

CITY OF TROUTDALE

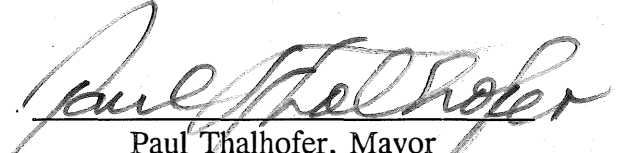
AGENDA

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

7:00 P.M. -- August 22, 1995

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept Minutes - Regular Sessions - 4/25, & 5/9/95
2.2 RESOLUTION: A Resolution Authorizing the Mayor to Enter into an Intergovernmental Agreement with Multnomah County for FY 1995-96 Community Development Block Grant Funds. Galloway
2.3 RESOLUTION: A Resolution Authorizing the Award of a Construction Contract for the 19th Place Sewer Main. Galloway
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (I) 4. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Adjusting the Utility Billing Procedures, Establishing a Utility Bill Late Fee, and Amending Chapters 12.03 and 12.04 of the Troutdale Municipal Code. Galloway
- (I) 5. PRESENTATION: Downtown Task Force Report. Don Curtis
- (A) 6. DISCUSSION: Columbia Park Master Plan. Lantz
- (A) 7. DISCUSSION: Transportation Impact Fee Refunds. Galloway
- (A) 8. RESOLUTION: A Resolution Authorizing the City to Enter into an Intergovernmental Agreement with METRO for Natural Area Acquisition and Development Funds from METRO Bond. Lantz
- (A) 9. RESOLUTION: A Resolution of the City of Troutdale, Oregon, Authorizing the Issuance and Negotiated Sale of General Obligation Refunding Improvement Bonds, Series 1995. Gazewood
- (A) 10. RESOLUTION: A Resolution Providing for Budget Transfers and Making Appropriation Changes for Fiscal Year 1995-96. Gazewood

- (I) 11. COUNCIL CONCERNS AND INITIATIVES.
- (A) 12. ADJOURNMENT.


Paul Thalhofer, Mayor
Dated: 8-17-95

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

August 22, - 7:00 P.M.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhoffer called the meeting to order at 7:00 p.m. and called on Councilor Thompson to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

PRESENT: Thalhoffer, Smith, Ripma (7:28), Thompson, Kight, Lloyd, Burger-Kimber

STAFF: Berrest, Faith, Galloway, Gazewood, Kvarsten, Lantz, Martinez, Sercombe

GUESTS: Don Curtis, Ali Peret, David Ulbricht, Lynn Hall, Hugh Hall, Gwen Levison, Al Levison, Rob Montgomery, Don McGinnis, Jim Delanty, Leslie Daoust, Greg Handy

2. CONSENT AGENDA:

2.1 Accept Minutes - Regular Sessions 4/25 & 5/9/95

2.2 **RESOLUTION:** A Resolution Authorizing the Mayor to Enter into an Intergovernmental Agreement with Multnomah County for FY 1995-96 Community Development Block Grant Funds.

2.3 **RESOLUTION:** A Resolution Authorizing the Award of a Construction Contract for the 19th Place Sewer Main.

Mayor Thalhoffer called this item and read the consent agenda.

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

YEAS: 6

NAYS: 0
ABSTAINED: 0

3. PUBLIC COMMENT

Mayor Thalhoffer called this item.

Chief Berrest and Officer Fulton made a video presentation on Ballot Measure 11 and the ramifications of the measure.

Mayor Thalhoffer stated that the measure will have some very serious impacts on the youth.

4. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Adjusting the Utility Billing Procedures, Establishing a Utility Bill Late Fee, and Amending Chapters 12.03 and 12.04 of the Troutdale Municipal Code.

Mayor Thalhoffer called this item, recessed the council meeting and opened the public hearing at 7:21 p.m.

Galloway stated that this will adjust the utility billing procedures and establish a utility bill late fee. Until about a year and a half ago delinquent accounts were allowed about 75 days before shut off, at that time it was changed to roughly 30 days. This has not had the desired effect and has in fact created a burden on the finance and public works depts. At times there were up to 600 delinquent notices that had to go out, the finance dept made some adjustments and it has since gone down to around 150 with about 15 - 20 shut offs per month. The changes we are proposing would do two things, first it would re-establish the longer period of about 75 days before a delinquent account faces shut off. Secondly it is trying to accomplish what we had set out to do before by establishing a late fee for those who are more than 45 days late on paying their utility bill, the late fee amount will be established at a later date by resolution when we update the fees and charges.

Councilor Kight asked is it correct that there is currently 45 days before shut off?

Galloway stated yes, there is the 30 day period and then if it is not paid at that time a 15 day notice is given and then shut off may occur if it is not paid.

Don McGinnis, 151 SW 257th, stated I pay my bills every month on the first and every month the city sends me a late notice. I have never had my water shut off because I always pay my bill. I contacted the city but they said it is in the computer and it is automatic. The meters are read on the 30th & 31st and we get the bill on the 10th, I will always pay the bill but I don't need the late notice the city could save the postage some how.

Councilor Burger-Kimber asked how he felt about the late fee?

McGinnis stated that it will not effect him.

Councilor Burger-Kimber stated that there was one before but it was repealed because of problems.

Gazewood stated that the meters are read the 24th - 26th by a contractor and we receive the information and send out the bills around the 5th - 7th. We found that we were createing a new type of delinquency, people who would get their bills for July would be come delinquent as of the 30th of August, these are good rate payers, they look at it as a bill they will pay with the next months processing.

Gazewood distributed charts that he said showed what they did to the citizens of Troutdale. It tripled the shut offs that actually happened from Feb. 94 to Mar. 94, it shot the delinquent notice from the 150 range where they have historically been, up to about 600. Then there was a reminder notices that happened about the 20th that was a irritation also. We had a \$10.00 limit that put the customer on the delinquent register and I told my staff to change that to \$35.00 so it took all of those good customers off, it was an administrative action that had to be taken at that time to solve a lot of ill feelings that were being generated out there in the public.

Councilor Burger-Kimber asked if other jurisdictions charge a late fee?

Gazewood stated that some go as far as charging an additional interest rate on the late fee, like Gresham, I am not sure about others.

Councilor Burger-Kimber asked if there is a due date on the water bill?

Gazewood stated yes.

Councilor Burger-Kimber stated she does not remember it being on there.

Gazewood stated it's not on the actual bill.

Councilor Burger-Kimber suggested putting the due date on the bill.

Gazewood stated that there is some space on the bill and it could be added.

Mayor Thalsofer closed the public hearing and reconvened the council meeting at 7:40 p.m.

Councilor Burger-Kimber stated there are two issues, changing the late date, and adding a late fee, and when we vote on this issue I would like to vote on them separately. I support

the change on the date but not a late fee.

Councilor Lloyd stated that the fee will be set in the Fees and Charges Resolution that will be addressed later and until that time the late fee would be zero, we could address it then.

5. PRESENTATION: Downtown Task Force Report.

Mayor Thalhoffer called this item.

Don Curtis, Chairman, and All Peret, Greg Handy, and Troy Jenkins, Task Force Members, thanked the staff for their help on this project and outlined the recommendations in the report, 1) Expand Sub-area A (Central Area) of the Central Business District, 2) Amend the use table for the Central Business District (Section 3.131 of the TDC), 3) No Improvements to SW Kendall Ave. and SW 2nd Street (West of Buxton Ave.), 4) Action Plan Implementation - a) Public Acquisition and Redevelopment of Selected Private Properties, b) Hire a Downtown Development Coordinator, c) Other Implementation Actions.

Councilor Lloyd asked what the feeling was for not allowing the Factory Outlet Stores in any of the sub-areas?

Faith stated that the specific mention of Factory Outlet Stores was taken out because it is covered under retail stores.

Councilor Kight asked if the group addressed a architectural theme was discussed?

Peret stated that they discussed uniformity but not a specific theme.

Council discussed the Livable Oregon Organization.

Faith stated that Livable Oregon would be used later in the process.

Councilor Burger-Kimber asked if the Task Force addressed the issue of an Enterprise Zone, where there could be reduced fees to encourage development?

Handy stated that it did come up but the Task Force did not feel that it was what they should be addressing.

Mayor Thalhoffer thanked the Task Force and stated that the council should accept the report and direct the staff to come back to council with an implementation plan. Accepting the report does not mean that any action will be taken on any of the items or that we agree with the report, that will come later in the implementation plan.

MOTION: Councilor Burger-Kimber moved to accept the report. Councilor Lloyd

seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

6. DISCUSSION: Columbia Park Master Plan.

Mayor Thalhoffer called this item.

Lantz outlined a hand out that was given to the council from the consultant that addressed the concerns, of the public and council, from the previous meetings on this issue.

Councilor Kight asked approximately how much will the improvements cost?

Lantz stated that it is estimated at \$800,000., it will obviously be done in phases with the restrooms and ball fields being the first priority. The next step will be the design issues of the buildings and the other aspects of the park, the consultant is aware that the restrooms are a high priority.

Councilor Kight asked when the designs will be ready?

Lantz stated the consultant has estimated mid-September.

Councilor Kight asked if the \$800,000 included future development on the West side?

Lantz stated it did not.

Councilor Kight stated that it looks like there is quite a short fall in the budget to address all of the improvements to the parks that are planned.

Lantz stated that the Parks Plan will be addressing the issue of revenue.

Councilor Burger-Kimber asked about the security lighting?

Lantz stated that would be addressed in the design phase.

MOTION: Councilor Burger-Kimber moved to accept the plan. Councilor Kight seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalhoffer called for a break at 8:36 p.m. and reconvened the meeting at 8:48 p.m.

7. DISCUSSION: Transportation Impact Fee Refunds.

Mayor Thalhoffer called this item.

Lynn Hall, Lynwood Homes, we have been building in Troutdale for 8 years, this is a nice community and want to keep it that way with affordable quality housing. Along with other builders we are building in Cherry Ridge, all phases so far. We have seen increases in the permits since we started. We have to permits that were issued in 1995 that have a traffic impact fee added and in both of those cases we absorbed those fees and they were not passed on to the home owners. In both these cases they were speculation homes, which means you get your plan and take it to the construction lender with your hard costs and soft costs, they draw an appraisal based on homes that were sold in the six months previous, costs are very important, your permits are considered a soft cost and in most cases the builders will make the estimates on what was past. We had no notification that they were going to add a traffic impact fee and in no case have we ever been notified of any increases. We were not notified that the TIF was going to be dropped, refunds were going to be given, etc. Prior to getting a lot you have to have the construction loan in place, you get your lot when you take the plans into the city for check and pay the fees, and that is when we find out about the TIF, so we absorb it. Based on the fact that there has been lack of notice by the city of the added fee, the fact that it was going to be dropped, or that there was going to be refunds, we found out that there were going to be refunds by word of mouth and that there have already been refunds made, it is my recommendation that the party that paid the fee should be getting the refund, and as a further recommendation the city should notify a builder of added fees so that we can adjust our costs.

Councilor Kight agreed that there should be notice, is the price fixed when you go to get your loan?

Hall stated yes.

Councilor Kight asked what happens when you have a raise in the price in lumber?

Hall stated that we have to go to the suppliers and get estimates.

Councilor Kight asked if you could add the increase to the final cost before it is sold?

Hall stated no, because it is listed when we set the price for the loan.

Councilor Kight asked if you decided to switch the type of siding you had planed to use on the house because of quality, and the new siding is twice as expensive you are saying that you would not increase the cost of the house?

Hall stated that is not the issue this evening.

Councilor Lloyd stated that you say you absorbed the fee and I will believe you, but there are probably other builders who passed the fee on, are you saying that the money should go to the builders even though some may have passed it on, that is our problem, how should we handle this?

Hall stated that based on the fact that we were not notified.

Councilor Lloyd stated that is not going to fly, we did all of the public notice requirements, the home owner association was out here and argued about it.

Hall stated that we did not know until we walked in the door that there is a new fee.

Councilor Lloyd asked are you saying that we should give all back to the builders even though some may have passed it on?

Hall stated yes.

Councilor Ripma stated that there is another option, the money was originally collected for regional road improvements and we could turn it over to the county, we have not refunded any yet.

Hall stated yes you have.

Gazewood stated yes there has been refunds.

Councilor Ripma stated that he is operating under the impression that no refunds have been made, do you favor the money going to the county?

Hall stated we were not properly notified and the fees have been going up and up, we are a small home builder, the refund should go back to the builders.

Council discussed notification.

Mayor Thalhofer asked if there have been any refunds given.

Gazewood stated that it seems to him that somewhere around the July 10th or 12th range. There were two check requests processed through for refund, I don't recall the exact amount, I believe it was the same builder, It was processed through, who say it, I can't speak to who the signees were.

Gwen Levison, Dar-Mar Construction, we feel the person who paid the fees should be the

person who receives the refund, just like an over charge on a lumber bill, or windows, they would not seek out the home owner. There is a lot of competition out there, so raising the price is not good, so if you have to absorb some of the increases than you have to, they are not all passed along. Permits have went from \$3,000. to \$7,000. from January 93 to January 95, we can't pass all of this on. Appraisers don't look at the cost of permits, they look at square footage. I feel the refunds should be given to the person who paid it. The president has been set, two have been refunded to one builder.

Councilor Ripma stated that the builder was the record owner at the time of the refund.

Councilor Kight stated that he would recommend a split, 50-50, builder and property owner, nobody will be happy, but I think this is the fairest way to handle this.

Councilor Ripma stated that he did not want to see the council flip flop, this has not been the council at it's best. This is like a windfall to whoever gets it. Everyone is not here, we are hearing one side. If not to the owner of record than to the county for the projects it was originally collected.

Councilor Burger-Kimber stated that regardless of who gets the refund I see the underlying problem here is with the initial writing of the ordinance. There was a policy decision to be made in writing of the ordinance. Maybe there was some assumption by who ever wrote the ordinance to make that policy decision and see how it flies with the council. In the future if there is a situation where there is some sensitivity with regard to the ordinance, that is policy decision, it should be addressed to the council with options, and we have had that done in the past with ordinances. We would have saved a lot of time and energy in this process if this would have been done when this ordinance was submitted.

Mayor Thalhofer stated that will happen in the future.

Councilor Burger-Kimber stated that she would agree with Councilor Kight's proposal.

Mayor Thalhofer stated he would favor Councilor Kight's proposal.

MOTION: Councilor Kight moved to repeal Section 9 of Resolution 1188, and replace it with wording to the effect that half of the refund would go to the owner of record on July 13, 1995 and the other half to the party who paid the fee. Councilor Burger-Kimber seconded the motion.

Councilor Ripma stated that he strongly opposed taking action on this tonight, we should not be making adjustments like this, writing it as we go, with out notifying those who were originally going to get the refund and give them a chance to speak.

MOTION: Councilor Ripma moved to table. - NO SECOND

Councilor Ripma asked if the present resolution amounts to a contractual agreement with the home owners of record.

Sercombe stated that it would be his opinion that it would not.

Councilor Thompson stated that he agrees with Councilor Ripma everyone involved should be notified and given a chance to testify.

Councilor Lloyd stated that he must of been absent the night this resolution was passed, I have always believed it should have been given to the party that paid it, having more testimony will just cloud the issue and we will just end up with Councilor Kight's suggestion.

MOTION: Councilor Ripma moved to postpone this agenda item until the next meeting and give notice to all parties affected. Councilor Thompson seconded the motion.

YEAS: 4
NAYS: 3 (Kight, Lloyd, Burger-Kimber)
ABSTAINED: 0

Councilor Lloyd asked why there was no debate allowed on the motion.

MOTION: Councilor Ripma moved to reconsider the last motion. Councilor Kight seconded the motion.

Councilor Lloyd stated that if we wait there will just be more testimony to cloud the issue, there are probably 4 votes here for the 50 - 50 split, it was on the agenda for tonight and they did not show up.

Councilor Ripma stated that he would hold to the Troutdale tradition to hear all sides.

Councilor Burger-Kimber stated that she agrees with Councilor Lloyd. Would like to hear why Councilor Smith voted the way she did.

Councilor Thompson stated that she is not required to explain her vote.

Councilor Smith stated she would like to hear both sides.

Councilor Ripma stated that he will probably go with Councilor Kight's recommendation but would like to hear all sides.

Councilor Thompson agreed with Councilor Ripma.

Councilor Kight stated that the property owner is not going to have any proof that they paid the fee. The builder is the only one that has a receipt.

YEAS: 3
NAYS: (Thalhofer, Smith, Ripma, Thompson)
ABSTAINED: 0

An audience member asked when the refunds would be given to those who paid the fee and are also the owner of record?

Gazewood stated that there is a meeting scheduled for September 5, 1995 at 7:00 p.m. to adopt a supplemental budget, this has to be done before any refunds can be made. The refunds that were given should not have been done.

Councilor Ripma asked that all parties be notified.

8. RESOLUTION: A Resolution Authorizing the City to Enter into an Intergovernmental Agreement with METRO for Natural Area Acquisition and Development Funds from METRO Bond.

Mayor Thalhofer called this item.

Lantz outlined the agreement and stated that it is a draft at this time the final will be arriving soon, there are no major changes.

MOTION: Councilor Ripma moved to adopt the resolution with the final paragraph reading "an intergovernmental agreement" not "this intergovernmental agreement". Councilor Kight seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

9. RESOLUTION: A Resolution of the City of Troutdale, Oregon, Authorizing the Issuance and Negotiated Sale of General Obligation Refunding Improvement Bonds, Series 1995.

Mayor Thalhofer called this item.

Gazewood introduced David Ulbricht, of Strand, Atkinson, & York, and stated they are the city's underwriters on this issue. This will restructure the debt to be more in line with the remaining assessment contracts that we have outstanding with property owners.

Council discussed this issue.

MOTION: Councilor Thompson moved to adopt the resolution. Councilor Kight seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

10. RESOLUTION: A Resolution Providing for Budget Transfers and Making Appropriation Changes for Fiscal Year 1995-96.

Mayor Thalhofler called this item.

Gazewood stated that this will budget transfers from the general fund contingency account to the parks and facilities fund in the amount \$15,920.00.

MOTION: Councilor Ripma moved to accept the resolution. Councilor Kight seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalhofler stated that there is a home owner present who wanted to comment regarding the TIF refunds.

Jim Delanty, 2126 Cerise Way, stated the reason he wanted to speak now rather than later is that his builder was here and did not want to argue with them. When I bought my house, I looked at one but did not like the lot, so later I got the same house on another lot, same builder, same exact house but \$500.00 higher, when I asked they said the permits were higher. Next meeting may cause hard feelings between home owners and builders who carry their warranty. Refunds should go to the owners, they are part of the community, not just here to do business.

11. COUNCIL CONCERNS AND INITIATIVES:

Mayor Thalhofler called this item.

Councilor Smith asked for an update on bus service to Frontage Rd.

Galloway stated that they would be willing to re-route two of the three lines that serve down town Troutdale, lines 80 & 81 will be changed and 24 will not be changed. Mayor Thalhofler

was not satisfied with that response and has asked staff to follow up, we have sent a letter and have heard nothing back yet.


12. ADJOURNMENT:

Mayor Thalhoffer called this item.

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

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalhoffer adjourned the meeting at 10:58 P.M.


Paul Thalhoffer, Mayor

Dated: November 15, 1995

ATTEST:


George Martinez, City Recorder

Regular Council 8-22-95

PLEASE COMPLETE THE FOLLOWING

NAME	ADDRESS	PHONE #
Tim Galloway	City Hall	665-5175
Rich Fair	City Hall	" "
Mark Berrest	City Hall Police	665-5175
Don Curtin	1440 SW 12 th	665-9874
Al Peret	208 E Columbia T-266	667-0450
Bob Graywood	City Hall	665-5175
DAVID ULBRICHT	STEAD, ATKINSON	726-2458
Nalrie Lantz	City Hall	665-5175
Phx. Noll	491 SW Nancy Greenwood	666-3335
Nugh Hall	" " "	" "
Gwen Levison	DAR-MAR CONST 19245 SE Burnside Portland	666-9474
AL Levison	" "	" "
Rob Montgomery	montgomery contracting inc P.O. Box 689 Lestlam OR	669-1912
DON MCGINNIS	151 SW 25 th	665-4071
JIM DELANTY	2126 SW CERISE WY. TROUTDALE	666-4777
Leslie Daoust	2725 SW Hope Cir.	665-6395
GREG HANOV	1105 SW Halsey	526-3120

DATE _____

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