

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

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DECEMBER 9, 1986

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:  
2.1 ACCEPT: Minutes of 11/11/86 Regular/Work Session  
2.2 ACCEPT: Business License Report  
2.3 ACCEPT: Bills for month of November  
2.4 APPROVE: Liquor License - New Owner 'Red Baron'  
2.5 Ratify: Resolution Accepting 11/4/86 Election
- (A) 3. PUBLIC COMMENT
- (A) 4. Public Hearing -- Development Ordinance and Zoning  
Districts Map  
o Public Hearing Opened  
o Staff Report  
o Summary: STAFF  
o Public Comments: (Proponents)  
o Public Comments: (Opponents)  
o Public Comments: (Rebuttal)  
o Recommendation: STAFF  
o Question of Staff by Council  
o Close Public Hearing

Council Consideration:

ORDINANCE: Adopting City of Troutdale Development Ordinance and Zoning Districts Map and Repealing Ordinance 271-0 and 272-0 and All Amending Ordinances First Reading

- (A) 5. Local Improvement Districts:  
Second St./Fourth St.  
McKnight Property

Motion by Council

- (A) 6. ORDINANCE: 484-0 through 583-0 -- Series of Ordinances Amending Present Troutdale City Code and Preparing for Codification First Readings
- (A) 7. RESOLUTION: Accepting Easement for Access to Private Property from Marie I. Bennett

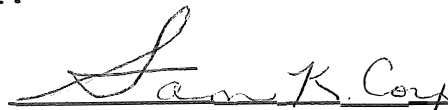
(A) 8. ORDINANCE: Amending Public Safety Code - Forfeiture  
Section Second Reading

(A) 9. DEPARTMENTAL REPORTS:

9.1 Public Safety  
9.2 Finance  
9.3 Community Services  
9.4 City Attorney  
9.5 Executive

(A) 10. COUNCIL CONCERNS AND INITIATIVES

(A) 11. ADJOURNMENT.

  
\_\_\_\_\_  
SAM K. COX, MAYOR

25:28  
12/4/86 Thu 9:50:43

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

DECEMBER 9, 1986

7:00 P.M. -- AGENDA ITEM 1 - PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Sam K. Cox at 7:00 p.m. Mayor Cox asked Councilman Burgin to lead the Pledge of Allegiance.

City Recorder, Valerie J. Raglione, called the roll.

PRESENT: Bui, Burgin, Gault, Jacobs, Schmunk Thalhofer, Cox

STAFF: Christian, Dorsey, Gazewood, Samaan (7:22 p.m.), Wilder Raglione

CITY ATTORNEY: Jim Jennings

PRESS: Oregonian - Webb Reubal (7:07 p.m.)

AGENDA UPDATE: - Pam Christian

There were no changes in the scheduled agenda items.

AGENDA ITEM 2 -- CONSENT AGENDA

Burgin asked if the new owner of the Red Baron, requesting a new liquor license was in attendance. Mr. Azzat O. Razzuli was introduced to the Council.

MOTION: Bui moved to accept the consent agenda items 2.1 (minutes of 11/11/86 regular session/11/11/86 minutes of work session); 2.2 (Business license report); 2.3 (November bills); 2.4 (liquor license - new/Red Baron Restaurant); 2.5 (ratify resolution accepting 11/4/86 election results 646-R). Gault seconded the motion.

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

YEAS: 6

NAYS: 0

ABSTAINED: 0

There was no further discussion.

AGENDA ITEM 3 -- PUBLIC COMMENT.

Mayor Cox called for any comments from the audience. There was

none.

AGENDA ITEM 4 -- PUBLIC HEARING (7:07 P.M.)

Mayor Cox closed the Council Meeting and opened the public hearing on Development Ordinance and Zoning Districts Map.

Christian reviewed the background information for Council and public, stating that Mr. Postlewait was in attendance from the Citizen Advisory Committee for questions. The CAC has reviewed all phases of the document. The Development Ordinance and Zoning Districts Map have been subjected to citizen review and public hearings over the past six months.

Mayor Cox called for proponents.

Dalton Williams asked to see the new zoning map.

Mr. Postlewait stated that he had nothing to add, however, he would respond to any questions or concerns. The ordinance and map have been forwarded to Council from the Planning Commission.

Mayor Cox called for opponents.

There were none.

Mayor Cox then called for Council questions. There were none.

Mayor Cox called for staff recommendation.

Christian reviewed the map stating the designations of each area.

Postlewait stated that the R4 section is as a corridor along side the road (257th). The R10 was changed to an R5 -- just to the right of the R10 there is now an R10 -- to buffer the R10 with the R5 and back into the R4. On the opposite side it is an R4 because it would abutt the County property and it was thought to be the best designation.

Wilder discussed some of changes in detail. Specifically, changes along Stark were to accommodate 257th development and provide appropriate zoning adjacent to it. The A2 (apartment zone) will also allow commercial development. It allows for a more uniform and planned development process. A community commercial area was added to accomodate the mini-mart area as well as other development that may take place adjacent to it. An industrial park zoning along Troutdale Road was clarified as an area of concern. Industrial Park development would be in concert with the local community concerns adjacent to the residential community across the street.

Christian stated that a concerted effort to advertise was made along with notices to property owners regarding re-zoning -- or could be affected by re-zoning. Several persons attended and addressed their concerns. Staff was extremely responsive

to the concerns and took the requests to the CAC, Planning Commission and now, the Council.

Mayor Cox closed the public hearing at 7:17 p.m.

**ORDINANCE:**

Bui thanked everyone involved for the work required in this massive effort. Thalhofer and Gault echoed Bui's comments.

Wilder stated that LCDC was contacted, changes were reviewed with them. They had no problems with them.

**MOTION:** Gault moved to pass the Ordinance as written. Bui seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schunk - Yea;  
Thalhofer - Yea

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

**AGENDA ITEM 5 -- LOCAL IMPROVEMENT DISTRICT FORMATION**

Wilder reviewed the request from McKnight -- Dunbar Road. A request that a Local Improvement District be formed to construct a road from Stark St. approximately 400 feet to the north beginning at the intersection of Stark and the hospital entrance. The road would be built to collector standards at a width of 44 ft. with sidewalks on both sides. The request is for Council review to prepare the report -- not to form the LID.

Wilder stated that it was a legitimate request, conducive to the development of his property and surrounding property as well. Other impacts in the area are the potential location of a middle school and that would make it more important than ever that something be done here. The report will outline the proposed assessment method(s) for review and consider the fairness of those methods.

Harrison McKnight had nothing to add.

Wilder stated that Council needed to authorize preparation of the report which would contain cost estimates, very preliminary design work. The report would hopefully be put to Council at the first meeting in January for review.

Thalhofer asked if, in regards to the Triple Majority issues recently in the paper regarding annexations -- does this have any effect at all on local improvement districts?

Wilder stated 'no'. None at all. Jennings stated that it had been well tested.

**MOTION:** Schunk moved to go ahead with the preparation of the

report. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTANED: 0

Wilder stated that a second request was made by Windust Jr. and his associates -- to construct 2nd. Street from Buxton to its connection with 257th; Kendall Street from Columbia to 2nd and a little piece of 4th -- making a connection to 257th. Primarily designed to service the property right in the core of the downtown adjacent to 257th. The consideration is important regarding Kendall in that the Post Office may be under new construction recently. They have requested that Kendall be provided for that. (Just west of the service station). Others would be affected by the LID (on the north side of 2nd) -- to do the report only a single property owner needs to make a request. If an LID is formed, the property owner could also be the controlling property owner in determining whether the LID is pursued or not.

Burgin asked if the distance between Buxton and Kendall was a full City block? Wilder: It is 200 ft. which is a small block, but it is the size of the blocks downtown.

Mayor Cox asked if there were any further questions. There were none.

MOTION: Schmunk moved to authorize proceeding with the report. Bui seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Wilder stated that a request may be coming in shortly asked to build Hensley from Troutdale Road up to the Troutdale Landfill. The Lutheran Church is filing a land petition with us and it is now in the process, as well as building plans which are expected in soon. They may wish to deal with this in the form of an LID. Wilder was not asking for action -- only preparing Council for the possibility that the request may be forthcoming.

**AGENDA ITEM 6 - ORDINANCE 484-490 - ORDINANCES AMENDING PRESENT CODE AND PREPARING FOR CODIFICATION.**

Jennings reviewed the codification process. In the process all of the ordinances have been examed, some were outdated, some amendments to language was required. These are all housekeeping ordinances, none are substative in any regard. All of the ordinances excepting 484-0 amend presently enacted ordinance to bring them up to date and repealing several ordinances which are out of date. This process and the requirements necessary for

getting the Code in order has been before Council several times in the past few months. These should be the final results of considerable time and effort in the preparation of the Code. He stated that he would answer any questions or concerns that Council had. Immediately following enactment of these ordinances plus the development ordinance which was passed this evening would be forwarded to Seattle. The close date has been set at the 15 of December. The entire code would be complete then through 1986. It would be delightful to have the Code in its entirety.

Mayor Cox read by title Ordinance 484-0. There was no further discussion.

**ORDINANCE ENTITLED GENERAL PROVISIONS ORDINANCE.**

**MOTION:** Bui moved to pass the ordinance as written. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Cox read by title Ordinance 485-0. There was no further discussion.

**ORDINANCE REPEALING SUPERSEDED OR OBSOLETE ORDINANCES.**

**MOTION:** Thalhofer moved to pass the ordinance as written. Schmunk seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Cox read by title Ordinance 486-0. There was no further discussion.

**ORDINANCE AMENDING ORDINANCE 269, SECTION 3.10.080 OF THE ELECTION CODE.**

**MOTION:** Schmunk moved to pass the ordinance as written. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Cox read by title Ordinance 487-0. There was no further discussion.

**ORDINANCE REPEALING ORDINANCE 174, SECTION 13.11 TO 13.19**

INCLUSIVE; ORDINANCE 214, SECTION 3, ORDINANCE 230, SECTION 2; AND  
ORDINANCE 247; SECTION 5.

MOTION: Jacobs moved to pass the ordinance as written. Gault  
seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Cox read by title Ordinance 488-0. There was no further  
discussion.

ORDINANCE AMENDING ORDINANCE 159, SUBSECTION 21.

MOTION: Burgin moved to pass the ordinance as written. Jacobs  
seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Cox read by title Ordinance 489-0. There was no further  
discussion.

ORDINANCE AMENDING THE PUBLIC SAFETY CODE.

MOTION: Schmunk moved to pass the ordinance as written. Bui  
seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Mayor Cox read by title Ordinance 490-0. There was no further  
discussion.

ORDINANCE AMENDING ORDINANCE 68, SECTION 2.

MOTION: Gault moved to pass the ordinance as written. Bui  
seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

AGENDA ITEM 7 - RESOLUTION - Bennett Easement for Access to  
Private Property

Wilder stated that with this resolution comes the end and a final



chapter in the Bennett Property Exchange Agreement and the City now possesses a full and legal easement for a storm sewer system built several years ago.

Mayor Cox read the Resolution by title.

**MOTION:** Thalhoffer moved to adopt the Resolution as written.  
Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhoffer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Christian stated that she would like Council to address the Agreement for Purchase and Sale and Exchange of Real Property. Council has been through it before, however, this is the final work involved after several years effort on everyone's part. She would like to officially ratify the Agreement.

**MOTION:** Bui moved to acknowledge and ratify the Purchase and Sale/Exchange of Real Property Agreement between the City and Donald and Marie Bennett. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhoffer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Christian stated that the property along the north side of Columbia Street between Columbia and the railroad has been turned over to Bennett's daughter, Kim for development of the property.

**AGENDA ITEM 8 - ORDINANCE: Amending Public Safety Code -  
Forfeiture Section**

Christian stated that the attorneys comments were included in Council packet materials and asked that Bob Gazewood and Doug Dorsey make any presentation(s) to you they feel necessary.

Chief Dorsey gave an overview of the background and reasons for law enforcement having this ordinance as a 'tool'. He stated that the need to be innovative and devise new ways of trying to support and augment budgets already given to law enforcement agencies to do a better job to really attack the criminal element. In that respect, we come to the civil process and forfeiture and how to go about doing that. The City of Salem was the first city in Oregon to devise the civil forfeiture ordinance and divert the proceeds to law enforcement agencies so that they would be better able to deal with the criminal element. In that respect and to address any problems that cities have had -- one who has prosecuted cases for a year is Debra Delly Browning. She can respond to any concerns, questions Council may have.

Chief Dorsey introduced Debra Delly Browning, Assistant City Attorney, City of Salem, who spoke to the issue.

(Attachments were handed out marked 'A', 'B', 'C'.)

She stated that a total of \$97,222 in seizure money has gone into a trust agency account fund. Some federal money was included before Salem enacted the civil ordinance locally (\$44,000). The total in cash to the City of Salem has been \$53,203 which does not include vehicles which they view as the most effective part of the ordinance. An estimated amount of vehicles seized in the past year has been 20-30. Most of the vehicles are kept. Salem goes through the court procedure, get title to the vehicles but pursuant to circuit court order or district court order, take that to DMV, put it into the title of the City. The undercover agents then use the vehicles themselves.

She stated that the same probable cause to seize for civil forfeiture is required as is required for a search warrant. The police department then contacts the City Attorney who prepares a 'Complaint' which alleges that the City says that the items seized are illegal profits and proceeds or facilitators (i.e., vehicle used to transport person(s) or illegal drugs). The City Attorney goes into Circuit/District (depending on the jurisdiction) and files a Complaint; gets a number on it and, if there is a bank account the City Attorney also gets a Restraining Order. The Restraining Order freezes the account. These are served on the bank so there is no problem with dissipating assets. Once the Complaint is filed and any Restraining Orders have been obtained that are appropriate -- there is a 30 day waiting period for a major claim (during which time a Response can be filed, or intervene in the action). Any interested party that may have a secured interest in the item (i.e., bank) a legal notice must be given which are basically Constitutional guarantees. Anyone not put on notice can sue the City. All secured interests are absolutely respected.

If a vehicle is seized with a bank loan. The bank is notified by the City Attorney by paperwork, the bank calls and we recognized a secured interest. A copy of the security agreement is sent to the City Attorney to show proof of a vested interest (prima facie evidence). The Administration makes a determination to keep the vehicle for City use and pay off the lien, or not.

Browning stated that there has only been one contested case in the fifty that have been filed. The majority that are filed are small -- between \$500-\$1,500. Most of the cases default. If they don't default a Settlement or Forfeiture Agreement. In recognition of the fact that it would cost the City money to proceed on some of the smaller cases, (i.e., a vehicle is worth \$200) and \$1,000. We say to the defense attorney that we will give the vehicle back and take the \$1,000.

Gazewood commented regarding Oregon Budget Law. The City is not exempt as a local municipality from the local budget law. He felt that this would need further research.

Jennings stated that a law enacted in 1984 is the same as a brand new law. He felt that there would be a lot of unanswered questions regarding the mechanics. Especially about the application of these laws to the budget considerations. Whether or not the application of these is inside or outside of budget law. In putting the funds into the General Fund, it solves the immediate budgetary problems that you could run into with an allocation such as this. It doesn't have to go to police departments or the general fund. Subject to budgetary constraints - it can go where Council -- Budget Committee designates.

Christian stated that a Resolution could be passed which designated by policy and each budget year specific amounts and expenditures could be set out, this would meet the necessary budget law criteria. Budget Law states that you recognize unanticipated revenues and then you can't expend them if they are not reviewed in a public budget cycle.

Considerable discussion ensued. (Tape 12/9/86 Side 2 20:45 - 30:00)

This agenda item was tabled for the City Attorney to redraft 1.01.040 Disposition of Property Section (C)(1).

TABLED TO RECONSIDER 1/13/87

#### AGENDA ITEM 9 -- DEPARTMENTAL REPORTS:

Public Safety: Chief Dorsey had nothing further to add. Bui asked if possible, to elaborate on the narcotic issue in Troutdale. There is a manpower shortage in Troutdale currently. Other agencies are also pressed and backed up with workload. Activity is steadily, slowly moving to outlying areas.

Finance: Gazewood stated that a loan of \$65,000 would be repaid by the 15 of December as well as the interest expense which should be under \$400. Burgin asked the status of the water billing software. Gazewood stated that the 1st of January the system would be in testing. The water/sewer billing would be going on as well as the Financial Reporting System to the VAX.

Community Services: Schmunk stated that she thought it was 'neat' that the Community Services Director could update Council on how the financial end would work with the data processing.

Energy savings report showing a decrease of 8% over

last year. He felt that the savings was quite substantial over last year.

A billing error for the Multnomah County Waterline project has been cleared up. An updated summary was included in Council materials.

TAC unanimously agreed that the 244th interchange would be the most viable, and least disruptive. The CAC support was not as enthusiastic. They are considering a diamond shape. 244th provides a new clean access and allows rights-of-way to be acquired and roads to be built where property is basically undeveloped, 238th affects already developed properties. It would turn 238th into a collector instead of an arterial. Wood Village's position is very supportive. Wilder also updated Council on what might happen with 257th. i.e., traffic counts were discussed. As it currently stands 2010 would see a doubling of traffic on Graham Road -- which is impossible with the current structure. This means that this issue would be forced. There was further discussion and comment with Schmunk commenting also.

Wilder also discussed Sweetbriar Lane and the need for paving reconstruction due to heavy busloading. By the end of this construction season this project would need to be done (\$30,000-32,000). Multnomah County would probably contract to do the job. Wilder discussed other projects outlined in his monthly report.

City Attorney: Jennings had nothing further to report.

Executive: Christian reviewed packet materials. Columbia Corridor Assn. letter for Council update on the goals. EMCEDC will be a member of the Association, Troutdale helps fund the Corridor and should have access to input or information generated there unless Council specifically wants to join as a separate member. If so, Pam asked to be informed.

Cable Regulatory Commission memo regarding changes in Rogers system and a notification of change of ownership was also included. It is basically a restructuring of Rogers Cablesystem - they still retain the majority of ownership. It does meet the requirements of the franchise so it is accepted by the Cable Regulatory Commission, however, as a jurisdiction we have the right to review. The Regulatory Commission does not have objection to it.

A budget calendar was also included. It is a fast track process which will require an hour or two discussion for direction from Council as to 'how to approach the budget' and 'what you would like to see in the budget'. Departments and divisions are preparing budgets now which respond to daily activity and operations which are required to keep the City going on with normal business. The focus of the Council and general policy should be discussed. Council sets priorities which have not been accomplished due to the lack of funding. She asked for Council direction on priorities. Council discussed and decided that an evening would be most appropriate for everyone and something between 5:30-7:30 would work. Council will be contacted by phone to set a date.

EMS Rate Study which was presente by Joe Acker. Dennis Scott, City of Gresham, is the East County Representative to the EMS Policy Advisory Board. Any input from Council should be directed to Dennis Scott. Council was asked to call Christian for collection of comments to be passed on.

Gorge bill summaries were also discussed. Even though every City in the Columbia River Gorge was exempt under the bill -- Troutdale was included and Troutdale is not exempt. It is not recognized as an urban area, as an incorporated area -- it is not recognized at all, just included. A summary of the bill and what that means to Troutdale as far as land use, and administering the bill, a copy of a letter outlining the results of a meeting with the Congressional administrative staff as to how to address the bill and deal with the impact of the bill was included. Any questions or concerns should be addressed to Christian.

Christian stated that Jim Jenson has resigned from the Citizens representative from EMCEDC. A replacement will be needed for Troutdale. Any suggestions can be submitted to Christian. Two Budget Committee positions are open for reappointment or readvertising. Bui asked who they were. Matz and Anderson (they are three year rotating positions). Advertising will be done for the positions. There are also openings on the Citizens Advisory Committee. There is plenty of opportunity to involvement of anyone interested. The advertising will be done in the paper and on Cable.

#### AGENDA ITEM 10 - COUNCIL CONCERNS AND INITIATIVES

Mayor Cox presented Council with a gift. A copy of the City logo on stained glass.

Schmunk: A final meeting on the County Farm will be on the 18th of December. The Edgefield Children's Center will be allowed to stay on the property for 15 more years. At that time, they will have to leave so that the property could be developed. They will have an option to leave, if they choose, but they need to give a year's notice. The County cannot remove them for 15 years. JANIS also has 15 years. They can leave at anytime.

Thalhofer: Commented on the manhole cover on Buxton still being a problem. Wilder had contacted Larry Nicholas, County, and the call had not been returned and he had no answer for him. Wilder stated that he would be meeting with Nicholas and would re-address the concern.

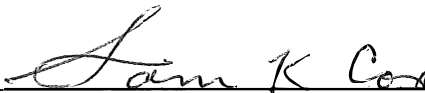
AGENDA ITEM 11 - ADJOURNMENT.

Bui wished everyone a Merry Christmas and a Happy New Year.

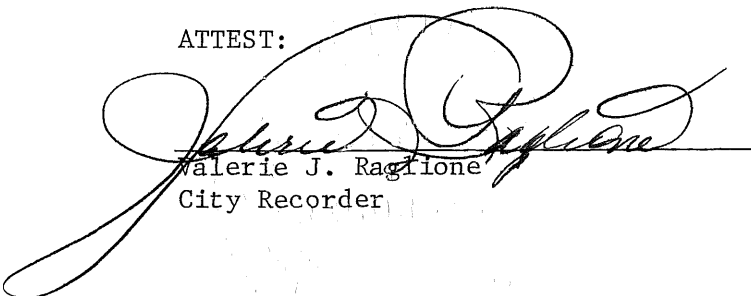
MOTION: Bui moved to adjourn the meeting. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;  
Thalhofer - Yea  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

The meeting adjourned at 9:07 p.m.

  
\_\_\_\_\_  
Sam K. Cox, Mayor  
Dated: January 15, 1987

ATTEST:

  
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Valerie J. Ragnione  
City Recorder