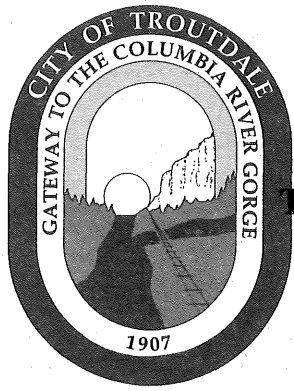


CITY OF TROUTDALE



AGENDA TROUTDALE CITY COUNCIL - REGULAR MEETING COUNCIL CHAMBERS TROUTDALE CITY HALL 104 SE KIBLING AVENUE TROUTDALE, OR 97060-2099

7:00 P.M. -- JUNE 13, 1995

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Business Licenses - Month of May, 1995
 - 2.2 Approve Liquor License - Rainbow's End Cafe Inc.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. ORDINANCE INTRODUCTION: An Ordinance Amending the Troutdale Municipal Code, Chapter 10.12 (Stopping, Standing and Parking), Section 090 (Parking Prohibited - When), and Repealing Sub-Section "A". Sercombe
- (I) 5. ORDINANCE INTRODUCTION: An Ordinance Repealing Chapter 9.40 (Curfew of Minors) of the Troutdale Municipal Code and Adopting a new Chapter of the Troutdale Municipal Code (Curfew of Minors). Berrest
- (A) 6. ORDINANCE INTRODUCTION/ENACTMENT: An Ordinance Accepting Jurisdiction of N.W. Dunbar Avenue (County Road No. 1189), N.E. Harlow Place (County Road No. 1728), and N.E. Graham Road (County Road No. 1380-A) from Multnomah County, and Declaring an Emergency. Galloway
- (I) 7. ORDINANCE INTRODUCTION: An Ordinance Establishing Discharge Limits for Biochemical Oxygen Demand, Total Suspended Solids, and Chlorine; Amending Section 12.07.010 of the Troutdale Municipal Code. Worthington
- (A) 8. RESOLUTION: A Resolution Requesting Transfer of Property from Multnomah County to the City of Troutdale for Pedestrian Access to Columbia Park from the Woodale Subdivision. Faith
- (A) 9. DISCUSSION: Concession Proposal at Community Park. Faith

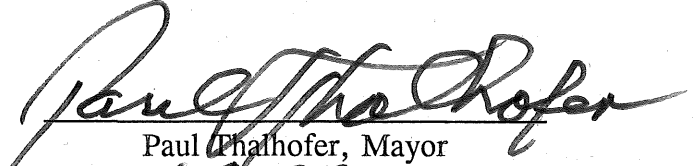
(A) 10. REPORT: A Report Concerning a Proposed Lease Agreement to use the Old Service Station at the Community Park for Retail Business. Faith

(A) 11. DEPARTMENT REPORTS:

11.1	Finance	Gazewood
11.2	Public Safety	Berrest
11.3	Community Development	Faith
11.4	Public Works	Galloway
11.5	City Attorney	Sercombe
11.6	Executive	Christian

(A) 12. COUNCIL CONCERNS AND INITIATIVES

(A) 13. ADJOURNMENT.


Paul Phalhofer, Mayor
Dated: 6-8-95

Minutes
Troutdale City Council Regular Meeting
Troutdale City Hall
Council Chambers
104 SE Kibling Avenue
Troutdale, Oregon 97060-2099

June 13, 1995 - 7:00 P.M.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofers called the meeting to order at 7:00 p.m. and called on Councilor Burger-Kimber to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

PRESENT: Thalhofers, Smith, Ripma, Thompson, Burger-Kimber

STAFF: Berrest, Faith, Galloway, Gazewood, Martinez, Sercombe, Worthington

GUESTS: Loren Little, Betty Jo Little, Mr. & Mrs. Timothy Bonder, Keith Mackie, Robert Kriss, Tasha Brunner, Glenn White, Tamara Gover, Rhonda Rogers.

2. CONSENT AGENDA:

2.1 Business Licenses - Month of May, 1995.

2.2 Approve Liquor License - Rainbow's End Cafe, Inc.

Mayor Thalhofers called this item.

MOTION: Councilor Thompson moved to approve the consent agenda. Councilor Ripma seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Mayor Thalhofers introduced Erik Kvarsten, Troutdale's new City Administrator.

Kvarsten thanked everyone for the opportunity and stated he is looking forward to be part of the team that will help Troutdale to continue to progress.

MOTION: Councilor Thompson moved to approve the appointment by the Mayor of Erik Kvarsten as City Administrator and authorize the Mayor to enter into an employment agreement with Mr. Kvarsten on behalf of the City, which will provide for an initial base salary of \$57,500. with an adjustment to \$60,000. following satisfactory completion of a probationary period of six months and payment of up to \$2,000. moving expenses. The Mayor is delegated authority to complete any needed negotiations on any of the contents of the employment agreement. Councilor Burger-Kimber seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

3. PUBLIC COMMENT

Mayor Thalhoffer called this item.

Betty Jo Little, stated she would like to address Little Lamb Day Care and the Day Cares in the churches in Troutdale. Requesting exemption from Transportation SDC's for Little Lamb Day Care. There is a very big need in Troutdale for this service. Filled out all of the permit applications etc., then learned of the SDC's \$61,400. most of which is for the Transportation SDC. The planning and public works dept. have been able to reduce the fees to about \$41,000, this is still impossible for me to pay. The surrounding cities do not require these fees for existing facilities. Our business will not put any additional impact on our streets, our families are already using the streets to take their children to facilities out side of the city.

Councilor Burger-Kimber suggested that this be placed on the agenda for the next meeting.

Mayor Thalhoffer agreed and asked Galloway if staff could be ready by the next meeting?

Galloway stated that staff could be ready at the next meeting to explain this issue, but if the council wants an in depth study of the Traffic Impact fee and how it is applied would take several months.

Councilor Burger-Kimber stated that she has been working on this and has come up with four scenarios that would reduce the fee. We need to look at how the fee is calculated and get clarification, we should have this on the next agenda.

Councilor Ripma agreed that this should be placed on the agenda, how much is it going to

cost, apart from this fee, to start the business?

Little stated that it will be very little, some updating of the building such as a fire alarm and the rest will be to provide things for the kids, education material etc.

Councilor Ripma asked what is it that Little is asking?

Little stated that she would like to get a delay in paving the parking lot and wave the Traffic Impact fee be waived.

Council discussed this issue.

Sercombe outlined the appeal process for the Council and Little.

Mayor Thalhofer suggested that the best way for Little to handle this would be to appeal the charges and that way it would be placed on the next agenda and the whole issue could be discussed.

Little stated that she would do that.

Mayor Thalhofer directed Galloway to have more information on how the Traffic Impact Fee is applied at the next work session.

Tom McMichael, Advent Lutheran Church, asked that the council address the issue of how the fee relates to day care as a whole, and the burden it puts on this very needed service. We remodeled our facility to provide these services and then learned of the fees, and now it sits empty and will remain that way if we have to pay these fees.

Mayor Thalhofer stated that the council will be addressing this issue Monday night at the next work session and informed McMichael that he is welcome to appeal the fees also.

4. ORDINANCE INTRODUCTION: An Ordinance Amending the Troutdale Municipal Code, Chapter 10.12 (Stopping, Standing and Parking), Section 090 (Parking Prohibited - When), and Repealing Sub-Section "A"

Mayor Thalhofer called this item, recessed the council meeting and opened the public hearings at 7:46 p.m.

Sercombe stated that at the last meeting council discussed this issue and directed staff to prepare a ordinance to repeal the prohibition of displaying a vehicle for sale, if this ordinance is passed it would be legal to park a vehicle on the street for the sole purpose of displaying the vehicle for sale.

Councilor Ripma asked if there have been any complaints?

Chief Berrest stated that there have been numerous complaints, but we were asked not to enforce that section of the code because there was some concern regarding the issue of free speech.

Sercombe stated that there is an issue of free speech but the case law is not very clear in this area.

Mayor Thalhofler closed the public hearing and reconvened the council meeting at 7:51 p.m.

Councilor Thompson stated that he felt that it would be a mistake to repeal the ordinance because it is not obeyed, this would allow cars to be placed all over the city with for sale signs. We should at least give warnings.

5. ORDINANCE INTRODUCTION: An Ordinance Amending the Troutdale Municipal Code, Chapter 9.40 (Curfew of Minors) of the Troutdale Municipal Code and Adopting a new Chapter of the Troutdale Municipal Code (Curfew of Minors).

Mayor Thalhofler called this item, recessed the council meeting and opened the public hearing at 7:53 p.m.

Berrest stated that this ordinance would bring our curfew in line with the surrounding jurisdictions. Minors would be restricted between 11:00 p.m. and 6:00 a.m. The Troutdale Police Dept. recommends you adopt this ordinance.

Councilor Ripma asked if the parent or guardian is held responsible?

Berrest stated at some point they can be made responsible.

Mayor Thalhofler closed the public hearing and reconvened the council meeting at 8:00 p.m.

Councilor Burger-Kimber asked if this should include something about the park hours?

Sercombe stated probably not, this is related directly to minors, it may be appropriate in another part of the code.

6. ORDINANCE/INTRODUCTION/ENACTMENT: An Ordinance Accepting Jurisdiction of N.W. Dunbar Avenue (County Road No. 1189), N.E. Harlow Place (County Road No. 1728), and N.E. Graham Road (County Road No. 1380-A) from Multnomah County, and Declaring an Emergency.

Mayor Thalhoffer called this item, recessed the council meeting and opened the public hearing at 8:11 p.m.

Galloway stated in December, 1993 the jurisdictions began meetings to discuss the issues of road jurisdiction and road transfers and a number of related issues. Out of the meetings came and agreement that the County should have responsibility for a network of roads that meet certain regional transportation objectives and the remaining roads should belong to the local jurisdictions. The three roads in question fit into the later category. The formal agreement was adopted by the council in January, 1995. The county is now ready to transfer these roads to the city. The county will also transfer on an annual basis a sum of \$5,600. which will be adjusted with inflation rates, to assist the city with the added responsibility of these roads. We have included an emergency clause to have this take effect prior to July 1, 1995.

Sercombe stated that the words "Public Hearing" are not on the agenda so to be safe he would recommend having another public hearing at the next meeting which would still allow this ordinance to take effect before July 1, 1995.

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 8:11 p.m.

7. **ORDINANCE INTRODUCTION: An Ordinance Establishing Discharge Limits for Biochemical Oxygen Demand, Total Suspended Solids, and Chlorine; Amending Section 12.07.010 of the Troutdale Municipal Code.**

Mayor Thalhoffer call this item, recessed the council meeting and opened the public hearing at 8:13 p.m.

Worthington stated the ordinance before you tonight would establish sewage discharge limits on Biochemical Oxygen Demand, Total Suspended Solids, and Chlorine. Part of the CH2M Hill study of the treatment plant recommended that we adopt such limits to prolong the capacity of the plant. In April we took action on limiting FOG's which they also recommended. Three significant users were identified, Waste Water Mgt., McMenamins Edgefield Brewery, and Burns Brothers Truck Stop, I did notify them that this would be on the agenda this evening. If adopted this would impose limits on a city wide basis through the discharge permit program, WW MGT is the only one currently on the program, over the past several months they have been in compliance with the proposed limits. The brewery is attempting to comply, and they more than likely will be the next to be issued a permit. Burns Bros. are being monitored and are taking steps be in compliance. Staff believes that these limits are fair and necessary therefore staff recommends adoption.

Councilor Ripma asked if the permit program applies to all of the businesses or just those three?

Worthington stated that those three are the only significant users at this time there will

probably be more in the future, but it is a city wide program. This will amend the Pre-treatment Ordinance by changing the limits.

Councilor Ripma asked if it was appropriate to have the specific businesses listed in the preamble of the ordinance?

Sercombe stated that it is fine to have them in the ordinance, it has no effect.

Councilor Burger-Kimber asked if was appropriate to address the monitoring in the ordinance, shouldn't that be included?

Councilor Thompson stated that he felt it should not be in the Ordinance because it would be to limiting, the staff needs the flexibility to monitor how they see fit.

Worthington stated that there is language in the Pre-treatment Ordinance that speaks about monitoring.

Keith Mackie, McMenamins representative, voiced concerns on monitoring and what are the exact standards that are to be set and is everyone going to have to meet the same standards. McMenamins does discharge waste that is in excess of the 250 BOD, but there are times when a house discharges waste in excess. We would like it to be clear as to what exactly we have to do, and what is going to happen in the future. The limits you have set are some of the strictest in the Oregon. How many gallons per day are we allowed, Portland wouldn't even look at us at 1,500. gallons per day. What size do you make this effective at, what about the house that goes over. Just because these three business discharge a large gallonage we are looked at, what about those business that have a high concentration but not gallonage.

Council discussed this issue.

Councilor Burger-Kimber expressed concerns regarding selecting certain business for compliance.

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 9:06 p.m.

Councilor Ripma stated that he does not see the selective enforcement concern. Favor ordinance to protect the plant we will be faced with a major investment very soon, the pupose of this is to try to stretch the life of the plant.

Councilor Thompson stated that this is for the good of the entire city. McMenamins has been a very good neighbor but there is no question that they are not one of the biggest contributors to this problem, if there is evidence otherwise than it should be presented at the next meeting.

Mayor Thalhoffer stated that this has to be done, but it needs to be enforced uniformly.

Mayor Thalhoffer called for a break at 9:14 p.m. and reconvened the meeting at 9:24 p.m.

Sercombe stated that during the break he spoke with Councilor Smith and she has asked him to declare on her behalf a conflict of interest, she is employed by Burns Bros.

8. RESOLUTION: A resolution Requesting Transfer of Property form Multnomah County to the City of Troutdale for Pedestrian Access to Columbia Park form the Woodale Subdivision.

Mayor Thalhoffer called this item.

Faith stated that each year Multnomah County processes properties that are going through a property tax foreclosure and in the course of that and in concert with the metro greenspaces program the county identifies parcels which have potential for public acquisition. This year the county has identified a couple of parcels within the city of Troutdale. The two parcels provide pedestrian access from the Woodale neighborhood to Columbia Park. When we took possession of the park several years ago we believed that these parcels were included, therefor we have been providing maintenance on these parcels. To make it official we recommend adoption of this resolution.

MOTION: Councilor Ripma moved to approve this resolution. Councilor Thompson seconded the motion.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

9. DISCUSSION: Concession Proposal at Community Park.

Mayor Thalhoffer called this item

Gene Fulop stated we have submitted a proposal to lease the old service station and eventually converting it to a restaurant. We would pay for all maintenance, material and labor. We are willing to pay \$100.00 per month for ten years with an option for a second ten years at a higher rate to be negotiated. During the period prior to the completion we would like to start concession trailer or stand in the lot. One of the first things we would be doing is to build a large deck which would provide an area for costumers. Hours of operation would be from 9:00 a.m. to 9:00 p.m. We are also thinking about putting in a small miniature golf course. We would like to start on this as soon as possible.

Councilor Burger-Kimber stated that there are two separate items being considered #9 and #10.

Fulop stated that if they cannot get a lease on the station then they don't want to do the concession stand.

Mayor Thalhoffer stated that it would be easier to deal with #9 first and then if Fulop is not satisfied with #10 he could withdraw from doing either.

Mayor Thalhoffer raised concerns regarding no RFP as in the past, and in the agreement it is exclusive.

Faith stated that the RFP concern is a good point, the last time, in 1987, there was an RFP and the city received a number of proposals to choose from and in selecting one they did choose to make it exclusive.

Fulop stated that they are asking for it to be exclusive because of the lease option, it will help them raise money to do the remodeling.

Councilor Ripma asked how long they would be operating out of a trailer?

Fulop stated a month or two, we would like to start remodeling immediately.

Councilor Ripma asked how much it would cost to do the remodeling?

David Fulop stated it would cost \$25,000. to \$30,000.

Councilor Ripma asked what the city's estimate was?

Faith stated that the 1992 proposed lease showed an estimate of \$40,000., it could be \$40,000. to \$50,000 now to bring it up to code, the list of repairs is in your packet, there are no cost figures related to each.

David Fulop stated that the difference is because he would be providing his own labor, and with my experience as a general contractor that is my estimate, the city's estimate may be including labor.

Councilor Ripma raised concerns with the proper permits needed to have a concession trailer on the property, and other things like water, sewer, etc.

Faith stated that he has researched the code and he is of the opinion that the trailer could be considered an accessory use to the park. It will just have to be approved by the council then a business license could be issued and the food handlers permit through the state or county.

There are restrooms at the park.

Councilor Thompson asked if SDC's would be required?

Faith stated that when the service station is converted than there certainly will be but not sure about the trailer. An estimate on the Transportation SDC alone would be \$90,000. to \$100,000.

Councilor Burger-Kimber stated they are going to run into the same problems as the Little Lamb day care, parking lot, SDC's, etc.

Mayor Thalhoffer stated that he felt there is not enough information to address this issue.

Councilor Burger-Kimber stated that they need a business plan so that the council and the Fulops' could see what it is actually going to cost.

Councilor Ripma stated that he would like to see some plans before acting on the lease, but might be able to act on the concession trailer.

Fulop sated that they would be willing to do the concession stand and continue to work on the lease.

Burger-Kimber stated that she would be willing to work on the business plan with the Fulops'.

Council discussed concerns over SDC's, Exclusive Rights, and no RFP.

Mayor Thalhoffer raised concerns that this has not gone to the P.A.C and follow all of the procedures.

Faith stated that would be his recommendation but I do understand the urgency, so if the council wishes us to grant a concession license then I ask that it be subject to the inclusion of the provisions outlined in the staff report.

Councilor Burger-Kimber stated this is a good way to monitor the success to see if they want to go any further, would favor it being exclusive.

MOTION: Councilor Ripma moved to instruct staff to grant a concession to the Fulops for the City Park through December 31, 1995 to include the terms recommended by staff in the report, items 1 - 15, and authorize the Mayor to enter into the agreement when finalized. Councilor Thompson seconded the motion.

Mayor Thalhofer stated that he would favor following the P.A.C. procedure.

Councilor Burger-Kimber stated that the P.A.C. has their hands full dealing with the Columbia Park and Sunrise Park issues, I don't believe they will have time to address this at their next meeting.

Councilor Ripma stated that he favored going ahead tonight there is only one applicant so what is the P.A.C. going to do, we asked the questions that the P.A.C developed.

Councilor Thompson stated that if this business is going to have any success at all then it needs to get started as soon as possible.

YEAS: 4
NAYS: 1 (Thalhofer)
ABSTAINED: 0

Mayor Thalhofer asked if it would be a conflict for Councilor Burger-Kimber to assist with the Fulop's business plan and then address it at a later date as a councilor.

Sercombe stated only if she does it as a business, if she is compensated.

10. REPORT: A Report Concerning a Proposed Lease Agreement of use the Old Service Station at the Community Park for Retail Business.

Mayor Thalhofer called this item.

Glenn White, 1225 E. Historical Columbia River Hwy., stated that something does need to be done with the building. I don't think a concessionaire is the answer. It should be used for what it is doing now, overflow parking, it is a public building. There is a good concession spot already in the park, there is a full kitchen that rarely gets used. It would be more for the people who are in the park, not those just passing by on the road. It is unfair to give this business a \$100.00 rental when all the other businesses pay the going rate. It would be fairer to have a farmers market type of thing so that everybody could use it, it is a public building it should be for public use.

Councilor Ripma asked are you against it becoming a restaurant?

White stated that it is being used as a parking lot so that is what is needed.

Councilor Ripma stated that this project will go through the whole process before any decisions are made.

11. DEPARTMENT REPORTS:

Mayor Thalsofer called this item.

Gazedwood drew attention to his monthly report regarding property taxes in relation to the budget.

Berrest pointed out increases in calls for service and arrest rate.

Councilor Burger-Kimber commended the Police Department for traveling less miles but writing more tickets.

Berrest introduced Sgt. Pat Newton who will be attending the next meeting for him.

Faith stated that the sign code enforcement day was a big success due to the combined efforts of the Community Development Department and the Public Works Department.

Councilor Burger-Kimber suggested a curtesy call next time to let the people know where they can pick-up their signs.

Galloway reminded the council of the worksession on Monday at 7:00 p.m. to discuss traffic congestion on Frontage Rd.

Galloway asked for direction on the possibility of being asked to provide sweeping of a parking lot at Burns Bros. for a benefit like last year for the Special Olympics. Last year we went ahead and did it because of time constraints and council was going to develop a policy on this type of issue, but do to workload this has not happened. This is the last meeting before the event so just incase I am asked I am seeking your direction.

Mayor Thalsofer asked if staff had any options or recommendations for the council to consider?

Galloway stated he would prefer not to do it for the same reasons as last year, two reasons, the loss of man power for about 11/2 and the equipment, and the other is the appearance that it may create for the people who drive by and see the equipment on private property won't know that it is for special activity with the council's permission.

Council discussed this issue.

Mayor Thalsofer polled the council on this issue.

Smith -	Abstained
Ripma -	No
Thompson -	No

Burger-Kimber - Yes
Thalhofer - No

Mayor Thalhofer stated that this issue will be put on the Work Session list.

Sercombe stated that he has been working on two issues, Non-Profit regulations for soliciting and the Public Contracting Ordinance.

12. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhofer called this item.

There were none.

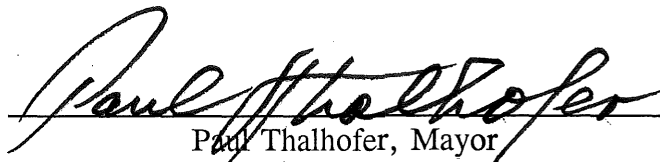
13. ADJOURNMENT

Mayor Thalhofer called this item.

MOTION: Councilor Ripma moved to adjourn. Councilor Thompson seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Mayor Thalhofer adjourned the meeting at 11:05 P.M.


Paul Thalhofer, Mayor

Dated: 9-27-95

ATTEST:


George Martinez, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

JUNE 13, 1995

◆◆◆REGULAR CITY COUNCIL MEETING◆◆◆

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Feich	" "	" "
Mark Berrest	" " Police	665-5175
Bob Cozewood	City Hall	✓ ✓
Liam Little	503 SW 9th Cir	666-5496
Mr & Mrs. Timothy W. Barber	1071 SE Kane Dr. #10. Washou	667-6312
Beth Little	903 SW 9th Cir. Talle	666-5496
KEITH MACKIE	2616 SW. Halsay Talle	669-8610
ROBERT KRISZ	W W M I	661-7559
Tasha Brummer	17930 SE Main Seaside	760-1951
Glenn White	1225 E. Historic Col. Bldg. Hwy	669-9759
Daryl Worthington	City Hall	665-5175
Tamara Gover	1302 S Troutdale Rd	665-7760
Rhonda Rogers	1244 SE BEAVERCR LANE	669-2934