

AGENDA
CITY OF TROUTDALE
104 SE KIBLING STREET
TROUTDALE CITY HALL
7:00 P.M. -- CITY COUNCIL CHAMBERS

NOVEMBER 12, 1985

- (A) 1. Pledge of Allegiance
Call to Order, Roll Call, Agenda Update -- Mayor
- 2. PRESENTATION: JIM LYLE
Boy Scouts of America to Explorers
- (A) 3. Consent Agenda:
 - 3.1: Accept: Minutes of October 8, 1985
 - 3.2: Accept: Business License Report
 - 3.3: Accept: Bills for month of October, 1985
 - 3.4: Approve: Liquor Licenses
 - Troutdale General Store
 - Brass Rail Tavern
 - Red Baron Restaurant
 - Troutdale Deli-Mart
 - Burns Bros., Inc.
 - Tad's
 - River Trails
 - Mt. Hood Texaco
 - Sandy Flats
 - Troutdale Thriftway
 - Plaid Pantry
- (A) 4. Public Comment
- (A) 5. Contract Award
County Farm Waterline
- (I) 6. Discussion: Roadside Sales
- (A) 7. Intergovernmental Agreement
Wood Village Water Purchase
- (A) 8. Departmental Reports:
 - 8.1: Public Safety
 - 8.2: Finance
 - 8.3: Community Services
 - 8.4: City Attorney
 - 8.5: Executive

8:00 P.M. -- PUBLIC HEARING

SOLID WASTE FRANCHISE

(A) 9. Ordinance: Solid Waste Rate Franchise

First Reading

(A) 10. Council Concerns and Initiatives

(A) 11. Adjournment



Sam K. Cox, Mayor

10:15

10/23/85 Wed 9:13:01

MINUTES
NOVEMBER 12, 1985
7:00 P.M. -- CITY COUNCIL CHAMBERS
CITY OF TROUTDALE
104 SE KIBLING STREET
TROUTDALE, OR 97060

AGENDA ITEM #1: PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Sam K. Cox at 7:00 p.m.

The Pledge of Allegiance was lead by Gene Bui.

PRESENT: Gene Bui, Ron Burgin, Mayor Sam Cox, Marty Gault, Sharlyn Jacobs, Marge Schmunk

STAFF: Pam Christian, Greg Wilder, Bill Farr, Jim Jennings, Sue Barker, Ken Prickett, Valerie Raglione

PRESS: Webb Reubal - Oregonian; Steve Hunter - Gresham Outlook

GUESTS: Neil Alongi, Gibbs & Olson - Consulting Engineers
Lee Bronkema, CSO, David Ohm, David Hughes - Reserve Officers; Explorer's Post members - Tina Rossman, Tammy Boyum, Doug Brooks, Tank Wright, Barbara Rossman, Leon Berg, Mike Sullivan, Jim Lyle

AGENDA ITEM #2: PRESENTATION

Lee Bronkema, introduced David Ohm and David Hughes, Reserve Officers, Explorer President - Tammy Boyum, Tina Rossman, Doug Brooks, Tank Wright, and Jim Lyle - Boy Scouts of America.

Jim Lyle presented the award which was for manning a station for the Boy Scouts to earn their badge for wilderness survival. The Explorer Post sponsored the first aid station for this opportunity to earn a merit badge. The plaque was presented from the Thunderbird District to the Explorer Post.

David Ohm, advisor for the Explorer Post gave a special thanks to the Explorer group for their patience and for passing the probationary period and earning their badges, diploma for the Police Explorer Academy, and for their time and efforts. The one year stripes were presented to the group by David Ohm and David Hughes.

Mayor Cox gave a special thanks for the efforts of the Post in the parking at the Community Park the past summer, as well as the efforts on Halloween.

AGENDA ITEM #3 - CONSENT AGENDA

Mayor Cox called for comments.

MOTION: Bui moved to approve the Consent Agenda. Gault seconded the motion.

Bui- Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea
YEAS: 5
NAYS: 0
ABSTAINED: 0

AGENDA ITEM #4 - PUBLIC COMMENT

Mayor Cox called for comments. There were none.

AGENDA ITEM #5 - COUNTY FARM WATERLINE - CONTRACT AWARD

Wilder updated Council with the final results of the bids. He introduced Neil Alongi, Gibbs & Olsen Engineering firm.. The project would have to be completed by the end of December to satisfy the Portland Fire Bureau and domestic requirements to serve the site.

Low Bid: Fuiten's Plumbing, \$177,180
Colt Construction, \$177,266
D.M. Excavating, \$178,957

Burgin asked if Council was bound by low bid regulations.

Jennings stated that research had been done on requirements of the Council to take the lowest bid and policy of taking the low bid should be followed unless there was any legal justification to do otherwise.

Wilder stated that Alongi had spent the afternoon doing background checks and everything appeared to be in order.

MOTION: Bui moved to accept the low bid awarding the Contract to Fuiten's Plumbing. Jacobs seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea
YEAS: 5
NAYS: 0
ABSTAINED: 0

Christian stated that the Purchasing Policy states that if there is a 10% difference in the price, the local vendor can be used. However, the Contracting Ordinance, establishes the

Council Review Board, and it would have to be amended in accordance with regulations. Jennings would have to review the current Ordinance with O.R.S. prior to amending any laws of this nature.

Cox and Burgin stated that they would like to have this looked into, using a grace figure of 5% or less for local bids.

AGENDA ITEM #6 - STREETSIDE SALES

Christian stated that this item was for discussion only at this time. She stated that the current Ordinance does not allow for any streetside sales. If Council wished to put the Business License issue in abeyance, and address it as a Council goal in the upcoming year, staff would provide some data for consideration at that time.

Schmunk stated a preference to address it in the upcoming year and gather the necessary information to deal with the issues in total.

Christian asked for a consensus from Council and that enforcement of the Ordinance would not take place at this time.

Bui asked what the impact of that would be. Christian stated that most produce stand sales were over and Christmas tree sales would probably be the only item coming up.

Gault stated he felt this would need to be addressed fairly soon and he didn't want to see the issue die.

Barker asked if Council wanted staff to continue to require license renewals.

Gault stated that until there was a procedure in place we would have to continue to operate in same fashion until there is a change.

Christian stated there was a conflict between the Zoning Ordinance and Business License - Zoning stating that you cannot do anything outside of a building; and the Business License even sets forth requirements for a non-profit organization registering all canvassers and requiring a business license + a fee for each canvasser. This is the conflict - the Zoning Ordinance stating that you can't do any outside sales and the business license that basically sets whenever you are offering a service or a product; you must buy a license.

Burgin stated favor in continuing as the past practice has been. However, there is a need to look at the process.

Christian stated that she would rather not send out the notices of renewal at all, and not address the issue at all, until Council had an opportunity to set a policy with the conflict of zoning and business licenses in mind. She stated a Task Force could be set up for the entire business license process to be defined in a policy/procedure format.

Gault was concerned that if renewals for streetside sales were not sent out, how would it be dealt with should anyone automatically come in around January and voluntarily want to pay the renewal fee?

Christian stated she preferred not to take the money feeling that it would be taking money under false pretenses.

Burgin requested that letters be sent out so that those involved did not come in to pay the renewal fee. Christian agreed that staff could send a letter stating that the policy was under review and they would be notified at a later date of the process.

AGENDA ITEM #7 - DEPARTMENT REPORTS:

7.1-PUBLIC SAFETY

Farr had nothing to add to his report, but would repond to any questions or concerns from Council.

Burgin asked if the burglary rate was continuing to be higher. Farr said no, however, there had been a ration of car prowls over the past weekend.

7.2-FINANCE

Christian stated that there was one more programming problem on the last billing that went out. The previous balances were coming up on the current billings. November's billing would be clean, by starting with new readings and keeping, on file, the history. There would be minimum billings due to the low useage month. The financial impact would be minimal. There would be a portion between the minimum and what they would normally have used during the month of November that would not be billed.

Christian stated that there will be a rate review every year now and a reduction in water rates is projected due to setting aside an amount to pay back the SDC fund and the deficit, the rate of decrease next year may be slightly less[-- we were projecting 15 - 20% decreasing and that may be 1% off]. To try to be fair to the rate payers who have put up with an extreme amount of frustration and confusion -- it was a solution without costing money in the long run.

Wilder stated that he expected the projected rates to be right on target due to the additional carryover from the past year, MCCF coming on line soon (which would add 130-200 ERU's -- depending on how it is calculated).

Bui stated that a commitment had been made to the citizens to decrease rates in the following years and as long as we are still on the road to that, he had no problem.

7.3 - COMMUNITY SERVICES

Wilder passed out a memo giving background information on an offer for sale of a lot in Sunridge subdivision. He asked for questions.

Wilder stated that there was no power, no provisions for street lighting, nor development for paving. \$600/power, \$200/lighting, \$400 paving overlays per lot. He felt that considering the \$13,000 a lot, set as a minimum approximately one year ago, the offer was reasonable.

Schmunk asked if we demand either participation or do not remonstrate against the L.I.D.'s -- how many lots are City owned...7 out of 21 lots...what about the other 2/3's? Wilder stated that technically they were co-developers with the City and technically responsible for the same cost as the City, unfortunately, as has been the case with Mr. Obrist, it wasn't known who actually owns the other lots.

Jennings stated that in terms of the settlement agreement - Don and Loren Obrist bought 8 or 9 lots, the City bought 8 or 9 lots, and one other individual bought one lot with a lot being reserved for public purposes...whatever that might be. Thereafter, in buying these lots, Obrist obligated to pay certain monies to the former owner, as did the City, Carlson. The City has complied with their contract and every year they are having one lot deeded to them as payment is made. Obrist was in default on the contract and Carlson was in the process of foreclosing and getting back any interest that Obrist had in his 8 or 9 lots when Obrist filed for reorganization of protection under bankruptcy laws...that's where it currently sits right now. Obrist is operating under a composition of creditors and attempting to make payments so that title as to the remaining blocks is still in the air. If he is successful, it is my understanding that those lots would go into title back to him, if no successful, they would go back in title to the original owner, Mr. Carlson. How long that's going to take....it could take several years.

Cox asked if any other lots were sold to a buyer, not to a real

estate group. Wilder stated no. Jennings stated that once a house goes up, you will see a domino affect.

Jennings also stated that even though there are lots in litigation, it is perfectly alright for someone to make offers on those. They are not tied up so that they can't be sold.

Wilder stated there is a need to have an appraisal review (approx. \$50), advertising, etc. completed. His recommendation is to authorize acceptance of the offer with the bond.

Cox stated he was uncomfotable with accepting less than the \$13,000 because the current and previous Councils had been involved with the Pit area for so long, and the legal fees, time, money, and work within City Hall seems difficult to accept less than the \$13,000 which was approved one year ago.

Wilder stated that a year ago, the City didn't know that the underground power had not been put in, and didn't know that the City was responsible for that...\$600 a lot which the City would have to pay as one of the developers; the street lighting \$200 per lot; paving overlay \$400. We assumed that there were bonds to cover that and there are not. We do have a \$1,200 investment per lot we would have to make before we could sell them. That means we would need \$14,200 per lot.

Schmunk assumed that those improvements were in before the streets were in. Wilder stated that they usually are, however, he has no idea what happened in Sunridge.

Wilder stated one way around it would be to counter with \$11,800. One way or another we will have to spend \$1,200 to sell them.

Burgin asked if no remonstrations were carried on the Deed or...Jennings stated that it is a legal agreement. Burgin stated that we could be making a significant decision to agree to sell it for less.

Wilder stated you have to balance it in your own mind. If in fact, it is for less, we do have a \$1,200 investment per lot that we will have to make, then decide whether or not you want to increase the price to \$14,200 from \$13,000 to recover that cost...or to discount it.

Christian stated that the value of the lots were \$17,000/lot when we settled. From a view standpoint they are the nicest in town from a real estate aspect.

Jennings stated that even though the lots were \$17,000 actually came from the insurance company in the form of settlement money. That price is actually inflated, 40-45% That figure was taken from the total value of settlement and the amount of lots divided into that settlement figure...the \$17,000 has no bearing to the actual value of the lots.

Wilder stated that all real estate brokers were told that they could not act as a seller for us under commission. There is no quote on commission in the offer at all, so they are apparently working with the buyer.

Bui stated his original concern and still is a concern that the City should not be in the real estate business.

Wilder stated that the legal ad would have to be run and other people could offer on the other lots as well.

MOTION: Schmunk motioned to accept the offer. Gault seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Jennings clarified that the requirements are not so much that City sell, but the City set minimum price that it will accept for this lot and then that minimum must be published...at the same time must also move for the sale. The motion should be in two parts 1) the City sets a minimum price for this particular lot; and 2) that lot then be offered for sale and that price.

MOTION: Schmunk moved for the minimum price to be accepted to be \$11,800 and to sell the property with the provision that the buyer must post a bond for improvements to the property in the Sunridge Subdivision. Gault seconded the motion

YEAS: 5
NAYS: 0
ABSTAINED: 0

7.4 - CITY ATTORNEY

Jennings had no comments and Council had no further concerns.

7.5 - EXECUTIVE

Christian updated Council on the progress of the Police Chief vacancy. Letters had been sent to the candidates not meeting minimum qualifications. The remaining pool of applicants had been screened by Councilmen Bui and Gault. Councilman Thalsofer was reviewing the applications currently.

Christian stated that she would like to be setting interview dates at the earliest opportunity so as not to lag behind the schedule of completion. She also stated that Council was free to come in to review the applications that were still in consideration.

Christian also stated that Councilwoman Jacobs would be included in the interviewing for the Finance Director position.

7:50 P.M.

Mayor Cox called for a 5 minute recess prior to the Public Hearing.

Christian commented that there were two portions to the agenda item. A change to the existing ordinance dealing with the opportunity to recycle requiring compliance to the new legislation stating that an offer the opportunity to recycle; and the second section which is amending the ordinance notification date by the franchisee of a request for change in the ordinance - the rate structure -- which is done by Resolution. In the original ordinance the rates are set by Resolution so a new ordinance does not have to be passed each time. The ordinance should be passed first, and then adoption of the Resolution.

Estle Harlan, attorney for Terry Ege, were introduced.

Burgin stated that the information was complete and the concerns had been addressed satisfactorily. There is a breakdown of actual dollars for Troutdale which was his concern. He also outlined the reasons for various rates and trips to the dumping stations as justifications for rate increases.

Mayor Cox asked Ege for reasons in going to CTRC versus St. John's landfill. The distance in miles is about the same, St. John's would be just a couple miles further. The truck expense is greater because of traffic, streets, and stop and go traffic. The waiting time to dump is greater. The garbage has to be driven over to get to the actual dumping site. During the raining season getting stuck creates more down time. CTRC - Clackamas Transfer Station takes approximately 30 minutes less in time, partially due to weather, flat tires are negligible due to freeway all the way, you pass into a covered area and dump. At \$20/load one station versus the other -- the amount of wear and tear; time, labor intensiveness, etc. It is more a point of penny wise and pound foolish. It is much quicker at CTRC. There is a considerable savings over a period of a year.

Mayor Cox asked if there were further questions. Council had none.

Mayor Cox read the Ordinance by title.

MOTION: Burgin moved for passage of the Ordinance. Bui seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea
YEAS: 5
NAYS: 0
ABSTAINED: 0

8:00 P.M. - Public Hearing -- Solid Waste Franchise --

Mayor Cox opened the Public Hearing

He called for opposition. There was none. He asked for proponents.

Mayor Cox called for the Public Hearing to be closed.

Mayor Cox read the Resolution.

MOTION: Bui moved to adopt the resolution. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

Bui commented to Terry Ege that the service had been excellent. Burgin thanked Estle Harlan for an excellent presentation of the information.

AGENDA ITEM 9 - COUNCIL CONCERNS AND INITIATIVES

Schmunk commented on the League of Oregon Cities Conference and stated enthusiasm for the City of Troutdale as being on the right tracks. Seeing the problems that other areas were having made her feel that we were doing a lot better than originally thought. She also shared a poem (which was passed out to Council members) that she had received while at the conference. She felt that the League of Oregon Cities had put on a very good conference.

Gault had nothing.
Jacobs had nothing

Bui also commented on the conference and stated it was excellent.
The attendance had been higher than ever and good representation from all around the State was there.

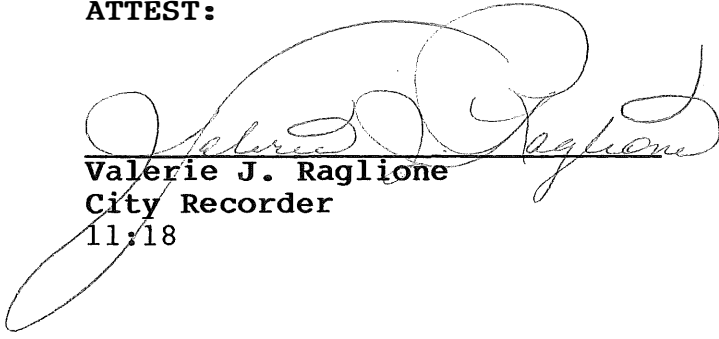
AGENDA ITEM 10 - ADJOURNMENT

The meeting was adjourned at 8:35 P.M. by unanimous vote.



Sam K. Cox, Mayor

ATTEST:



Valerie J. Raglione
City Recorder
11:18