

# CITY OF TROUTDALE

AGENDA  
CITY COUNCIL MEETING  
TROUTDALE CITY HALL  
104 SE KIBLING STREET  
TROUTDALE, OR 97060

7:00 P.M. -- FEBRUARY 23, 1988

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:  
2.1 ACCEPT: Minutes of FEBRUARY 9, 1988
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. ORDINANCE: Adding new Section to Title 6, Chapter 32  
"Removal of Animal Wastes from Public Areas".  
First Reading
- (A) 5. SALARY PLAN 1988-89
- (A) 6. \*\*\*PUBLIC HEARING\*\*\*  
VACATION OF STREET - Portions of NE Harlow
- (I) 7. STATUS REPORT - WASTEWATER MANAGEMENT NEGOTIATIONS
- (A) 8. COUNCIL CONCERNS AND INITIATIVES
- (A) 9. ADJOURNMENT.

Sam K. Cox, Mayor

Dated: 2/19/88

32:27  
2/10/88 Wed 14:16:59  
2/18/88 Thu 10:35:49

BUDGET MEETING FOLLOWING COUNCIL AT 8:00 P.M.

MINUTES  
REGULAR SESSION -- CITY COUNCIL MEETING  
TROUTDALE CITY HALL  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060

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7:00 P.M. -- FEBRUARY 23, 1988

ITEM 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Cox called the meeting to order at 7:02 p.m.

Gene Bui led the Pledge of Allegiance.

Mayor Cox asked City Recorder, Valerie Raglione, to call the roll.

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

STAFF: Barker, Christian, Farr, Gazewood, Raglione, Wilder

PRESS: Pinson, Dave - Gresham Outlook  
Reubal, Webb - Oregonian

Christian stated that an additional item would be added to the Agenda. That item is a Proclamation for Loop Year - 1988.

ITEM 2. CONSENT AGENDA

Mayor Cox read the Consent Agenda and called for questions. There were none.

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

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

Mayor Cox read the proclamation.

Gault asked if there were any funds that the proclamation would require? Christian stated no. The proclamation was a recognition of Loop Year, 1988; and the City would join in celebration of any promotion of events for the metropolitan area.

MOTION: Bui moved to approve the Proclamation as read. Schmunk seconded the motion.

YEAS: 6  
NAYS: 0

ABSTAINED: 0

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

ITEM 3. PUBLIC COMMENT

Mayor Cox called for any concerns or comments from the audience.

Harry Fowler asked if Council had received a letter from the Troutdale Business Association. The Council had the letter before them. The letter was a consensus of support to start the promotion of tourism in the community and requested \$1,000 for the Gresham Area Chamber of Commerce tourism brochure. This had been discussed at the previous Council meeting in detail.

It was asked that this item be added to the Agenda for the March 8, 1988 Council meeting as an Action item. Christian stated that it would be scheduled.

ITEM 4. ORDINANCE: Adding Section to Title 6, Chapter 32  
"Removal of Animal Wastes from Public Areas".

Christian stated that this was a result of responding to a concern Councilor Burgin had brought up. The research brought to light an oversight of this section when the Multnomah County Animal Control ordinance was included in the Troutdale ordinances for codification. In retyping the ordinance to the City format, this paragraph had inadvertently been omitted. Christian stated that it was intended to be included in the Troutdale Code. The ordinance before Council was needed to complete the Animal Code and ensure that animal owners aren't negligent of the rights of others.

Burgin stated that it had come to his attention that dogs were taken to the Troutdale Grade School grounds where they deposited waste materials. It had become a problem in that one specific owner made a habit of this practice and refused to clean it up after being asked by school officials. He had been negligent and displayed a flagrant disregard for the fact that school ground play areas have smaller children in, on and around them, the animal waste that was deposited was getting to be a real problem as well as a health problem.

When Burgin asked Christian what type of control the City had over a problem such as this, it was discovered that this section was included in the Multnomah County Animal Control ordinance, however, for some unknown reason had been inadvertently omitted.

Bui asked if there was a penalty section attached to the chapter this section would be attached to. Christian stated yes.

Cox read the title of the ordinance.

Burgin asked if SCHOOL GROUNDS could be added after strips and

before and.

MOTION: Bui moved to pass the ordinance with SCHOOL GROUNDS being included after strips and before and public parks. Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM 5. SALARY PLAN 1988-89

Christian gave background information. She stated that the process for the Salary Plan is for Council to review the Plan prior to the budgeting process. One of the goals the Council had identified was a review of the salary and classification plan.

Bui stated that he though the Council had discussed the City Administrator position should be higher than the pay that the Department Heads received..to separate out for the higher position and the responsibilities that went with it. He wanted to restate that it should be updated to a higher level than the Department Head pay range.

Christian stated that as soon as the classification study is completed work copies will be sent to the Council. She stated that this issue was separate from the Cost of Living and the Council could review it when it was completed. The contingency fund would cover any increases that would occur where and if necessary.

Christian stated that the 3.5% increase was already included in the proposed budget for 1988-89 which would be passed out to members at the Budget meeting following the Council meeting. The figures that the Budget Committee would be reviewing included the figures before Council now.

Burgin stated that in 82-83 the purchase power decreased 9% which included the Cost of Living raises that have occurred. He asked if the 3.5% was in line with the actual CPI? Wilder stated that 4.8 was being slightly conservative. Burgin asked Christian if she felt the 3.5% was fair? Christian stated that the employees felt it was a fair increase.

MOTION: Bui moved to adopt the Salary Plan as presented, until the new Classification Plan was before Council for consideration. Burgin seconded the motion.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

Bui added that he felt the City was fortunate to have staff stay with the City rather than leave and go to other organization where they would receive higher salaries for their skill levels. He stated that he didn't like the City being a training ground for

other governments to benefit from.

Burgin stated that he agreed with Bui.

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

ITEM 6. PUBLIC HEARING - VACATE PORTIONS OF NE HARLOW

Cox closed the Council meeting and opened the Public Hearing.

Staff Report: Sue Barker

Barker stated that this was a request by Charles Swan to vacate 450' of NE Harlow north of the freeway and east of the airport. He is purchasing property on both sides of the roadway is for development of a recreational vehicle park. Part of this would be utilized as his driveway and turnaround into the RV park. There are no City utilities in the roadway currently other than a 1" water line. The balance of the properties are on wells and would not be affected. 100% of the affected property owners had been received and 2/3 of other property owners. All legal notice requirements for a street vacation had been met.

If the road is not vacated there would be a question of who is responsible for maintenance of the street (i.e., sweeping, etc.) Attached to the Planning Commission conditions of approval was that the vacation not become effective until closing of the property transfers had been completed between the applicant and the current property owners. The closing is anticipated to be in two weeks, if the transaction is not complete within a year the ordinance would be void. The applicant would have to go through the public hearing process again once the ordinance becomes voided.

Barker stated that Swan was not at the meeting and she would try to respond to any questions Council may have.

Schmunk asked why two weeks? Barker stated that delays in development plans through the State for the two weeks. She stated that the State reviews permits. The street couldn't be vacated until the property closed. If it didn't close the City wouldn't want to have to vacant and then try to get it back.

Burgin asked if the purchase was contingent on getting the roadway? Barker stated no.

Bui asked how many units were expected? Barker stated 200 and there would be a resident on site. A camp host may also be there during the summer to clean restrooms, etc. There may be accommodations for long-term visitors (up to 90 days) in the winter time, the summer would be more transient.

Christian stated that there was an issue raised that Council

needed to be aware of in responsibility for reviewing plans. Barker stated that the City of Troutdale did not have opportunity to review any plans for an RV park or any of the buildings within the RV park. It is an area that the State has retained control..they will delegate inspections to Multnomah County, if there had a building department (which they no longer have). The City won't be doing inspections, but they will do design review on buildings and landscaping. The state deferred to the City on that.

Gault asked why the situation where the City doesn't maintain control? Barker stated RV parks and campgrounds are under the State. It is under the Health Department and they haven't relinquished that.

Gault stated that the responsibility for permits goes to the County, however, the County doesn't have a division to do that work. Barker stated the way it is now is that the City of Troutdale would never have the responsibility, it would be delegated to the County. Gault asked if it would be inspected then. Barker stated that the State inspectors will inspect it and they will have a floating rate charge - if you can wait until they are in the area - they will give a break on the inspection fee. There will be delays due to this. The City contracts with the County to do theirs. He was hoping to get the same response from the State that the City gives. Not so.

Thalhofer stated that he would like to add to the East County delegation and the League that legislation be introduced to address this concern and see if it can't be changed through the legislative process.

Burgin asked if there had been ordinances passed with a clause to void it if there were a condition that wasn't met? Barker stated that Jennings felt it was wise to add the clause in case the property didn't close. The City legal requirements were 5 weeks of consecutive legal notice for the vacation...that is what made the timeframe for the public hearing come before the closing on the property.

Burgin didn't want to clutter the process of codification of ordinances and taking them off the books if there was a better method. Perhaps a later Council meeting. Barker stated that from a development standpoint the project could be constructed with the road there. From the City standpoint, it would be far better if we weren't maintaining a private property owner's drive. Also, it would be far better than trying to take property back should something happens during that thirty days after closing when things could fall apart.

#### Cox called for Proponents

Mr. Howell, affected property owner, stated that if it would improve development it was the logical thing to do.

Cox called for Opponents

Mr. Wall, State Dept. of Transportation spoke against the vacation mainly due to pending projects in the area as well as a need for access to the west end of the Sandy River Bridge. The 181st & Troutdale project and other possible interchanges and interpretive center possibly. The likelihood of needed access in the area seemed to go against vacating the road.

Thalhofer asked for staff response to the State Highway's concern.

Barker stated a copy of the State's letter was included in packet. There were no plans and a freeway could be 6-10 years away. She stated that question would be to whether or not to deny development from the use of that property which could be used for tourism and recreational facilities. It was a Council decision.

Wilder stated that the City Attorney was contacted regarding should the highway be needed for expansion an acquisition at no cost, he informed us that type of provision could not be attached.

Barker stated that it was difficult to postpone any types of development and that developers also take their chances.

Bui stated that he thought he had read an article that the construction from I-84 to Troutdale and 102nd may be postponed. Schmunk stated that was about all that was known because of Federal Funding.

Cox called for further comments. There were none.

The public hearing was closed at 7:33 p.m.  
The Council meeting was reconvened at 7:33 p.m.

Gault stated that in recognized the State has an interest in that area and that someday something might be done in the area, he didn't feel Council could sit on development that the City needs. He is pleased to see development come before Council and supports the vacation.

Cox read the Ordinance by title.

MOTION: Gault moved to pass the Ordinance as written. Schmunk  
seconded the motion.  
YEAS: 6  
NAYS: 0  
ABSTAINED: 0

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

ITEM 7. STATUS REPORT - Wastewater Management Negotiations

Wilder gave updated Council on the Seaton, Johnson, O'Dell report.

The biochemical oxygen demand (BOD) test and the validity of the testing that was done by the City was supported. The test results had been compared to the private independent testing lab (Coffee Laboratories). There was statistically no difference between the laboratory and the City testing results. Their engineer had summarized the results with a BOD average of 1100 mgs per liter and after all studies were done, the average was 1532. (This has been agreed upon by everyone.)

The question of toxicity of infiltrate was the next issue. The issue has not yet been completely resolved. All agree that there is a level, however, the degree of which the toxicity affects the Plant was still a question. Staff and the consulting engineer feels that through mitigation of discharge during varying times of the day, toxicity issues will become null regarding the issue...However, will still need to be resolved.

Results in chlorinated organics (chlorinated hydrocarbons) hasn't been completely resolved to the City's satisfaction. It has been resolved according to DEQ. They don't feel that there should be a concern to the City with the strengths that have been tested. Out lab results are significantly different (theirs from ours). Neither are a concern to DEQ. The land application process does cause us a concern in that the water supply source is totally groundwater. We want to make certain with all the new rules and regulations, that the land application process is not going to affect the groundwater. DEQ still feels we should have no concern.

Cost assignment issues were significantly different. Their engineer did not review our audited reports very thoroughly. The total capital outlay of the plant that they reported was \$1.6 million -- in fact, the actual investment in the plant to date, including construction progress is \$4,131,901. Even with adjustments for grant funds, a figure of \$3.0 million to calculate costs.

The Capital cost apportionment that they set forth in their document suggests that they should have had a total investment in the plant in SDC's \$8,116. They have deposited approximately \$19,000 with the City. It was determined that the \$19,000 investment would remain in place, which would buy them 14,580 gallons per week...their lease agreement allowed them \$68,250 gals. It is about 80% less that we will receive from them for the same amount of money. The City gets less discharge into the system at their current BOD loading 14.7 mgs per liter and a suspended solids load of 125 mgs per liter. In the negotiation they are allowed to consider that as a base in formula. If they decrease their BOD in loading they can have additional flow to compensate as long as the formula is always in balance.

One of the benefits was that it forced the City to take a very close look at the capital investments, past year's budgets, all which would have needed to be done for the Capital Improvement Program. It turns out that the base SDC charge for wastewater may



be on the low side. \$1,250 per equivalent residential unit (ERU) is the current charge. Without considering future growth the plant, we should be collecting \$1,233. So we are collecting a few dollars less but not collecting for future expansion...that will be looked into further.

Wilder asked for questions, or comments.

Thalhofer thought it was great that it could be negotiated to get this issue resolved. He complimented Wilder and staff for their efforts in the negotiation process.

#### ITEM 8. COUNCIL CONCERNS AND INITIATIVES

Thalhofer asked that the Troutdale Business Association request be calendared on the March 8 regular Council meeting agenda.

Bui updated Council on the Fire Task Force. Bui asked for a consensus from Council on sending a letter to Fire District #10 stating formally a need to stay in touch with the Fire Task Force. This task force is made up of the three small cities (Fairview, Troutdale, Wood Village) and they felt that their concerns should be of interest to the Fire District in making some of their decisions about fire services.

Bui stated that the current Chairman of the Board was concerned the in the study done for the three cities, the question was not asked "How come the voters that lived in Fire District #10 that are now residents of Gresham don't have the right to vote on what Fire Department they want to have supply services to them?" The committee met a week ago and as a result of the Committee, a drafted letter which will ask ..we want to know what plans are for the three cities -- it's great what you are thinking now, what you are doing now...however, there is a future. As three small communities, we need to know where we are going. Keep in better touch with what you are doing.

Bui previously had been called to ECCO to discuss what the task force was doing. The Fire Board was also invited. The first thing that happened was a member of the Fire Board stated they weren't a franchise with the task force, the Fire Board didn't appoint the Task Force and the Task Force had nothing to do with the Fire Board. Bui felt that was unnecessary. Some quick decisions need to be made. Costs have been reviewed for forming our own Fire District. Costs would go up from the current rate, since the costs are being subsidized by another fund that the Fire District has.

Bui stated that now we aren't paying what should be paid because the Fire District is covering that. That is the way the contract is set. As long as the Portland Fire District and the money is there that is the way it will be. Once the Portland contract is through, which has been determined for another 5 years...it was thought that the contract was up this time around...The Gresham

proposal came in at \$1.00 less per \$1,000 per household. They responded that in reviewing the contract, they can't get out of the Portland contract like they thought. It is felt that we will remain in the contract, despite Fire Board 10's thoughts.

Cox stated that a letter asking that the Fire Board meeting be a different evening rather than being on the same as Troutdale Council meetings. He stated that this was one of the largest costs included the tax bills and would behoove Council members to be able to attend the meetings. Cox asked for Council consent to send a letter with these statements.

APPROVED BY CONSENT

Burgin gave a status report on the Jail Siting Committee meetings. He had attended public hearings in Clackamas, Washington and Multnomah Counties on various sites. The Physicians/Surgeons Hospital site generated considerable concern over 300 people didn't feel it should be in close proximity to the City. A 200-400 bed restitution and/or alcohol-drug rehab center. The next night a meeting was held at the Fairgrounds where approximately 300 people from Gaston attended to protest the siting at Laurelwood Academy (a remote area). They felt it should be in the City. Basically, nobody wants it.

There was a site in Troutdale recommended - near the airport, north and west of the runways - recently annexed by Troutdale. It is Port property, the people recommending the site do not own the property, they are suggesting that they would operate it for the state. That is, if the Port would be willing to sell for that purpose. Burgin wasn't sure that would be a possibility.

Burgin asked that people let their feelings be known. Cox stated that another jail -- one is enough for a city of 7,000. If the other sites could say that, then they should be dropped also. Several concerns were raised by Council regarding the problems already existing with the current jail site and transporting the prisoners to job sites.

Thalhofer asked if one of the criteria of this type of facility being one close to jobs? Burgin stated that was normal consideration, and constituted some common sense. Thalhofer felt that common sense should enter into the decision for locating the facility. Burgin asked the question, however, no site has been ruled out due to the location of job sites. Expecting the residents of these types of facilities to commute for 1 1/2 hours each way was questionable also.

Bui stated that a good project of the persons in custody would be picking up the business that isn't being sent overseas, due to cost considerations in excise taxes no longer being cheap. He stated it would be a possibility that could be looked into. That way there wouldn't be a need to go 'out' for work.

Christian stated that recommendations were needed for the CAC for

the Sandy River Bridge Replacement Project from the Council.

Cox would be attending. Bui was nominated.

CONSENSUS

ITEM 9. ADJOURNMENT

MOTION: Gault moved to adjourn. Bui seconded the motion.


YEAS: 6

NAYS: 0

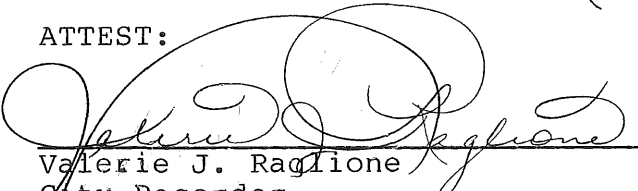
ABSTAINED: 0

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

The meeting was adjourned at 8:07 P.M.

  
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Sam K. Cox, Mayor  
Dated: March 9, 1988

ATTEST:

  
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Valerie J. Ragnione  
City Recorder

CC2:7

2/29/88 Mon 11:27:48