

# CITY OF TROUTDALE

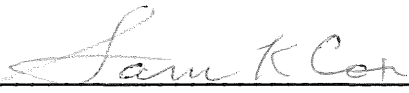
AGENDA  
CITY COUNCIL MEETING  
TROUTDALE CITY HALL  
104 SE KIBLING STREET  
TROUTDALE, OR 97060

7:00 P.M. -- MARCH 22, 1988

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:  
2.1 ACCEPT: Minutes of MARCH 8, 1988
- (A) 3. PUBLIC COMMENT:  
Please restrict comments to non-agenda items at this time.
- (A) 4. REQUEST: Gresham Area Chamber of Commerce
- (A) 5. AWARD: Bid for Kiku Heights, Lot 1, Block 3 Property
- (A) 6. \*\*\*PUBLIC HEARING\*\*\*  
- SOLAR ACCESS -
  - o Open public Hearing
  - o Declarations or Challenges
  - o Staff Summary
  - o Public Testimony: Proponents, Opponents, Cross Exam
  - o Staff Recommendation
  - o Council Questions or Comments
  - o Close Public Hearing
  - o Consideration by Council

Resolution #88-\_\_\_\_\_  
Ordinance #88-\_\_\_\_\_  
Ordinance #88-\_\_\_\_\_  
Ordinance #88-\_\_\_\_\_  
Ordinance #88-\_\_\_\_\_
- (A) 7. RESOLUTION: Transfer Uncommitted Sewer Reservations  
Resolution #88-\_\_\_\_\_
- (A) 8. RESOLUTION: Affirmation to County Commissioners that City will  
Accept Dedication of Park Property
- (A) 9. ORDINANCE: Setting rates for Water  
First Reading  
Ordinance #88-\_\_\_\_\_
- (A) 10. ORDINANCE: Setting rates for Sewer  
First Reading  
Ordinance #88-\_\_\_\_\_
- (I) 11. DISCUSSION: Harlow House Agreement
- (I) 12. DISCUSSION: Jail Siting Proposals

- (I) 13. DISCUSSION: Proposed Troutdale-Wood Village Sewer Agreement
- (A) 14. COUNCIL CONCERNS AND INITIATIVES
- (A) 15. ADJOURNMENT

  
\_\_\_\_\_  
Sam K. Cox, Mayor

Dated: 3-16-88

32:29

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

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MARCH 22, 1988 -- 7:00 P.M.

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

Mayor Cox called the meeting to order at 7:00 p.m.

Marty Gault led the Pledge of Allegiance.

City Recorder, Valerie Raglione, called the roll.

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

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

PRESS: None

GUESTS: See attached sign up sheet.

Cox asked Christian for Agenda Updates. Christian stated that an appointment to the Citizens Advisory Committee (CAC) would need to be added to the Consent Agenda for formal appointment.

ITEM 2. CONSENT AGENDA

Schmunk, Chairman of the Committee for Citizen Involvement stated that she and Bruce Thompson had reviewed the application and recommended that Council appoint Ms. Karen Cooper as a representative for the Historic Resources District to the Citizens Advisory Committee.

MOTION: Schmunk moved to accept the consent agenda which included the appointment of Karen Cooper to the CAC.  
Burgin seconded the motion.  
YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

ITEM 3. PUBLIC COMMENT

Cox called for any public comment on non agenda items. There were none.

ITEM 4. REQUEST: Gresham Area Chamber of Commerce

Bennett-Jensen passed out copies of bids and estimates. She stated that Wood Village would have an answer in approximately 2 weeks. Fairview had not yet been approached. The Multnomah Kennel Club donated \$500. She was back before Council requesting \$1,000 for the purpose of a tourism type brochure. At the last Council meeting it was requested of Bennett-Jensen to bring back to Council some budgetary type documents outlining the expected expenditures and estimates of costs required for the project.

Jensen, Mark stated that Council would be constantly updated on activities as they develop. Any input would be appreciated from interested persons.

MOTION: Bui moved to donate \$1,000 being requested. Thalhofer seconded the motion.  
YEAS: 4  
NAYS: 1  
ABSTAINED: 0

Schmunk stated that she was not opposed to a project of this type, however, did not feel that the finished product should be specific to Troutdale and the needs of the City. She felt that many budgeted items had been cut from the budget that would have specifically enhanced the City.

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

ITEM 5. AWARD Bid for Kiku Heights, Lot 1, Block 3

Christian stated that there had previously been two bids prior to closing the bids. One of the bids presented at the last meeting was from Wade Johnson Properties. A letter had been received late on this date stating that their offer was withdrawn, due to the lack of the ability of their client to qualify. That left the bid from Sandra Henry. A check for deposit had already been received and she had made her offer for \$5,010 in cash or certified cashier's check on transfer of title free and clear of all back taxes. Seller to pay closing costs.

MOTION: Burgin moved to accept the bid as offered from Sandra Henry in the amount of \$5,010. Gault seconded the motion.  
YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

ITEM 6. PUBLIC HEARING - Solar Access

Cox closed the Council meeting and opened the public hearing at 7:18 P.M.

Barker gave the staff summary.  
Cox called for Proponents.  
Cox called for Opponents  
Barker gave the staff recommendation  
Cox called for Council questions or comments  
Cox closed the Public Hearing

Cox read the title of the resolution. A Resolution Adopting the Findings and Conclusions in Support of Adoption of Proposed Solar Access Protection Ordinances.

MOTION: Gault moved to adopt the Resolution as written. Burgin  
seconded the motion. YEAS: 4  
NAYS: 0  
ABSTAINED: 1

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

Cox read the title of the ordinance. Ensuring that Land is Divided so that Structures Can be Oriented to Maximize Solar Access and to Minimize Shade on Adjoining Properties from Structures and Trees.

MOTION: Burgin moved to pass the ordinance as written. Schmunk  
seconded the motion. YEAS: 4  
NAYS: 0  
ABSTAINED: 1

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

Cox read the title of the ordinance. A Solar Balance Point Ordinance Promoting the Use of Solar Energy, Minimizing Shading of Structure by Structures and Accessory Structures, and, Where Applicable, to Minimize Shading of Structures By Trees.

MOTION: Gault moved to pass the ordinance as written. Thalhofer  
seconded the motion. YEAS: 5  
NAYS: 0  
ABSTAINED: 0

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

Cox read the title of the ordinance. An Ordinance Authorizing the Owners of Certain Properties to Apply for a City Permit that Prohibits Shade caused by Certain Vegetation On Neighboring Properties from Being Cast on a Solar Feature on the Property of Permittee.

MOTION: Gault moved to table this item due to reservations with permits to prohibit trees and shading. The motion to table indefinitely and review one year from the

September 1, 1988. Thalsofer seconded the motion.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 7. RESOLUTION: Transfer Uncommittee Sewer Reservations  
Tape 2 25:35

Christian stated that Barker would present this item. There has been a number of hours spent on sorting the sewer reservations, for sewer capacity that is reserved. There are people with property and no sewer reservations, and sewer capacity reservations with no property. Barker and an Intern spent months putting together all of the records from 1979 and going through each receipt written to put together a history, background and accounting of sewer reservations. This was an attempt to match reservations with property and property without reservations and settle accounts with people. For the City specifically, it helps pin down builders with reserve capacity that have not shown any activity in past years and attaches reservations to property. That gives a much better handle on what the demand in the future will be for the capacity of the plant; and for those people that have no plans on developing in the future either without property or that want to buy down their reservations and pay off certain sewer reservations for specific property. That releases more capacity for the City to market for future commercial industrial property.

Burgin stated that he was concerned with attachments B, D1, D2, E that the transfers don't go from a specific to a specific. He felt that it put the City closer and closer into the position of being a bank, rather than having reservations attached to a particular property. He would prefer to see them come up as a transfer to a property not transferring them to a holding account where they would be used as the developer or owner of the reservations says they are to be applied to a property.

Barker reviewed those specifically. Burlingame is owners of Fleur-de-Lis subdivision commercial tract and Eldon Snyder Farms. They would like to transfer to Eldon Snyder Farms and make them more all fully paid. The lots in Fleur-de-Lis would be assigned as each lot is sold and buy it down with the option as they sell each lot to buy it down and have each lot sold and have them paid in full. We cannot transfer funds. They collect at closing.

Burgin stated as they make the transfers...he would be more comfortable with the transfers being as they occurred rather than giving a non-City entity authority to assign from one to another tax lot.

Barker stated that the reason for Fleur-de-Lis particularly is the potential of commercial development. If the excess capacity is

assigned, which was for Fleur-e-Lis Phase II not yet built and they want to change it for commercial development next year, they will have already committed all those lots and not be able to use it on the commercial. Coming to Council for each transfer creates an unnecessary time limit for them when it could be every three or four days.

Barker stated that the original ordinance does allow them to buy down without Council authorization on subdivision lots that are platted and a \$575 deposit now which they can convert. The only authorization of Council in current ordinances is a transfer from one piece of property to another totally unrelated piece of property. CP Park (Henry Fang's property) to Donna Burlingame's property.

Barker stated that there are two ordinances. The first one allows any property owner to buy down any lot that he wants to do without authorization from Council. The second one which requires Council action by resolution, is to transfer from a piece of property (a one-owner) to another totally unrelated owner on a different lot. The reason this is before Council now, in Resolution form, is to bring the entire issue up and clear some of the issues for property owners. The transfer from uncommitted Fleur-de-Lis to specific lots was authorized by ordinance in June, 1987. The question being asked is if a transfer for buy down using Fleur-de-Lis into the Eldon Snyder lots which has no capacity.

Burgin preferred that there be a method which would not leave it as open-ended. Barket stated that the Eldon Snyder lots would be bought down immediately and marked paid in full - Exhibit B. Fleur-de-Lis would not be known, it is a four-plex lot if developed first she would like to buy down those which Ord. 495 does allow...if for commercial she would like to take her excess and apply it directly to the commercial.

Christian stated that the issue is she has excess capacity for Fleur-de-Lis and if every lot was developed she would still have paid for more sewer reservations than she would need in that subdivision. Since she owns another subdivision that is still on the market that has vacant lots it is a process of transferring an amount of capacity from one subdivision to another and then buying it down to paid reservations.

Burgin was concerned if authorization of the transfer was approved, over the possibility of the property going into an estate where would the sewer assessments lie? Would they be considered personal property, real property attached to what?

Barker stated that they would be real property, they are not personal property and they are locked into Fleur-de-Lis or where it is transferred to that unit of land..to the platted subdivision and to the commercial tract that is part of Fleur-de-Lis.

Discussion continued.

The owner authorizes the transfer, the City transfers it on paper and issue the permit and deduct it from the balance and mark it paid in full.

Christian stated that each subdivision and the amount of reservation could be broken down separately if Council felt more comfortable with that and how they are transferred individually rather than do it together? Burgin stated no, it didn't resolve the philosophical concerns he had.

MOTION: Schmunk moved to adopt the resolution as written. Bui seconded the motion.  
YEAS: 4  
NAYS: 1  
ABSTAINED: 0

Bui - Yea; Burgin - Nay; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 8. RESOLUTION: Affirmation to County Commissioners that City will Accept Dedication of Park Property

Christian briefed Council on the status of this issue. Mr. Don Pyle had been before Council at a previous meeting and reviewed the Reynolds Girls Softball Association proposal. Christian stated that this confirmed Council's desire and stated that a cover letter would be sent with the Resolution to the County.

MOTION: Schmunk moved for adoption. Gault seconded the motion.  
YEAS: 5  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 9. ORDINANCE: Setting Water Rates

Wilder stated that the ordinance contained no changes in current dollar charges for either user fees or system development charges. As a result, the constant dollar decline for the services is approximately 4%. There were minor changes in values which constitute an equivalent residential unit and there have been additions to the definitions sections.

The preliminary rate schedule results in an approximate decrease of 6% in constant dollars for the average residential customer. SDC rates are held at last year's current dollar level which results in a constant dollar decrease of approximately 4%. Work continues on the complete water user fee and SDC ordinance.

Charts depicting history of fees in constant dollars was included with Council materials.



Thalhofer stated that a few years ago the comment was made that the rates would be declining. He was glad to see that this comment was coming true.

Cox read the ordinances by title.

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

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

AGENDA ITEM #10: ORDINANCE Setting Rates For Sewer

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

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

AGENDA ITEM 11. DISCUSSION: Harlow House Agreement

Jennings legal opinion was included in the packet materials. Background information was given. The contract of sale between the City of Troutdale and the Historical Society was only for the sale of a building known as the Harlow House. Until the final payment title to the structure would remain with the City. There is an equitable ownership remaining with the Society since most of the contractual obligation has been fulfilled. In order to construct a new building on the property, an addendum, vesting legal ownership with the City and equitable ownership with the Society would be in order.

As an alternative, the current contract could be paid in full, a deed issued to the Society, with right of reverter providing if the Society disbands, title to both structures would go back to the City automatically.

The City Attorney proposed the first alternative because of the ease. At such time as the barn is built, an addendum to the contract could be drawn up. The addendum would also include the same reverter clause as the agreement for the Harlow House.

Consensus of the Council was that the City Attorney draw up the agreement.

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

AGENDA ITEM 12: Jail Siting Proposals

Burgin reported that the finalists had been narrowed to three from seven. Troutdale had been removed prior to the final seven being selected.

The three sites remaining were: #22 - B & O Warehouse, 107 SE Washington, Portland; #34 - Nelson Property, 5550 NE 112th Avenue; #38 - Dock Company Building, 1300 N. River Street, Portland.

April 12, 1988 a public hearing was scheduled in Estacada.

Cox thanked Burgin for his time in attending the many meetings and site previewing.

AGENDA ITEM 13: Proposed Troutdale-Wood Village Sewer Agreement

Wilder stated that there would be a capacity problem in the current sewerline serving Wood Village and Fairview.

A staff report would be forthcoming in what is considered to be a long process. This item is for updating only. 300,000 gals of wastewater is currently all we could hydraulically handle. Measuring by metering their system would be utilized when there was a substantial rainfall.

Troutdale is a gravity flow line and an ability to handle a section of the City but not the entire city is a consideration.

AGENDA ITEM 14: COUNCIL CONCERNS AND INITIATIVES

Cox discussed a fund raising dinner for the Tax Base scheduled for April 9, 1988 at 7:00 in the Community Park Building for \$10.00/couple.

Bui reviewed a memorandum regarding Shared Police Service Concept to the Council regarding the need for a formal cooperative agreement allowing Fairview, Wood Village, and Troutdale to develop a formal program of shared service.

Bui stated that the Mayors and/or delegated representatives could be appointed to study the concern. A request to appoint representatives from each City was made.

MOTION: Burgin moved to appoint Gene Bui and Sam Cox to the Study for Shared Services. Schmunk seconded the motion.  
YEAS: 5  
NAYS: 0  
ABSTAINED: 0

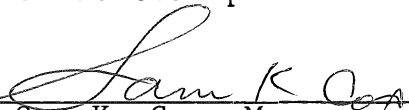
Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

AGENDA ITEM 15: ADJOURNMENT

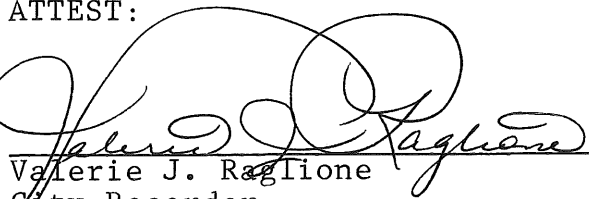
MOTION: Schmunk moved to adjourn the March 22, 1988 Council meeting. Bui seconded the motion.  
YEAS: 5  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer -  
Yea

The meeting adjourned at 8:50 p.m.

  
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Sam K. Cox, Mayor  
Dated: 4/27/88

ATTEST:

  
\_\_\_\_\_  
Valerie J. Ragnione  
City Recorder

CC2:16