


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

APRIL 8, 1986

- (A) 1. PLEDGE OF ALLEGIANCE
- (A) 2. CONSENT AGENDA
 - 2.1 Accept Minutes 3/25/86 - Regular Session
 - 2.2 Business License Report
 - 2.3 Bills for March, 1986
- (A) 3. PUBLIC COMMENT
- (A) 4. APPROVE CONCESSIONAIRE CONTRACT RECOMMENDATIONS
Parks Advisory Board
- (A) 5. MAUCK ZONING/BUILDING VIOLATION HEARING
- (A) 6. DEPARTMENT REPORTS:
 - 6.1 Public Safety
 - 6.2 Finance
 - 6.3 Community Services
 - 6.4 City Attorney
 - 6.5 Executive
- (A) 7. COUNCIL CONCERNS AND INITIATIVES
- (A) 8. ADJOURNMENT.



Sam K. Cox, Mayor

CITY COUNCIL MINUTES
CITY OF TROUTDALE
104 SE KIBLING STREET
TROUTDALE, OR 97060
TROUTDALE CITY HALL - COUNCIL CHAMBERS

APRIL 8, 1986

AGENDA ITEM 1 - PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Sam K. Cox. The Pledge of Allegiance was lead by Paul Thalhofer. City Recorder, Valerie Raglione, called the roll.

PRESENT: Gene Bui, Marty Gault, Sharlyn Jacobs, Marge Schmunk, Paul Thalhofer, Sam K. Cox.

STAFF: Pam Christian, Bob Gazewood, Ken Prickett, George Samaan, Sgt. Farr, Greg Wilder, Valerie Raglione

Jim Jennings, City Attorney

PRESS: KRDR - Carolyn Jarnick
Outlook - Dave Pinson
Oregonian - Webb Reubal

*NOTE: Ron Burgin was excused.

AGENDA ITEM 2 - CONSENT AGENDA

Mayor Cox read the Consent Agenda. Correction made by Paul Thalhofer to the Minutes of March 25, 1986 - Paul Thalhofer should be listed as present.

MOTION: Bui moved to adopt the consent agenda with the correction that Paul Thalhofer was in attendance. Jacobs seconded the motion.

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

AGENDA ITEM 3 - PUBLIC COMMENT

Mayor Cox called for any comments from the audience. There were none.

AGENDA ITEM 4 - APPROVE CONCESSION CONTRACT RECOMMENDATIONS

Mayor Cox noted that the recommendations from the Parks Advisory Board were included in the packet materials.

Christian stated that the Request for Proposals that has been used for the past two years was reviewed by the Parks Advisory Board. The recommendations from the Board can be included in the Proposals. The gas station has been purchased by the City, the person using the property would be responsible for bringing the building up to code prior to putting the building into use. The Board felt that it could be an appropriate use for the building, if Council wanted to consider it, or if there is a proposal for that purpose. The lease would be low to begin with, due to the investment required to bring the building up to code for use.

Christian stated that there have been no inquiries to date on the building itself, however, there has been an inquiry for the use of the site and/or electrical hookup.

Christian stated that the PAB has elected Andy Anderson as the representative reviewing proposals. The proposals will have to be in at 5:00 p.m. on April 22, 1986 (same day as Council). One person from Council will need to be on the review committee.

The Parks Advisory Board recommended the Explorer Scouts for the parking concession, rather than put this out for proposals, for two reasons: City has closer control and it helps support the Troop. (The previous Council meeting had a report for last year from the group before them for review.) She also stated that they had come in with a lower parking fee than any of the other proposals.

Mayor Cox asked for a volunteer to be on the review committee. Sharlyn Jacobs will represent Council.

Christian stated that a written proposal should be submitted for review from the Explorer's.

MOTION: Schmunk moved to ask for written proposal from the Explorer Scouts for the parking concession. Bui seconded the motion.

Thalhofer stated that he was satisfied with the performance last year.

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

MOTION: Thalhofer moved that a Request for Proposals, which include recommendations from the Parks Advisory Board, for the Food Concession at the Park be advertised for bid. Schmunk seconded the motion.

Bui - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea; Thalhofer -
Yea
YEAS: 5

NAYS: 0
ABSTAINED: 0

Mayor Cox adjourned the Council meeting for the public hearing to begin.

*** PUBLIC HEARING OPENED ***

Mayor Cox opened the public hearing at 7:11 p.m.

AGENDA ITEM 5 - MAUCK ZONING/BUILDING VIOLATION HEARING

Jennings referred to a letter of February 25, 1986 from City of Troutdale to Mr. Mauck. He stated that it would be used as an outline agenda for the proceedings.

He introduced Mr. Dale Radar, Mauck's attorney. Jennings also stated that there would be three options for each item #1; #2 (5 items); #3 (3 items). Option 1 - recommend no further action be taken by the City in regards to the alleged violation(s); Option 2 - the matter be continued as to the particular violation for a period of time Council feels would be appropriate for remedial action; Option 3 - be referred to Staff for further sanctions. The sanctions can include either citation into Municipal Court for fine to be imposed, or instructions to the City Attorney to take the matter into the Civil Court system for a Civil suit. These options pertain to each separate item outlined.

Jennings proposed that since Mr. Radar, and Mr. Prickett were here, he would like Mr. Prickett to speak to the paragraph #1. Zone violation. Mr. Radar can then give a response. Each violation will be handled in this manner with a decision from Council after each violation, to avoid confusion.

An aerial photograph (1982-83) was passed around, indicating where trailers were located. The white areas indicate where trailers were located at time photos were taken; yellow indicate where trailers are now located (or recently).

Ken Prickett, Building Official for City of Troutdale. Three mobile homes indicated in #1 were located there on the 22nd of February, 1986. Two homes in yellow were located to the right of center (white) - South facing east/west; one in white area is the one assumed to have been there a good many years. Prior to any zoning code. On February 22, 1986, another one to the North was not properly installed, no record of it in zoning or otherwise. It would be a violation of the zoning code for it to be there. In the zoning code there is a list use in every area. The only time mobile homes are mentioned in the code is the A-2 zone, and only in mobile home parks in the City of Troutdale. No mobile homes on individual lots, unless in a mobile home park. The one on the South is being lived in - facing North running east/west. The one on the north was not in use and was not connected to

anything. However, the two [the white (sitting North and South and faces West was connected, was in use and the one of the South (facing North running east/west) was in] were in use which violates the zoning ordinance.

Jennings clarified that it was not staff's position, that the middle trailer (oldest) is in violation of the zoning code.

Prickett stated that he clarified that in paragraph 1.

Jennings stated that since the 2/25/86 letter City conceded that the middle trailer was not in violation of the zoning code.

Jennings asked if it was staff's position that the trailer moved from right to left (older trailer) that movement and relocation on the left is a violation of the zoning code. And, is it also staff's position that another trailer moved into approximately the same position where the one was moved from, is also in violation of the zoning code.

Prickett responded 'Yes'.

Jennings then introduced Mr. Dale Radar, representing Mr. Al Mauck. Mr. Mauck will not be in appearance. Mr. Radar will be able to answer any questions. He asked Mr. Radar to give Mr. Mauck's position on the question of zoning.

Mr. Radar viewed the photograph. Mr. Mauck owns in excess of 10 acre there. He moved two trailers on the property some years ago, one for his elderly mother and one for his elderly father, and still is. They lived there several years. He was unaware of other administrations having a problem with the use of the property by trailers. The southerly trailer house. One trailer house became deteriorated old and worn out. It was moved and a new one was placed there about four years ago. Which preceeds zoning codes. The father became so elderly that eventually had to be placed in a nursing home. At this time, Mr. Mauck himself lives in that trailer that was put on the vacant lot. We contend that because of the prior use, he has - preceding the zoning regulations, that he has the right to continue to use that under a 'grandfather' clause. The City concedes that that is true as far as the white trailer, where the mother still lives. Their position is that because of the movement, the old deterioring trailer, and replacing it with a newer facility, that was lost. We contend that is not true. The facility, hookup of facility, site is still there and is still in use. It is our position that there has been no violation of the zoning ordinance. The zoning ordinance pertaining to trailers has been submitted to me deal with mobile home districts. None of the terms of this Ordinance applies to Mr. Mauck's particular position. He stated that in citing State statutes relating to trailer parks and relating to the construction of trailer homes, it says under Article 6.125 that occupancy on a private land... a person may occupy a mobile home or a

camping vehicle on private land with the consent of the owner if the lot, track and parcel of the land upon which the trailer or camping vehicle is situated has an area adequate to provide safe, approved water supply, sewage disposal facilities and is not in conflict with ORS 446.310. I think it's conceded that Mr. Macuk's facility meets these requirements. It also has a further requirement that a person comply with all applicable standards of sanitation, water, plumbing, electrical and sewage et cetera. Installations prescribed by the laws of this State and rules issued thereunder, or by local authorities. There is some contention that he did not abide by the standards or the building codes and that's what we are going to get into next. The State allows the placing of trailers on private property and I think that the City can do no less. Furthermore, these have been here for years and years preceding these so called codes, or zoning ordinances.

Jennings responded stating that the State code was disposed of long ago in Land Use Planning Law and directed the attention to the Phissano decision..clearly the State's, the Cities and other municipalities have a right to regulate the location of mobile homes. The statute Mr. Radar has cited to the Council permits the location of mobile homes on private land when not otherwise prohibited. If it weren't the case, we would have doted throughout every municipality, Gresham, Troutdale and downtown Portland, mobile homes where individuals chose to locate mobile homes and we all know that isn't the case.

Jennings stated that it is staff's position that it is two zoning violations. That decision is not one that Council has to make. Council can make a decision whether or not they want to use Option 1, 2, or 3. This is for a policy decision.

Mr. Radar stated that it was controlled by what the law says we can not do. What they declare to be illegal. In this case, there is not a zoning ordinance, that I'm aware of, that says this is illegal. There is an ordinance which pertains to mobile home districts. I don't think that the size of the lot is even in question here. It isn't posing a hazard or problem to anybody. I believe that it is the intent, of recent anyway, to recognize the mobile home as a feasible and viable way of living rather than requiring only stick houses to be constructed on property. As I understand it the City of Troutdale has been advised that mobile homes should be considered as a means of providing adequate living conditions for its residents.

Mayor Cox asked Council to direct questions they had.

Thalhofer asked if it was Mr. Radar's position that unless the zoning ordinance specifically tells everyone that they cannot locate a mobile home in certain parts of the City then its okay.

Radar, it's my position that unless the zoning ordinances or any other law regulations prohibits an act that it is lawful.

Thalhofer stated that we have a zoning regulation which in effect prohibits mobile homes from any other place in the City but mobile home parks as I understand it.

Christian stated mobile home subdivisions.

Radar, if you do, I haven't seen it.

Jennings stated that it is there and Councilman Thalhofer is correct. We do not have an ordinance which specifically prohibits one from putting a mobile home in so many words on a piece of property and Mr. Radar's position is that since there is no such specific prohibition Mr. Mauck is free then, as a private property owner to put a trailer there. Again, I want to clarify that they do not have to make that determination. That is a determination for the courts to make ultimately, if Council directs that it go forward. Refer again to the three choices. #1, no action recommended; #2, recommend that some sort of remedial step be taken; #3, recommend that the City go forward with prosecution.

Thalhofer asked why, did Mr. Mauck not make any corrections after he was notified that he was in violation with the City?

Radar, are you talking about all of these other charges...? Purely zoning at this point?

Thalhofer, a general reason why he didn't respond to any of these would suffice if we got it now.

Radar, as soon as the letter was received he called me, I contacted Mr. Jennings and we agreed to have a hearing before Council. Prior to that we tried to get together to iron out some of the problems. Unfortunately, I was committed to the hospital on two separate occasions, in the meantime, Mr. Prickett went into the hospital. Until yesterday afternoon, when I was able to talk to Mr. Prickett I was able to learn exactly what they were looking at. If you will read the letter it is kind of a shotgun affair and does not go into specifics into which was are you violating these things? Item #1, they say that you have installed in violation of City regulations. We find out now, there is no such zoning regulation to be violated.

Jennings, I strongly disagree. We have had this argument before, I'm tired of hearing this argument. The Council doesn't make a determination whether or not there is a zoning regulation.

Radar stated what he was trying to say is chasing this down is like chasing smoke. It's been quite a time consuming problem and my time has been limited. Unfortunately through no fault of Mr. Mauck. As I pointed out to him what the City objected

to and what needed to be done, he has taken several steps to remedy these things. The situation is considerably different today.

Thalhofer, what steps has he taken?

Radar, he has moved, item #3, these travel trailers. There is one remaining, it is not hooked up. He doesn't own any of these.

Schmunk, point of order, we are still on item #1.

Thalhofer, okay, item #1, has he taken any steps?

Radar, there is nothing he can do other than find out is he or is he not in violation?

Jennings, technically, if he is in violation of #1, and if you will look at the second page the third paragraph suggests what can be done in order to remedy the question. The two other mobile units shall be removed from your property or their use discontinued. That is the option available. One of the homes (oldest one) has been moved or is going to be moved from the property in the immediate future, so some step is being taken. The middle mobile home, we don't believe is an issue, that leaves then, as far as we are concerned the following situation. There is one violation for use which is about to be discontinued, and another use which continues.

Radar, the one about to be discontinued is a vacant trailer which has been put aside. As far as living accommodations, there was no use. That's being eliminated. Wheels are on it, it has been turned around. It will be towed out hopefully this week. That should not be a problem. The only problem as I see it is the trailer house on the most southerly one, he is now occupying, and formally occupied by his father. We strongly contend that's been there for a long time. It should be under 'grandfather' provisions to continue to use it.

Jennings, as far as there being no use of the one trailer, I'll let Council draw its own opinion. There was at one point in time a sewer line connected to that trailer, where there was no use, according to Mr. Radar. There was at one time, an electrical line connected, where there was no use according to Mr. Radar. There was a water line connected to that trailer, where there was no use according to Mr. Radar. The Council can draw their own conclusions as to whether or not there was any use. Those are facts.

Thalhofer asked if there was some good reason why there was no remedial action taken after the letter went out?

Radar, March 2, the letter was received. The only alternative left to him, yes, the City is right of a zoning violation. Then, what does he do about it? Apply for a permit for a variance for a non-conforming use? I talked to Mr. Prickett about this

he and I agreed to wait until after this hearing. If you rule favorably towards it, an application will be filed for a non-conforming use, or a variance, if there's a code. This is the plan that we adopted. The only plan open to him otherwise is to move out. Which is pretty drastic.

Mayor Cox called for further questions.

MOTION: Schmunk moved to direct staff to take legal action leaving it to staff to determine whether action should be civil or through the municipal court. Bui seconded the motion. (Item #1)

Thalhofer stated that there were already some sanctions, was that right?

Jennings stated that yes, there are some criminal actions pending.

Thalhofer asked if it was going to be referred to staff for further actions, that means more than civil or criminal proceedings, is that correct?

Jennings stated that the two options are: quasi-criminal action in the municipal court (only sanction that municipal court is empowered to issue is a fine or fines depending on the findings); the other action available under the statutes is that a suit be filed in circuit court for appropriate legal sanctions which can include damages and an injunction if appropriate to stop the use from continuing.

Thalhofer asked if this motion was calling for both.

Schmunk, either one.

Jennings, directing staff to take further legal action.

Thalhofer, I wouldn't be in favor personally of taking the action through municipal court. I would be in favor of civil action and directing staff to take civil action as far as any other sanctions are concerned. So I'll vote against the motion as it stands. I think we've got a criminal case going already, we don't need any more.

Mayor Cox, we have a motion and a second. All those in favor say Aye.

Bui - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea	YEAS: 4
Thalhofer - No	NAYS: 1
	ABSTAINED: 0

Jennings asked that Ken Prickett discuss all items a-e item #2. Under subparagraph 2(d). The staff, has in the past, not taken punitive sanction under (d). So a precedent may be established there to waive that issue...dealing with water connections. Mr. Mauck is hooked presently to a well system.

Prickett, under item 2; two mobile homes not three is what we are dealing with. We conceded on one. It is set by State law, Dept. of Commerce is definite the way a trailer house is set up. Trailer houses are not built to have a foundation under them, so consequently this prescribed method must be followed. A prescribed distance from the ends, blocks have to be so far apart, set up in the same manner, wedges used. The reason you can't put a foundation under a mobile home is that it is built with two I beams which go down a third from the sides and then it has cross beams to hold up the exterior wall. You can see that it would collapse if you were to put something underneath. It's not built that way. So, the only way you can support it is under the main I beams which are definitely going to support the whole floor system. Everything is centered off of that. It has to be set up that way. When I went to the site on the 22nd, February. I found that they were not set up in any prescribed manner. Mr. Mauck admitted to me, in the presence of two police officers, that he had installed that trailer 4 years ago. I've been the building official here since 1978, and you could not, at any time since I've been building official, because state code went into effect in 1974, install any of these in this manner.

Prickett stated that the (b) wiring - we have talked about. Since then they have disconnected the wiring. We uncovered - well you didn't have to uncover it, it was laying on top of the ground. It was not buriable type wire, it was buried but came out for about 6' and at the end of it was a duplex metal box laying right out in the rain with two plugs in it and a cord plugged into it. It ran underground, up the pole and came into the service panel. It was Mr. Mauck's arguement that it was not connected at that time. We could not verify it at that time. Also the service panel, is 30' it is about 40' from the panel.

(c) sewer connections also have to be connected according to the manual and the attorney has the sections of the manual. They have to be exactly as it states here. It doesn't have the two cleanouts that's required, you must have a cleanout at the very point that you intercept the pipe. The pipe that he has there is just a corrugated pipe stuffed into it. Can't do that, it has to be plugged and a standard pipe. There not only has to be a cleanout at that point, when you come out from the trailer and into the clear you also have to have a cleanout outside there, as well as the one underneath.

(d) water connections.

Jennings stated that on the sewer connections, Mr. Mauck was presently is serviced not by a City of Troutdale sewer system, but by a septic system. Is it staff position that he should be connected to a sewer system?

Prickett stated Yes, he should be connected to our sewer system.

Jennings so, no only are we talking about cleanouts but we're talking about a connection to a sewer system. Cleanouts are still a necessity?

Prickett, yes. They are still a necessity. Regards either with a private water system or the private sewer system, he still is obligated to follow with connections to the code.

Jennings, it is your understanding that the option of a private sewer sytem is not an option that's available in the City of Troutdale.

Prickett: Not in that case, where we have sewer that is available.

Jennings are there any concerns that the City has about the water connections?

Prickett: The only thing is that this code would, at the time the trailer connects, not talking about the connection that we make to the public water system. Which he doesn't have, he has a private water system. It still would require 3/4" pipe, with a 3/4" shutoff that there be a shutoff at the point underneath the trailer. The code requires this. The plumbing code of the State of Oregon applies on private property period.

Prickett: (e) Skirting. We discussed this in my office yesterday. When I was there yesterday, the trailers were not skirted. In fact, on the east side of even the non-conforming one, about 12' of the skirting is laying on the ground. There is no apparent ventilation fulfilled. Under the trailer has to be vented, just like underneath a house. If not, you'll have dry rot. Steps. one on the south of the white one. They are non-conforming, put in 4 years ago, it is not complying.

Jennings, assuming that Council would find it appropriate for Mr. Mauck to have additional time to comply with these variances, what would be a reasonable amount of time to bring these trailers into compliance with this code?

Prickett: 30 days.

Bui asked since Mr. Prickett had been here as Building Official, at any time throughout this process, has Mr. Mauck come to him and asked questions concerning the codes as to what he has to do on any of his trailers?

Prickett: No, he has not.

Radar: Not until I had the opportunity to talk to Mr. Prickett yesterday, I was able to pinpoint exactly what the City is complaining about. He is stating that the Dept. of Commerce requires tiedowns. If they are required, he'll do it. I have

brought each one of these items to Mr. Mauck's attention. These things either have been done, or are in process. I went to Mr. Mauck's we took off from the box and held both wires in questions, put them together and there ws no fire in them at all, it wasn't in use, nor was it on the 22nd. This is within 18' of the service use. It is further than that where it goes into the trailer. I'm not certain how that can be remedied because it comes off of an electric pole. PGE, whether they would have to put in a new pole, or some other device can be made to put it closer, I don't know. It is within 18' of the trailer. Sewer connections, he has his own septic system, which he is attached to. I called his attention to the cleanouts, he said fine, no problem. Skirting has been replaced on the non-conforming use. There is skirting around the place that he is using. There is ventilation and skirting around on the mother's place. There needs to be some ventilation or louvers put in to provide ventilation on the other trailer. The steps are there leading up to a platform, it has a handrail down the steps. He could put a skirting around the porch, this is mostly cosmetic. If something has to be done there, he'll do it. There is no problem there.

Jennings said questions from Council could be asked.

Gault asked Mr. Radar regarding the item 2(a). Set up. If the violations noted here were corrected that should take care of the problem. You're not concerned with the fact that these violations have taken place and been in existence and now, when someone discovers them, now, there should be some action?

Radar, you have to understand that not everybody is as familiar with the codes and procedures as you people having the benefit of sitting here and listening. The person who lives out like Mr. Mauck is unaware of this. He has lived as an individual for a long time.

Jennings again reminded Council of the options to be taken. (d) still requires a 3/4" pipe with a 3/4" shutoff at the trailer. We are not presupposing that he hook up to our public water system.

MOTION: Bui moved since there is progress is the categories, to allow Mr. Mauck the thirty days to make the corrections, as per the Building Official, if not go ahead and refer the matter to staff for action. Thalhofer seconded the motion.

Bui - Yea; Jacobs - Yea; Thalhofer - Yea
Gault - Yea; Schmunk - Yea;

YEAS: 3
NAYS: 2
ABSTAINED: 0

Jennings, moved to item #3 (a), (b), (c) each of these have been discontinued. So possibly the discussion could be brief.

Prickett discussed the violations he found for the two trailers. He stated he could not visually find the connections or where they went to. He asked Mr. Mauck, who said that it went to a cesspool. When he came out of the vacation trailers, he used the corrugated pipe again. To get into the riser of the pipe, it had to go up and over which drainae has to be 1/4" to 1' drainage. That's why it wa illegally connected. Also, one has been moved completely. One vacation trailer. Item (c), owner of the trailer came, admitted in the presence of two police officers, that he was using it on weekends, at times, for sleeping and eating and it was fully connected to water, sewer, and electricity. That's why I mentioned it is not approved for such use. That has been discontinued. We would allow Mr. Mauck, if he kept the one, the electricity could be connected to it if he just stores it there. We feel that it's better to have a couple of light bulbs burning in a trailer to get the dampness out, otherwise it would deteriorate. We won't argue about that. For the most part they have corrected these items.

Radar stated that they have been discontinued. The trailers are not owned by Mr. Mauck, nor does he eat or sleep there. They were owned by a friend that was unemployed and the other owned by a business associate, who lives out and only rarely comes in. He needs a place to sleep only overnight. He was the one that was sleeping and eating there. It has been remedied and there is no problem at all. I would ask that the Council take no action. I don't know what more we can do.

Questions from Council.

Thalhofer, all of (a), (b), (c) of item #3 have all been remedied, is that what I'm hearing?

Prickett, we're satisfied. I told Mr. Radar yesterday, that we would not argue about the fact of electricity. That would be unreasonable.

Thalhofer, does the criminal action that is pending, does that encompass 3 (a), (b), (c)?

Jennings, no, it does not.

Schmunk asked if only one trailer was now left there? Prickett: Yes. Schmunk, and it only has the electricity? Prickett, yes.

Radar: stated that at this point it doesn't have electricity.

Jennings: Ken, would that trailer if it were connected, be connected to a non grounded out let?

Prickett: The cord running to it is non grounded too. It should be a grounded outlet.

Jennings: Is there a grounded outlet there?

Prickett: Not at this time.

Jennings reminded Council of the three options to take.

MOTION: Schmunk moved to give 30 days to conform with the electrical portion.

He could come into get an electrical permit and we would give 6 months under state law. If he wants to correct the grounding, he would have to take out a permit. You cannot just take a duplex box and plug it into an outlet, it probably only has a positive and a negative wire coming to it. Under the code he would have to bring 3 wires to the box. A neutral, a ground and a hot. It would require rewiring. It isn't connected now.

MOTION: Thalsofer moved to take no action. Schmunk seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Mayor Cox reconvened the Council meeting AT 8:10 P.M..

Radar stated that he was out of order but was concerned about the zoning ordinance. Could the Council give him an opportunity to apply for a variance?

Jennings considered that option and still choose to opt for legal action. He reminded Council that each day that Mr. Mauck continues to be in violation of the zoning ordinance is a separate penalty. If Mr. Mauck chooses to apply for a variance, it might be in his best interest to do so. Notwithstanding whatever else the City does.

Thalsofer felt that was appropriate.

Radar stated that in doing so, he is stating he is aware that the City does have the zoning ordinance which is a position contradictory to his position of contesting this. If it would resolve the problem, he would recommend him doing that however, rather than get involved in further litigation, if the Council would consider this.

Gault stated that Council has made the determination already.

AGENDA ITEM 6 - COUNCIL CONCERNS AND INITIATIVES

6.1 PUBLIC SAFETY

Sgt. Farr stated that there was nothing further to add. He would respond to any questions, concerns that Council had.

Thalsofer commended the work done during the recent murder case.

6.2 FINANCE
No comments.

6.3 Community Services
Nothing further.

6.4 CITY ATTORNEY
No comments, nothing to add.

6.5 EXECUTIVE

Christian brought to Council's attention City of Gresham, Mayor Weil's comments asking that Council review them thoroughly and perhaps see that there were several reasons that would be found in the materials that would be of interest to Council. There were several reasons for Work Sessions to be scheduled in the near future.

Christian stated that the 4th Wednesday of each month had been set for the Fire Services Task Force. She invited anyone interested to attend.

Christian stated that they had met twice, one was for organizational purposes. The last meeting, Fire District #10 was there to discuss the division of assets, which had been asked for in January/February - they did not respond until there was a legal action filed with them...they then got their auditors busy on a division of assets. We asked if we could at least know the numbers involved and the financial analysis should show whenever there is a division of assets. We didn't get a response at all. I have made my comments at both meetings. Various options were looked at during the last meeting.

AGENDA ITEM 7 - COUNCIL CONCERNS AND INITIATIVES

Schmunk stated that the Citizen's Advisory Committee appointment was due to a drop out of one member that had been appointed, the alternate that was appointed has indicated a willingness to fill the position. Erik Summers is the current alternate for District #1, alternate Karen Olson.

MOTION: Gault moved approval. Bui seconded.

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

Bui commented that he had several complimentary calls regarding the 'visual' police car(s), especially along Troutdale Road and Stark area. He noted that there was also comment regarding the 'excellent staff' in assisting someone from Texas in finding their way to Marine Drive.

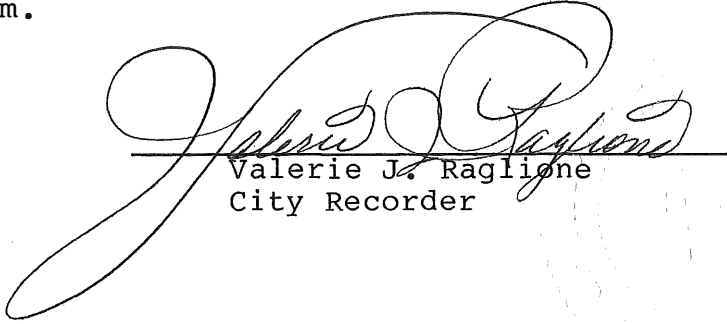
No further comments.

AGENDA ITEM 8 - ADJOURNMENT.

MOTION: Schmunk moved to adjourn the Council meeting. Gault seconded the motion.

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

Meeting adjourned at 8:20 p.m.



Valerie J. Raglione
City Recorder

17:25