amount of channels but also has interactive capability and wireless remote control and that is \$11.95 per month with over 13,000 subscribers. The reconfiguration would reduce the number of channels on Tier 2 from 22 to 13 at a discounted rate of \$2.75. There is a new economy tier. That would have about 34 channels at a rate of \$7.95 per month. This tier would have a simpler converter box and HBO would be available as a pay service. The economy tier would not have a scrambled signal with a cable ready set unless you had HBO. Ron Burgin asked if the economy service was preliminary to eliminating Tier 3. Andy Anderson said he did not think that was the case. He said the economy tier was just to attract more customers. Ron Burgin asked if lock-out devices are available at all levels. Andy Anderson said he would check on it at the meeting on October 15.

AGENDA ITEM #7 - REVIEW AND APPROVE: JOB DESCRIPTION

Pam Christian said this was the City Administrator's job description. She said when she was researching the duties and responsibilities assigned to the City Administrator it became evident that the job has not been officially recognized in the resolutions or ordinances of the City. Pam proposed that the Council review the job description, her memo and the existing job description used under former Mayor Sturges. She recommended that the Council recognize and delegate the duties and responsibilities by ordinance. This would insure that each Council has a very clear understanding of how the City Administrator works, what authority the Council has and can reserve on to itself. This would also keep the Council away from the position of bargaining those responsibilities when negotiating an employment agreement when a new City Administrator comes on. This assures consistency in the authority and responsibility that can be depended on. Gene Bui agreed with Pam on this statement. Dave Butzer said that initially it was agreed that Gene and Dave would review the job description and make any specific recommended changes at the next meeting. Gene agreed with that. Pam asked Brian Freeman to come up with a format.

AGENDA ITEM #8 - REQUEST: POSITION AUTHORIZATION

Pam Christian said she was asking the Council to authorize a position that did not specifically appear in the budget. There are funds already allocated to a Planner II position that has not been filled and these funds will be transferred for that position. Pam said that both she and Greg had needs throughout the Community Services Department, specifically the Planning Department, that handles a lot of the development, proposals and inquiries plus the projects that are now being handled on behalf of the City. She said someone was needed that has a broader experience throughout the process. Pam said the salary would be Grade 8 and the reason for this is someone is needed with enough authority to move through

AGENDA ITEM #4 - STATUS REPORT: PROJECT(S) SUMMARY REVIEW

Greg said the Columbia Storm Sewer Outfall and the Second and Harlow Street projects were under construction and parking is restricted and traffic circulation somewhat impaired. It will be inconvenient for about six weeks. In conjunction with this project, we are dealing with PGE for an undergrounding effort that may slow the Harlow and Second Street project down. Provisions have been made in our relationships with the contractors and our notices to proceed so that if it does slow down we can stop the project without penalty to the City. Both projects are moving on schedule at this time.

Greg Wilder said when we began planning the projects the utility companies were brought in at a very early stage because there were location requirements. The gas company came in and made their efforts; the phone company said if the City provided the trench space they would underground at no cost to the City except for the trenching efforts; PGE said they would do what the City asked but they would do so under some sort of protest, but that they did not feel that it was a true relocation, but a forced undergrounding effort. Greg said they have met with them a number of times and they have informed us until today that they would agree to disagree and then work it out in some sort of litigation fashion. He said the posture was a little more flexible today and we need to secure some sort of agreement from PGE immediately or else we have to decide whether to hold the project over until spring for completion or worry about cutting up a reasonably new street in three to five years.

Brian Freeman said the question was really if the City can require the utilities to place their wires underground and disregarding any issues of cost, who pays what and how much. Brian said the City could, in fact, require that the wires be put underground. The power company recognizes that and they are not resisting that. The next issue is if there is a public necessity. Brian said that there are two areas in this. One is the area of safety - is it safer to have wires underground. Brian said that in Troutdale with ice storms and the east wind most people would say there is a safety factor here. Brian said the second issue is the reliability of the system, if a person's home is dependent upon electricity for heat, light or other basic survival needs in a winter storm, reliability is an important thing. The power companies have to justify the underground placement to the ratepayers and to their board of directors first. The board first has to determine if the City is just asking them to remove poles and wires that they don't think look nice. Brian stated that the City ought to make a presentaton as to why we are asking for the underground facilities. Next, we need to talk about the authority of city/cities to require that to be done. The first is our own franchise agreement, renewed for 10 years in January of this year. Section 6 of that agreement states that in the event any power poles, lines or facilities need to be relocated the utility will bear the expense of the relocation, provided there is some public necessity for doing it. A normal case might be widening of the street. The second source of authority would come from

some kind of downtown plan or urban renewal program. That would not normally be a relocation, but would be a request for a conversion. Relocation and conversion are the key words. Brian said the power company may pay the bill at first, but they may pass the cost onto their entire system or distribute them locally in the jurisdiction of the City of Troutdale. It may even be localized within the jurisdiction of the City of Troutdale. This is based on a Public Utility Commission's order which was promulgated this year. It acknowledges that if there is a relocation expense it is to be borne by the company, spread among all the ratepayers of the company. If it is a conversion, then they have the authority to assess those ratepayers within that jurisdiction and they will place on the billing a surcharge to cover their costs and a reasonable interest. Brian said he and staff are now trying to identify the downtown area underground costs as necessary by relocation.

Greg Wilder said the project was begun before the Utility Commissioner's position was known and we need to make a decision quickly. He explained options for the situation. He said the most unreasonable one was to do nothing, leave everything overhead and in the future when a conversion takes place we tear up the street or sidewalk. Then there will be substantially higher costs because we will have a street to replace again. Another option is to place only the conduit in at this time, distribution conduit, not the high tension requirements that are there and pulling wire at a later date. That leaves the main feeder line there for now until we find an alternate location for it. The reason for that is if we demand that they put that high tension lead underground at the same time as their local distribution goes underground, we end up with another \$60,000, \$70,000 or \$80,000 in costs because we have to put in two parallel systems - one to handle the high tension overhead and one to handle the local distribution. If we present them with an acceptable plan, one acceptable to you and the downtown planning effort and acceptable to them, but to a lesser degree because they will do what we require, and that's to take the high tension overhead and move it in another area so they don't have to underground it downtown - they go around the downtown so then we only have to underground the local distribution. Greg said, he thinks, the best system is to leave the high tension in for now, put the conduit in for the local distribution and then we never have to dig the street up again. We only have to pull the poles out, move the lines and the distribution network for the local area is ready to be pulled underground. That cost would be between \$10-12,000. The second option is that we put that conduit in, we pull the local distribution on both Second and Harlow and we retire the overhead that is distributional and not the main transmission line. That cost is \$12-15,000, maybe \$18,000. It has not been firmly determined yet. Both of those two, in his opinion, were pretty close to being equal in preference. Again, Greg said they were basically asking for direction. If we do those options and pull wire, then PGE has said that they think we need to be responsible for the remaining life value of their overhead wire. We say that that is not the case. Greg said he thought Brian agreed that they don't really have a case for that. Greg read a sentence from the Utility Commissioner's statement that says "if the conversion is required in conjunction with the public project which would necessitate the relocation of the utility's facilities at the utility's expense,

conversion costs shall not include any overhead retirement costs". Greg said we feel pretty comfortable that we will not be assessed that cost. They did demonstrate some flexibility today that they never demonstrated before in our discussions in regards to that. Again, Greg said his personal recommendation was that we take one of the two options - put the conduit in under the street and on Second Street pull the wires and be finished with it. As Brian said, we then have to determine through litigation or some other process of negotiation how those costs are going to be handled and how they are going to be spread. Ron Burgin asked if the poles would stay there for now. Greg replied that only the poles that handle the high tension, 7200 volt wire that's on Harlow only. Ron asked if they would actually do the work under either option. Greg said we would provide trenching and installation; PGE would provide the conduit and vaults set in place and we would backfill the trenches so it's a mutual project. PGE would provide all the technical inspection, all the technical supervision and PGE would pull all wires, install all transformers and those kinds of things. We would provide our backhoe for excavation and our crew for that. Greg said we could go as far as to demand that they do the total installation. The only reason that our crews were offered was to try to keep these costs at the lowest possible level, if the costs are going to be passed to the local rate payers.

Gene Bui asked if Greg had a preference for one of the two options. Greg said he had a personal preference to pull wire and get Second Avenue totally underground and get the poles out of there. Greg said they are going to have to move poles on Second Avenue and then their argument is enhanced, it would be less so if we require them to pull wires now. Ron Burgin asked, if we lose in the eventual decision, if this is a 100% conversion rather than relocation, in future LIDs would that cost be spread in the LID. Greg said that in the future it could definitely be part of the LID process, but not in this case. Greg said in fact PGE has suggested that not only can we specify a certain region, such as downtown core area or Troutdale in its entirety but we can, if we can make a case, specify an area larger for spreading the cost. For example, if the high tension line may service another community we could request that they look at the broader area. Of course that has to go before the Utility Commissioner and so forth. Greg said the worst case scenario, and he said he felt from a logical standpoint and he would hope from the utility commissioner's and possibly the court standpoint, is that the most cost that would be associated with this project is the material for undergrounding and not the retirement. He said he would guess we would be looking at the worst case in the area of \$10-12,000. Marge Schmunk asked Brian if he felt strongly that we wouldn't have to pay the retirement costs. Brian replied that if it was a relocation we would not have to pay the costs, if it is a conversion to clear that retirement cost or part of the conversion cost. It boils down as to whether we characterize it as a relocation or conversion and it is one of the issues that you can argue both ways. He said that he was not sure that we would not have to pay the retirements costs because he was not sure we could characterize this as a relocation. Greg said there was no question that they are going to have to move something to do the project right and we have the franchise right to

require them to do that. In the Utility Commissioner's statement it says "conversion costs means the difference in costs between constructing underground system and retaining existing overhead system. This difference is equal to the cost of all necessary excavating, road-crossings, trenching, backfilling, raceways, ducts, vaults, transformer pads, other devices particular to underground services and overhead retirement costs. However, if the conversion is required in conjunction with a public project which would necessitate the relocation of the utility's facilities, at the utility's expense, the conversion costs shall not include any overhead retirement costs". Greg said it seems pretty explicit. Brian said he took issue with that and that he didn't want to argue with Greg because Greg's position was certainly more favorable to present to PGE and I think we may prevail on it, but he doubted that PGE is going to take that viewpoint. Greg said Brian's worst scenario is \$15,000 and his was \$10-12,000. Pam said this could be paid for out of the street fund. She said the question should come up is that going to be tax revenue money and no, in all probability it would not be, it would come out of the street fund. Pam said this is an appropriate expense as street lighting can be included in that. She said she had to support Greg's opinion in that you don't get what you don't ask for. If we sit and wait for someone else to make the decision, we will be past the point that it really matters in our downtown efforts right now and if \$15,000 now is the worst case, even if we have to cut out half a street next year out of the gas tax fund, that at least we are establishing a claim and a point of view as far as our desires in undergrounding in downtown Troutdale. Marge said as we look through these projects in phases they are all part of the downtown project which would fit in with the downtown concept so she had to go along with Greg's recommendation.

Dave Butzer said he understood the argument for putting the stuff underground and he did not have a problem with that, but he did have a problem with the potential for billing everyone in the City of Troutdale. Pam said there are other potentials. Dave said he could support going ahead with the project now. He said he would prefer to take whatever actions necessary, whether that's taking PGE to court or whatever, to put us in the most favorable outcome. If we should lose, and he recognized that this could potentially take a very long time, so as a backup to that he would like to see us protect the rest of the citizens of Troutdale and the City and include in each LID the potential for these costs, but at the same time explore and really go after the legal issues on this so we do not have to pass this along to everybody or to the individual. Greg said another quick point of clarification and, he supposed one of PGE's major points of resistance, is this is the first request since the new Utility Commissioner's regulations and rules have been set down. They are bound to be more resistant at this time. Paul Thalhofer said he agreed with the option favored by Greg. Brian said the process would be to proceed with the project, make the request/claim against PGE, they have acknowledged that they will go ahead and expend the money more or less provided that we make some minimum showing that there is a necessity and if, later they should propose to spread those costs among only the local ratepayers, we would have the option of objecting to that to the Public Utility Commission or if we say that's not acceptable we can explore the other options of finding those funds to pay for those things from some other source. Brian said at each point you can make the decision of whether or not to go ahead. Ron Burgin asked if the forum in which we would win or lose would be before the Public Utility Commissioner. Brian said he

believed it would be before the Commissioner because he is the one that has the authority to set the rates and establish whether the rates in this general local area should be different than some place else.

Ron Burgin moved that we proceed according to Greg's recommendation to lay the conduit and pull the wire except for the high tension wire on Harlow Street. Marge Schmunk seconded the motion. Dave Butzer called for discussion. He asked if we should include an addendum, at this point, that talks about legal action? Brian said it was not necessary, but he said it would be helpful for Greg and himself if there might be some findings made that there is a public necessity for this. Marge said due to the downtown concept and the danger of the winter winds and ice.

Ron changed his motion to include whereas to conform to the downtown plan and because of necessity due to the weather, there are hazards of downed power lines and possibility of electrocution and unreliable service which may cause not only inconvenience but health hazards to citizens. Brian recommended that the Chief of Police make a comment for the record. Chief George Haddock said that one day last year there were six breaks in the northern part of Old Town at one time. He said that their own records of repair during the ice storms would probably be the strongest argument. Dave Butzer called for the question. Ayes 4 Nays 0.

AGENDA ITEM #10 - DEPARTMENT REPORTS

10.1 PUBLIC SAFETY

Chief Haddock said his report was in the packet and he would be happy to answer any questions. He said they are moving toward the Explorer Post and invited the Council to attend the Second Nighter meeting on October 10 at the Annex. Ron asked what the progress was on the computer. George replied that they are supposed to be sending him the program formats so the user committee can go through and make sure they are getting the kind of information the officers want. They are talking about having the whole thing here sometime next month.

Dave Butzer said the burglary rate had doubled and asked if there were any clearances on these. Chief Haddock said there had been a couple clearances. He said things had been hectic and the officers had been doing a super job. Ron Burgin asked about flatbed trailers and tractors parked on Troutdale Road and in residential areas. The Chief said that in residential areas they act on them on complaint and they can park on Troutdale Road.

10.2 FINANCE & RECORDS

Nancy Nixon, Finance Director/City Recorder, said her report was in the packet and she would be happy to answer any questions.

10.3 COMMUNITY SERVICES

Greg Wilder, Community Services Director, said the report was in the packet and asked if there were any questions. Dave Butzer asked if the City had been contacted by a number of businesses interested in developing

in Troutdale. Greg said they had been contacted most recently by people interested in developing in the Troutdale Mini-Industrial Park area. We are exploring possibilities, looking at costs of providing services, and a letter has gone out from the Mayor expressing our interest in working with them. Pam said another request had come in just today. Pam said at the next meeting there would be a report from the Economic Development Commission. Ron Burgin asked what progress had been made on addressing Troutdale Road. Greg said Ken Prickett is working on that project and it should be finished in about two more months.

10.4 CITY ATTORNEY

Brian said he had given his report tonight.

10.5 CITY ADMINISTRATOR

Pam said the Mayor had called and the vote on the Port of Entry was 4 to 1 in favor of Cascade Locks. Pam passed out information on Ballot Measure #2 that had been discussed at the work session on Saturday, October 6.

AGENDA ITEM #11 - COUNCIL CONCERNS AND INITIATIVES


Ron Burgin, Marge Schmunk and Paul Thalhofer had no concerns. Dave Butzer said the lighting consortium people said they would explore the possibility of a light at the corner of Hogan Road on S. W. 23rd in Troutdale. There is no light there. Pam said she would follow up on it.

AGENDA ITEM #12 PUBLIC COMMENT

There was no public comment.

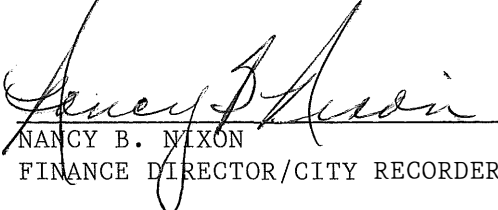
AGENDA ITEM #13 - ADJOURNMENT

Marge Schmunk moved to adjourn. Dave Butzer seconded the motion. Ayes 4
Nays 0. The meeting was adjourned at 10:00 p.m.



SAM K. COX, MAYOR
DATE SIGNED: 10-24-84

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER