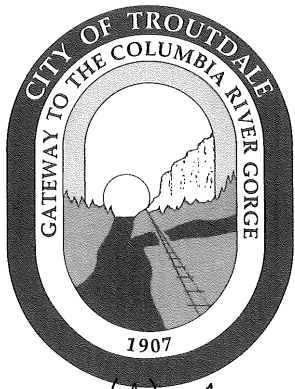



CITY OF TROUTDALE



AGENDA
CITY COUNCIL MEETING - COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060

7:00 P.M. -- SEPTEMBER 13, 1988

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of August 9, 1988 - Regular Mtg.
 - 2.2 Accept: Business License Report
 - 2.3 Accept: Bills for month of AUGUST, 1988
- (A) 3. SWEARING IN: Brent Collier, Chief of Police
Sam K. Cox
- (A) 4. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
LANDFILL COMMENTS
- (I) 5. STATUS REPORT: Cable Update Ron Sherwood
- (A) 6. DISCUSSION: Historical Society Request for Waiver
- (A) 7. REQUEST APPROVAL: Frontage Road Pump Station Upgrade
- (A) 8. ORDINANCE: Relating to Flood Damage Prevention
- (A) 9. ORDINANCE: Amending Code Section 5.04.040 -- Relating to Business Licenses
- (A) 10. ORDINANCE: Amending Code Section 2.24.030 (3) -- Relating to Contract Review Board - Exceptions
- (A) 11. AUTHORIZE: Mayor to Enter Into Agreement -- Phase I Treatment Plant Expansion Analysis
- (I) 12. DEPARTMENT REPORTS:
Public Safety
Finance
Community Services
City Attorney
Executive
- (A) 13. COUNCIL CONCERNS AND INITIATIVES
- (A) 14. ADJOURNMENT.



Sam K. Cox, Mayor

Dated: 9/13/88

M I N U T E S
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060

SEPTEMBER 13, 1988
7:00 P.M.

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

Mayor Cox called the September 13, 1988 Regular City Council meeting to order.

Cox called on Commissioner Burgin to lead the Pledge of Allegiance.

Valerie Raglione, City Recorder, called the roll.

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

STAFF: Christian, Farr, Gazewood, Raglione, Wilder
Barker, Hauer were also present.

PRESS: Webb Reubal, Oregonian
Robin Franzene, Gresham Outlook
Cable Television Crew

GUESTS: Jim & Karen Davis, Sharon Nesbit, Harry Fowler, Mark & Kim Jensen, Don Svinth, Leon Berg, Don Oliver, Jim Wakeman, Brent & Sandy Collier, Beverly Geah, Bob Brenner, Jeri Anderson, Brad Anderson, Joel Harrington, Ron Sherwood, Mark & Kim Jensen, Harry Fowler

Agenda Update: None.

ITEM #2. CONSENT AGENDA

Mayor Cox called for comment to any items listed on the Consent Agenda. There were none.

MOTION: Bui moved to accept the Consent Agenda as presented. (2.1 - Minutes of August 9, 1988 Regular Council meeting; 2.2 - Business License Report for August, 1988; 2.3 - Bills for month of August, 1988.) Gault seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

ITEM #3. SWEARING IN - Brent W. Collier, Chief of Police

Cox called Brent Collier to the front of the podium and introduced him

to the audience. Cox asked Collier to read outloud the Oath of Office. Sandy Collier was asked to pin the Chief of Police Badge on Brent Collier.

Mayor, Council members, and the audience welcomed the Chief to the City of Troutdale.

ITEM #4. PUBLIC COMMENT

Cox called for any non agenda item. There were none.

Cox then called for comments regarding the Landfill issue/petition. Cox stated that there had recently been a petition submitted to him at his home. This item was on the agenda so that public testimony could be taken in an open forum. This was the first opportunity for Council to be addressed on this issue, since the petition was submitted.

Jim Davis, 2026 SW Hensley - stated he had lived at the top entrance of the pit for the past ten years. Mr. Davis specifically referred to the noise, dust, and rocks on the road. Recently, there had been a convoy of trucks dumping at the pit. Davis circulated a petition to stress that the dumping had become a real concern to the area residents. Davis wanted to make it clear that the neighbors were not trying to stop the fill process, only control the process to see that it was done in an orderly, safe fashion.

He was aware of the undercutting that had taken place by the previous landfill operator. Mr. Davis expected livability in his home. The dust was preventing him to be able to barbeque and entertain in his own yard. He stated that dumping on weekends had previously been stopped when there were problems prior to this. It gradually began again. Pretty soon, every Saturday dumping was going on.

Davis stated that this petition was the neighborhood response to dumping that occurred approximately on, August 13th when nearly 200 truckloads of fill started being dumped at 7:00 a.m. Dust and dirt was everywhere. A child was nearly hit by one of the driver's. Picture a 19 year old with cigarettes rolled up in his shirt sleeves, with dark glasses on going down the road at a tolerable clip in one of the large dump trucks. Davis stated that someone in City Hall must have been aware of the dumping. He spoke to the Police Department and stated that he was informed there was an approval to dump 7 days a week.

Davis wished to thank the Mayor for scheduling the public meeting and giving the residents the opportunity to voice their concerns.

Davis stated that he was looking for rules and then adhere to them. Make rules and then enforce them. He asked if the empty lot next to the pit had been looked at as an alternate route for a roadway that trucks could use when dumping at the pit.

Cox stated that the property was currently in litigation and nothing could be done now with it. Cox stated that the dumping occurred due to the amount of time required to fill the pit being cut by approximately

3 months. Cox then asked that the comments be limited to three minutes - unless Davis was the appointed spokesperson for the neighborhood regarding this issue.

Davis asked if they would be 'left alone' for the weekends? Cox stated that they would be unless it would be something large and then they would be notified. Davis stated that there were several large piles of dirt that had been left without being pushed over the side. What was going to happen with that?

Thalhofer asked if there was a policy in place or not? Cox stated that there was. Thalhofer asked how and why the process was deviated from? Cox stated that it was a large amount of dirt that could be used to fill the pit sooner than expected. It was hoped that the sooner it was filled, the sooner the park would be established.

Thalhofer asked who had the authority to make the decision to dump? Christian stated that the Community Director made the decision...

Schmunk stated that it had been included in a previous Council packet, which apprised Council, prior to the dumping. Thalhofer stated that something of that magnitude was obviously in violation of the policy and felt that it was ridiculous.

Davis read the Hold Harmless Agreement which indicates the process that has been used in dumping at the Pit and the Community Services Director's authority/role. The facility is closed Saturday and Sunday special permission during hours not previously specified must be in writing and signed by the Director of Community Services. That must be a rule that appears to have been easily bent.

Beverly Geah, 2032 SW Hensley Road - Stated that she was the mother of the child that nearly got hit by one of the drivers. If there will be a special convoy such as this, couldn't there be a MP person there to monitor (or a police officer) the area? Couldn't someone other than the neighbors go around and notify the area that there will be dumping on the weekend and don't barbeque? She asked what compensation the neighborhood would be getting by reducing the time by three months of not being able to enjoy their homes, time off from jobs, and spending time with family? She stated that her child wasn't able to ride his bicycle and she didn't feel it was fair but that she had stopped him from doing so for safety reasons. She stated that they had adopted their son and she didn't want him killed. She asked if there was a guarantee that there would be no weekend dumping?

Cox stated that was up to the Council to do the deciding.

Bob Brenner, it seems that City ordinances are set and, as stated previously the laws are allowed to be bent or broken. He felt that the constituents should have some say in the law. Brenner asked the Council what right they had to break or change laws of that nature without asking the residents?

Burgin stated that the Council has never approved rules that say absolutely no, you can't dump. He stated that a provision has been set that allows the Community Services Director. The Council directed that the sign be posted to prevent people without permission from dumping and then listed the phone number to contact at City Hall.

Brenner stated that all he was asking was that when there are rules set, abide by them.

Jeri Anderson, 806 SW Hensley Road - stated that her concern was mainly the kids. She walks around the corner to meet the bus. She has contacted Reynolds School District every year since 83' requesting that the bus come around the corner and stop on Hensley Road. It is a safety factor with the trucks. She stated that she meets the kids and walks them around the corner specifically because of the safety factor from the trucks. The wires had, in the past, been ripped completely off of her house by one of the trucks early in the morning and the truckdriver didn't even stop. Two homes had no electricity or phone service. She stated it was a very bad corner.

Cox stated that he would write a letter to the School District to see what could be done about extending the stops. Anderson stated that she has made the request and that she has said she would even pay the additional cost that the School District said was too much of a cost to have them make the additional stop in the afternoon. The School District said they couldn't do that. 19th Circle is one stop then on 15th (262nd). There is nothing between 19th and past 257th on 24th on the West side only. She would appreciate anything that Mayor could do.

Ed Arnold, Sweetbriar resident, owner of one of the duplexes on Wright Court on the corner. He appreciated that the dump trucks were noisy, but they did move quickly down the road. He stated that he was jogging on one of the Saturdays, with a jogging buggy. He wanted to commend the Council in trying to fill the pit and he was looking forward to creating the park and hoped that it would enhance property values. He has children in grade school and that do ride bikes. He felt it was a responsibility as a parent to make sure they ride where it is safe...sidewalks, private roads, yards. It is a responsibility incurred as a parent. He was jogging with his child and didn't feel that his life was endangered at all.

Brad Anderson - due west of the pit - how long before the Pit would be filled?

Wilder stated 2 1/2-3 years. DEQ has mandated that 150,000-180,000 yards has still got to be placed in that site.

Anderson, from Troutdale to 257th will there still be a road built? Wilder, Yes, it is still in the plans. Anderson stated that he thought it would be beneficial to contact the owner of the land behind to purchase for a roadway. It would alleviate a lot of problems to run the trucks on the southend of the property from 257th. He felt that the amount charged to dump loads was ridiculous compared to what they are charged in other spots.

Wilder stated that there was a slidding fee scale, the whole objective is to fill the pit. If it isn't free materials, then the City will have to buy the material. If there is a contractor that has a large amount of yardage, we make a deal that they can dump it, and clean up afterwards with a cat while here. The small dumping is charged a fee which hopefully at the end of the year covers the cost of having any cat work done. The objective is not to make money, but to get the pit filled.

Wilder stated that if the landowner were willing to sell it, probably on a license agreement that would allow him cancellation on a 3 day notice, it would cost at least \$22,000 just for rock material to put in as a road base; another \$2,000 to build an access for 257th; another \$2,000 to reconstruct the fence; license fees + to buy the property probably another \$30,000.

Anderson stated that he wasn't against the park, not against the landfill, he just thought there should be a better, safer access. He stated that he would be glad to call anyone to invite them over and see what its like.

Bob Brenner asked who would be liable if a child was killed? City Attorney, Jim Jennings stated that the assumption would be the truck driver would be liable.

Davis - Turning the pit over to a private concern to oversee the activities could be an alternative. Cox stated that had been the case with the previous owner, the main concern was charging for the dumping and there were no controls over what was dumped. That brought the concern of the methane gas and monitoring it to area attention. It is now being monitored by the City and DEQ. The dumping allows only clean fill. The liability of people getting hurt was also a concern. These were reasons for getting the pit filled and place a low maintenance park in that area. Cox stated that there was a plan put together by the Parks Advisory Committee available for viewing at City Hall.

Davis - Having someone posted to watch and guide the traffic flow and safety of the area residents was suggested as an alternative to just having several trucks making several trips without benefit of any controlling factor. Stick to the hours and days of weeks that are agreed upon to dump. Not prior to 8:00 a.m. and no later than ...

Joel Harrington - 2300 Kendall Court (other side of the dust bowl) stated that he dealt with dust and noise and he thought more power to everyone if a compromise could be worked out with one or two Saturdays. Get the police there but, if we could at least compromise and get 10% of fill dumped, we should.

Kim Jensen - First of all there is a great system in that the Council sets up ordinances and rules and then when the rules were set up for the landfill and left it up to the discretion of the Community Services Director to change those rules -- without time for public input. If there is to continue a workable level, keep it at the Council

level...make sure that the community has the opportunity to know what's going on.

Schmunk stated that the packet materials are public information and available, if residents are interested in what is going on, this had been discussed at a prior public meeting.

Thalhofer stated that Council knew the project was going to go on, however, he had no idea of the impact it would have on the neighborhood. He was concerned about that impact. He said that had he been impacted, he would have been very upset also. The water trucks, city police, and whatever else is needed should be on the scene.

Cox thanked the audience for comments and stated that they would be notified and included in coming up with alternatives that would work with the area residents that had been affected.

ITEM #5. STATUS REPORT: Cable Update (Tape Side 2-12:00)

Ron Sherwood, City of Troutdale's representative, gave Council an update on the recent activities of the sale of the cable system. Sherwood stated it was a very interesting process, with lots of meetings.

Sherwood stated that there was a package to relieve the purchaser of some of the obligations of the franchise agreement. That being - Rogers proposal is to take half of the proceeds from the sale and pay for some of the obligations in a flat fee for the remainder of the 10 years. The Commission wants enough paid for so that nothing is lost. Sherwood stated that the Commission felt it an advantage to get the money upfront. He felt that the negotiation process should come to an agreement soon, perhaps after the meeting early in October.

The RFQ from Houston Industries (proposed buyers of Rogers) had been received. A 30 page document containing questions of their financial stability was sent to them and, after receipt of that document, there would be more information to present to Council.

Sherwood stated that there are two issues being dealt with (1) working with Rogers so that the franchise is something that someone would want to buy and, (2) dealing with Houston Industries to determine if, in fact, they are qualified to take over the system. He hoped to return to Council with lots of recommendations and good news!

Christian called for clarification. She had been on the franchise negotiating committee several years prior. There had been relief from the franchise at least three times previously. There had been compromises. Is it reasonable to expect to go back to the original franchise? Sherwood that is currently being reviewed. Christian stated that there was probably a greater expectation at the onset, than was reality -- at least financially. Would that be negotiated between the Commission and Rogers?

are being re-negotiated with Rogers so that they have a freed up, simplified franchise to turn over. The proposal would have to come before Council. That would be what would be sold to Houston Industries.

Sherwood stated that Rogers contention is that if the original franchise were in place, they wouldn't find a buyer. It is possible that you were 'reaching for a pie in the sky'. Christian stated that if you don't ask, you won't get it. Sherwood stated that we are keeping what exists, there would be no reductions from the current. Enough money to pay for the existing franchise is being asked for, however, the existing franchise is not what was negotiated five years ago.

Christian stated that some of the issues were left to the Regulatory Commission and had jurisdictional review or discretionary review by those jurisdictions, will we see this all in the package or have a chance to take small bites? Sherwood stated that there was no timeframe, however by the October meeting he felt that he would be able to present the negotiated franchise changes. He felt that the RFQ wouldn't be available at that time. He would present a summary of items he felt he, as the representative, could support.

Burgin stated 'Be firm', the history with Rogers would require that.

ITEM #6. DISCUSSION: Request for Waiver (Historical Society) (7:50 P.M. Tape 2-21:29)

Cox gave background information as to how the Historical Society started.

Bui declared a conflict of interest in that he was a member of the Historical Society Board.

Schmunk declared a conflict of interest stating that she was a member of the Board.

Cox declared a conflict of interest stating that he was the President of the Historical Society.

Cox called on Sharon Nesbit to present the request.

Nesbitt stated that the request for a waiver of the building permit fees, system development charges for the historical barn museum on the Harlow House property which is a City Park. This would be the only public restroom on the park. The Society would build it and maintain it when the museum is open. This provides a public facility which would be an attribute to the park and to the City, as well as the attraction of the museum. A request to be open on a daily basis throughout the season April-October may be difficult in that the current museum season is May-September. Nesbitt stated that she wouldn't guarantee being open from April-October at the outset, it would depend on staffing.

Christian stated that April-October is the general time that the other public facilities (restrooms) are opened, and that was the only reason for setting these months.

Cox stated that the restrooms would be closed after 10:00 P.M. as is with the other park restrooms.

Jacobs asked if cleaning and supplies would be a responsibility? Nesbitt stated that they had not anticipated that, the Society felt that it would be run as part of a museum facility. She stated that perhaps the Society could purchase the items through the same source as the City did.

Burgin asked if the fees would have been paid to the sewer/water fund and if the responsibilities would be any different than the fees being paid to general fund accounts? Christian asked if he was asking if the SDC's were separate and different from the other building fees...Yes.

Burgin asked if the Council's responsibility in waiving those fees to enterprise fund than they are in waiving fees to the general fund. Christian stated that yes, generally the water/sewer charges are for those systems based on an enterprise fund accounting system. In otherwords, accounting for income and outgo, rates based on the amount of users that are added to the system each year. Established, by ordinance, a formula that determines the rates. As users are added, the cost of water is reduced and the cost is spread over the larger number system. The SDC rates are based on the number of people needed to support the future expansion and improvement system. It spreads the user cost over the rest of the ratepayers...if there were a way to waive that fee. It would be an arbitrary decision to spread the cost of that system improvement demand over the rest of the ratepayers.

Christian stated that the Council has the discretion in the general fund, to make the determination. There are not dedicated funds that state that each dollar has to be spent in a category and accounted for by the auditors.

Cox discussed the 40 mile loop and that it was stated that there would be toilet facilities provided. Nesbitt stated that the 'antique' bathroom in the Harlow House is also open to the public.

Thalhofer stated that he didn't have a conflict of interest and felt that the fees should be waived. He stated that having public bathrooms available is beneficial to the general public as well as the citizens of Troutdale.

Burgin stated that he would prefer to see it structured through the general parks, or some other way that would specifically pay an equivalent amount in some method, whether it be in furnishing supplies or whatever, for park use rather than set a precedent in waiving fees. He didn't support waiving SDC's.

Gault stated that he agreed with Burgin. He didn't want to see a precedent set.

Thalhofer stated that he didn't see a problem with setting precedent. If we do, we do. He felt that the overall benefit to the public was

more important. He didn't care which way it would be done.

Christian stated that a transfer from the general fund to the water/sewer funds for park purposes which would come from the parks development fund or the park operating fund. The other issue is building permits. Council has discretion to designate staff time in most of those areas plan check fees, building permit, et cetera. She stated that we are on a contract basis with electrical and plumbing inspections and, therefore, it is not on city staff time - rather a contractor and we would pay additional to have that done. The historical society has already paid some fees. Adjustments can be made then to make sure that contractors are paid. We charge only what it costs to have the inspector do the inspections.

Christian stated that she could draft an agreement for an understanding between the Historical Society and public use, hours of operation, liability and responsibility be recognized as part of the parks facility. In return, transfer from general fund to enterprise fund to satisfy the accounting procedures that are established.

Christian stated that the general fund charges could be waived (excluding plumbing, electrical, mechanical inspection fees) and the Council has then asked that an agreement be drafted up as to how those facilities would be used. In other words, public facilities and then the parks fund, or operating budget -- Council choice -- would then pay the water/sewer (enterprise) fund.

Burgin stated that the request was for a waiver of all fees, including those already paid. He thought it was a request to waive additional fees that are unpaid and that the transfer would be made from the general fund using the fees already paid to the general fund to pay the enterprise funds and then waive the requirement to pay the general fund. That is what he wanted to do. He didn't want the City to pay at all for the SDC's but he didn't mind waiving the general fund portions.

Christian stated that if all fees already paid were added up and all additional fees to be paid in the future were added up it would be within \$200.00 of each other. The Council would use their discretion to waive the general fund fees and either return the money to you to pay the City for the SDC fees or reach an agreement to waive the fees and transfer them to the enterprise fund.

Nesbitt stated that, of course, she would prefer that all fees be waived. Burgin stated that if there were a way to reimburse the Historical Society for some of the start up expenses (i.e., supplies or whatever) to help meet some of the economic requests, but without waiving the SDC's. Out of the parks operations fund, not out of the enterprise fund.

Thalhofer stated that his recommendation was to waive all fees. He would go along with the majority, however.

Gault preferred to see a transfer happen. He felt that the sewer/water fees needed to be accounted for in the right manner. He agreed with

Burgin. He was opposed to directly waiving sewer/water fees.

Schmunk stated that the Council has agreed to do all it can to keep the sewer/water fees at the lowest cost possible, she felt that should be strived for. She felt that Burgin's suggestion was a happy medium. She would go along with Burgin's suggestion.

Christian asked for a City Attorney opinion since the Code didn't allow for provisions in waiving utility system charges. She wanted clarification.

Jennings stated that approximately 6 months ago litigation had been in process over SDC's. His reading of that outcome was a successful defense of the principal of SDC's. We know now that they have capitulated and are going along with the concept of SDC's after a fairly rigorous attack. It would be more difficult to defend the imposition of SDC's in the future across the board if we began establishing a pattern of waiving SDC's no matter how worthy the cause. Legally, he felt it a dangerous position to take. The Code and possibly the Charter would have to be changed to allow this to take place. He wasn't sure that for a one time basis it would be the step to take.

Nesbitt stated that she didn't feel the Society would have a problem achieving the same dollar affect. She stated that she would like to know the dollar affect. Staff will have to get back on that affect.

MOTION: Burgin moved to waive the fees for Design Review, grading, plumbing surcharge, building permit, plan check and surcharge that have already been paid by refunding the money to the Troutdale Historical Society. The system development charges stand as shown. [Sewer SDC=\$625, Water SDC=\$325, Street SDC=\$115.50, Cleanup SDC=\$20, electrical permit=\$63, Plumbing permit=\$84, Mechanical \$37.53.] Jacobs seconded the motion.

YEAS: 4

NAYS: 0

ABSTAINED: 2

Legal Counsel stated that the members declaring a conflict could discuss the item, however, refrain from voting. The Mayor called for a show of hands in the Yeas.

Burgin - Yea, Gault - Yea, Jacobs - Yea, Thalsofer - Yea
Bui - Abstained; Schmunk - Abstained

Mayor Cox called for a 5 minutes recess.
The meeting reconvened at 8:30 P.M.

ITEM #7: REQUEST APPROVAL Frontage Road Pump Station Upgrade

Wilder stated that the Council needed to adjourn into the position of Contract Review Board.

Cox closed City Council meeting and convened as Contract Review Board.

Wilder reviewed the Council material. The equipment had been reviewed by the consultant and compared to other equipment on a life cycle basis. The equipment is only available from a sole source in the Portland area, that being Queen Pump Company. These are special wastewater pumps for the lift stations. Since this exceeds the purchasing limits provided by ordinance in the City, but not the State's limits, Council authority to make this purchase is needed.

Gault asked if this equipment had been used before? Wilder stated that we had service tools for this equipment, some is in place and over time all of the equipment will be replaced with this. It will be the City standard over time. This was the only firm that supplied this equipment. They have a type of franchise that makes it impossible to get it at another price for this type of equipment.

Cox asked what the difference is in the purchasing limit for the City and the price of the equipment? Christian stated that \$10,000 is currently the limit without Council approval and the equipment is \$16,603..

MOTION: Bui moved for acceptance of the bid as presented. Burgin seconded the motion.
YEAS: 6
NAYS: 0
ABSTAINED: 0

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

Cox closed the Contract Review Board and reconvened the Council. (Tape 3 - 22:15)

ITEM #8. ORDINANCE: Establishing and Imposing Regulations to Prevent Flood Damage and Declaring an Emergency. (515-0)

Cox read the ordinance by title.

Barker stated that this was an ordinance governing rules and regulations in how you build in floodways and floodplains within the City. In order for citizens of Troutdale to obtain flood insurance, there must be compliance with the requirements established by the Federal Emergency Management Agency (FEMA). In 1987, the Corps of Engineers, in conjunction with FEMA began a study of all areas within Troutdale subject to flooding or substantial drainage problems. The result of the study, a flood insurance rate map, with base elevations and delineation of floodway and floodplain was prepared. This new map enables citizens to obtain flood insurance in a regulatory flood plain area rather than a special flood hazard area.

This takes us from a special management area, where we had broad rules with boundaries that were not defined as well. The Corps of Engineers did the study and determined the exact boundaries of the flood plain from basically the Sandy River Bridge clear out to the mouth of the river covering all of the industrial properties also, which addressed drainage problems. It allows the City to issue permits accurately based

on what the potential flood danger is. It also allows the opportunity to participate in reduced flood insurance costs to protect their properties.

FEMA requires that all cities adopt a standard flood damage prevention ordinance, along with the regulatory map and study. This ordinance must be adopted no later than September 30, 1988 for continued insurance coverage.

The Planning Commission has reviewed the ordinance at a public hearing held on August 17, 1988 and recommended its adoption by Council.

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

Schmunk called for discussion. She stated that on the front of the map it had a date of 9/30/88, but when the map is opened it was marked Flood Hazard Map March 20, 1979. She wanted to know if the map had, in fact, been updated.

Barker stated that base elevations were established. Most of the elevations were raised from 38' was the base flood and raised to 41' 42', etc. Based on how much more asphalt, erosion happening in the river, change in the bank contours...It is an updated map.

Cox stated that included were how many dams had been constructed on the river at this time. Barker stated that the new dams on the Columbia would eliminate the backwater flooding that occurred in the 60's on the Sandy River.

There being no further discussion, Cox called for the vote.

YEAS: 6
NAYS: 0
ABSTAINED: 0

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

ITEM #9. ORDINANCE: Amending City of Troutdale Municipal Code 5.04.040 to Conform with the Mandates of Metro Service District, Ordinance 88-248. (514-0. (Tape 3 - 25:33)

Cox read the ordinance by title.

Raglione stated that this ordinance was to update the Code and bring it into conformance with the Metro's Passport License Program that had been adopted by Council by 698-R.

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

YEAS: 6
NAYS: 0
ABSTAINED: 0

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

Christian added that there had been two applications taken out from the City to date.

Schmunk stated that this was going to be looked at on the State level and Metro looked at it instead. She hadn't heard any more about the State level.

ITEM #10: ORDINANCE: Amending the Troutdale Municipal Code 2.24.030 (3)
[Competitive Bids required -- Exceptions] (516-0) (Tape 3 -
27:49)

Christian stated that the Council had established, by ordinance, that Council was the Contract Review Board. Under state statutes, that Board is granted the authority to enforce state public contracting law. (Chapter 279 O.R.S.) That sets purchasing rules for public bodies in the State. Christian stated that the current Code requires purchases estimated to be \$10,000 or more must be advertised for bid. The code has not been changed since 1982. This amendment would bring the Code into the same limits as the State statutes allow. The City also had in place purchasing policies requiring that purchases over \$5,000, not specifically addressed in the City budget, to be approved by Council. Christian felt that the amendment was consistent with the intent of the State Statute and also served to reduce purchasing costs by eliminating the formal specification writing and advertising that is otherwise required.

This ordinance would increase the amount to twenty-five thousand dollars and would also eliminate the necessity to write specifications for items such as police cars. The last two purchase of police cars, we used the State Purchasing Agreement bidding process.

Christian stated that she had Jennings review the ordinance to make sure it was within the guidelines.

Cox called for discussion.

Burgin stated that City wasn't required to bring the ordinance into the same restriction as the State. Christian stated no, only comply within the same limits. Statutes state that public improvement contracts that exceed \$50,000 have to go through a cost accounting process and public bid. That is set at \$25,000 in the City Code.

Jennings stated, in response to Burgin's concern, an old uncomfortable issue called double wall construction. Jennings stated that at the time the Supreme Court issued that maybe Troutdale did have to conform with State standards on some things. Tempering what Christian said, this is probably one of the issues where City doesn't have to conform with State, but there aren't many.

Cox read the ordinance by title.

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

Burgin called for discussion. He stated that he was comfortable with the \$10,000 as is currently set. Gault agreed.

There being no further discussion. Cox called for the vote.

YEAS: 4
NAYS: 2
ABSTAINED: 0

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

ITEM #11: AUTHORIZE: Mayor To Enter Intro Agreement - Phase I Treatment Plant Expansion. (Tape 4 - 2:30)

Wilder stated that 2 Council members (Ron Burgin and Sharlyn Jacobs) as well as 2 staff members (WWTP Superintendent and Greg Wilder) were reviewers. The outcome of the review, without default, was Gibbs & Olson to perform the study outlined in the Request for Proposals. Don Svinth, Gibbs & Olson, was in attendance to respond to any Council questions or concerns, if needed.

Wilder was requesting Council authorization for the Mayor to enter into an agreement with the firm for the analysis and study.

MOTION: Bui moved to hire the consultant firm recommended. Jacobs seconded the motion.

Cox called for discussion. There was none. Cox called for the vote.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Don Svinth thanked the Council and stated that he enjoyed working with the City. The firm had done projects in the past for the City, and he felt that Wilder had projects well organized and thought out. It makes the working conditions much easier.

ITEM #12. DEPARTMENT REPORTS:

Public Safety: Farr added to his report of August 19, a citizen apprehended a day time burglar in his residence. In the afternoon, 9/13/88 this same person was again apprehended on another burglary on SE 18th.

Thalhofer asked that he was out on bail from previous burglaries (FARR there were 10: 3-Troutdale; 4-Gresham; 1-Robbery in Gresham; 5-Multnomah County)...Thalhofer: he was apprehended on those and out on bail and apprehended again today on another one? Thalhofer was very concerned with repeated offenders being released. He wanted to see bail

set at a high enough figure that they aren't released back onto the street. He felt that the Council should take whatever action necessary to stop these type of occurrences from continuing.

Burgin stated that the County provides our jail services. He asked if there was something legally that could be done, at Council level, to require the services that the City doesn't provide?

Jennings stated that a decision has to be made as to 'who gets out' due to overcrowded jail conditions. Burgin stated that he didn't care what their problems were, they (the County) has to meet City requirements, which are to serve us.

Jennings stated that the City would have to bring some sort of action against the Sheriff, in the form of a Writ of Mandamus requiring that he hold, in jail, those people that are repeat offenders.

Burgin wanted to pursue and discover what options there might be available in order to take action. Jennings stated that there is a legal form of action that one could take.

Farr stated that the more than come in the front door, the more they have to let out the back door to house the most severe criminals, according to the matrix system that they have.

Jennings brought up a court case that had gone to trial in Municipal Court today's date. He wanted as part of his report to Council that Officer Sweeney (a Beach Patrol Officer -- now a Reserve Officer) had done a marvelous job as the prosecuting witness. He complimented the City on the type of police officer that was hired and stated that Farr and the other training staff had done an extremely good job. He performed as a seasoned veteran.

Thalhofer stated that the State of Washington and the State of Oregon have some type of agreement to take some of the overflow that we have. Washington has excess jail space. If some of the State criminals were removed from the County jails, we might have more room for County prisoners and local prisoners.

Thalhofer wanted to pass a resolution immediately, requesting the County Sheriff (of Multnomah County, the corrections chief); the District Attorney's Office; the District Court/Circuit Court asking for some help to keep this man on jail...He looked to Jennings for what is legal?

Jennings stated that he was uncomfortable having the Council specify that a particular individual be held in jail, acting as a political body to do so. He felt that looking into legal methods to approach either the Sheriff or the correctional system to see what can be done to force holding prisoners for a longer period of time. The message would be just as well taken by that body.

Thalhofer felt that the Council has a duty to get these types out of circulation. He felt a duty to at least pass a resolution along the

lines of Jennings suggestion. Targeting repeat offenders is the main issue. Thalhofer stated that he didn't just want more talk, he wanted to do something now.

Jennings asked Council to table this item to the first meeting in October which would allow Jennings to gather the information needed to determine the proper wording for a resolution.

MOTION: Thalhofer moved to direct Legal Counsel to draft options for a resolution, or some other appropriate means, to request the appropriate authorities to deal with repeat offenders. Burgin seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

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

Finance: (Tape 4 - 21:08) Gazewood commented on the audit. He stated that the auditors should be completed within 5 days. This is approximately 3 weeks ahead of last year's audit.

Community Services: (Tpe 4 - 21:53) Wilder stated that building activity is continuing to be strong. There was a backlog of permits to be checked and sufficient quantities to suggest that the activity would continue for sometime.

Wilder responded to earlier comments. He had learned to avoid debate over an issue such as the Pit, however, he can say that if there is a task to do, and he is given the task, he will somehow find a way to get it done. He always tried to do that within the guidelines and timeframes that Council sets forth. Due to that, the meeting prior to the dumping taking place, materials were included in the monthly report which brought this issue to Council attention. He did sign the form to get the dumping completed. Before the rules were put in place now, the year before, 82,000 yards were put into the pit; the year after 24,000 yards were put into the pit. Whether it was a combination of the amount of construction debris available, or whether it was the rules -- had we not established the rules, and had the rules in place now -- had the dumping continued at the rate that it is now, there wouldn't have been the complaints tonight, because we would have been done. It isn't an excuse, or a reason. Grading, compaction would have been done properly. However, it would have been done exactly like it was before the rules went into play. The rules are a good thing, and they serve a good purpose. However, Ms. Jensen's comment about me signing the agreement capriciously and arbitrarily is not true.

Christian added that there are no Council rules as in an ordinance. The rules that are established are included in the dumping permit hold harmless agreement that went past the Council several years ago, at the time the sign was put up. There aren't rules as in an ordinance or the Municipal Code that sets specific rules, nor was there ever a resolution adopted. It was a process established to try to get a handle on and control all of the activities at the Pit.

City Attorney: Jennings had nothing further to add. There were no questions from Council.

Executive: Christian reminded Council of the letter from Casterline regarding a meeting scheduled for 9/19/88 at 7:30 -- 9:30 P.M. in the Board Room at Mt. Hood Community College. This meeting regards East County cities and the County police services. All were urged to attend, if possible.

ITEM #13. COUNCIL CONCERNS & INITIATIVES

Burgin - Nothing.

Schmunk - Nothing.

Gault - Wanted to establish a group of concerned citizens, as well as a couple Council members, to sit down and discuss potential amendments that might be made to the existing ordinance to help with livability in their homes and still satisfy the City desire to fill the hole. He felt that a compromise could be reached and return to Council for a possible amendment to the ordinance.

Cox - Felt that it would be a good idea and it should be calendared on a future Council meeting. Christian asked if this would be in the form of a Task Force (short term). Cox said, yes. Then it could come before Council in the way of a recommendation.

Jacobs - Nothing.

Thalhofer - Nothing.

Bui - (Tape 4 - 28:39) Fire District 10 was discussing building a station. He stated that their agenda indicated that they would be going into Executive Session when they discuss the location of that station. They have not communicated with the Fire Task Force at all. He asked if they were delivered, or if they are still expecting them to be picked up? Christian stated that they delivered it. Bui stated that they did send a rescue 49 and according to the agenda one of the items is that they have made the fire engine a rescue fire engine so, they are not running a rescue car, they are using the fire engine as was done years ago with a qualified EMT on the fire truck. 49 and 45 (174th & Division). Not having adequate equipment out here every time there is any kind of alarm, we are backed by Gresham. Bui felt that we were setting ourselves up as fire district by doing that process.

An additional item was that he could understand where Kim Jensen was coming from but, as a Councilperson, we delegate staff to do things...if they aren't doing it right it is up to our City Administrator to report it to our Mayor -- to report it to our Council, and we take care of it. There is a process to go through. Sitting back there and talking about it, without coming forward with any formal complaints, any formal action, any formal recommendations as a result of a complaint doesn't do anybody any good but cause riffs amongst people.

Thalhofer commented on Bui's comments regarding the Fire District Board. He asked if we needed a new Advisory Board, or do we need to ask the Fire District 10 why they aren't listening to the Task Force? Thalhofer thought that maybe as a Council, this issue should be pursued. It was an important issue and he was concerned that the representatives didn't get advised as to what is happening for sure.

Cox stated that maybe a resolution could be done stating that we be included. It is tax measure that would definitely affect us. The new station would definitely affect us, especially with costs.

Burgin stated that the Three City Fire Task Force should develop a plan to involve Troutdale. He stated that it wasn't necessary to move in concert with all three cities. To look at Troutdale as its own entity and look at what is best for our own city. Not to set up our own Fire but to look into contracting with Gresham or set up our own.

Cox stated that in a study done by Fire District 10, this was one of the alternatives to look at.

Burgin didn't feel that we would get action from Fire District 10. There is a division of assets and there won't be any assets left to divide.

Bui then stated that in looking at the division of assets, as we replace equipment, apparatus, et cetera...that apparatus is deduced from that asset to that community which is what is in this document.

Reubal questioned the procedure of going into Executive Session and stated that it is illegal to close out press and public. The other item is what good would it be to pass a resolution? You ought to show up in mass.

Christian stated that the Task Force had directed the City Administrators from Fairview, Wood Village and Troutdale to study and take the information to the Task Force regarding some of the options. She stated that they had found out that they didn't have some of the options of contracting or withdrawing from the district as had been thought. Some of the concerns are legal concerns that will need to be addressed before it is through. She estimated that around the end of October there would be further information.

Christian presented and introduced Leslie Hauer, Development Coordinator for the City of Troutdale. Christian stated that there were several applications for this and the selection committee unanimously selected her over seven other finalists. Christian, Wilder and Dick Cross had interviewed the candidates.

ITEM #14. ADJOURNMENT

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

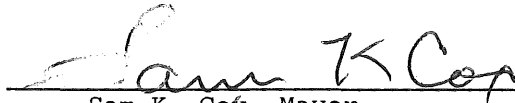
YEAS: 6

NAYS: 0

ABSTAINED: 0

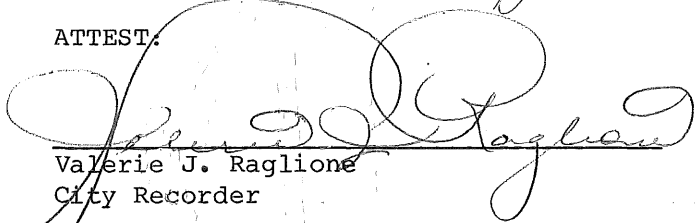
Bui - Yea; Bargin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea;
Thalhofer - Yea

The regular City Council meeting for September 13, 1988 was adjourned
at 9:24 P.M.



Sam K. Cox, Mayor
Dated: September 28, 1988

ATTEST:



Valerie J. Raglione
City Recorder

CC3:10

9/21/88 Wed 15:48:57