

CITY OF TROUTDALE

AGENDA

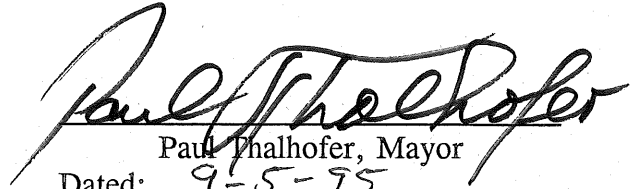
TROUTDALE CITY COUNCIL - REGULAR MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- September 12, 1995

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept Minutes - Regular Sessions - 5/23, & 6/13/95
2.2 Business Licenses - Month of August, 1995
2.3 RESOLUTION: A Resolution Adopting the City of Troutdale Annual Waste Reduction Plan for Year Six (1995-96).
2.4 RESOLUTION: A Resolution Authorizing the Mayor to Enter into an Intergovernmental Agreement with the City of Portland for Emergency Communication Service.
- (I) 3. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:
3.1 Downtown Task Force
- (A) 4. APPOINTMENTS:
4.1 Selection Committee Appointments Mayor Thalhofer
- (I) 5. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 6. ORDINANCE/INTRODUCED 8/22/95: 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
- (A) 7. RESOLUTION: A Resolution Providing for the Disposition of Regional Transportation System Development Charge Funds and Amending Resolution NO. 1188. Galloway
- (I) 8. DEPARTMENT REPORTS:
8.1 Finance Gazewood
8.2 Public Safety Berrest
8.3 Community Development Faith
8.4 Public Works Galloway
8.5 City Attorney Sercombe
8.6 Executive Kvarsten

(I) 9. COUNCIL CONCERNS AND INITIATIVES

(A) 10. ADJOURNMENT.


Paul Thalhofer, Mayor
Dated: 9-5-75

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

September 12, 1995 - 7:00 P.M.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

City Recorder Martinez called the roll.

PRESENT: Thalhofer, Smith, Ripma, Thompson, Kight, Lloyd, Burger-Kimber

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

GUESTS: Don Curtis, Tom Miller, Dan & Molly Stewart, Cindy Johnson, Dana & Larry Hazlet, Stephanie Stewart, Jim Delanty, Don McGinnis, Greg Handy, Marilee Thompson, Sherry Wells, Jaden Sullivan, Malia Sullivan, Ienley & Tayler Sullivan, Steven Sullivan, David Cools, Jeffrey W. Nix, Clarence W. Nix, Carol Whitten, Ashley & Kaitlyn Whitten, Eric Gambee, Stephanie Cools, Jacob Cools, Josh Cools, Dave Gutschmidt, Paul Underwood, Thomas Voldback, Jim Blumbaugh, David T. Lee, Pat Speer, Nathan Frye, Debbie Degener, Katie Frye, Gwen Levison, Jimmy Weber, Jolene Webber, Chuck Hopkins III, Karen Miller, John Miller, Derek Grimm.

Kvarsten stated that item 2.1 is not ready for action.

2. CONSENT AGENDA:

- 2.1 Accept Minutes - Regular Sessions 5/23 & 6/13/95
- 2.2 Accept Business Licenses - Month of August, 1995
- 2.3 **RESOLUTION:** A Resolution Adopting the City of Troutdale Annual Waste Reduction Plan for Year Six (1995-96)

2.4 RESOLUTION: A Resolution Authorizing the Mayor to Enter into an Intergovernmental Agreement with the City of Portland for Emergency Communication Service.

Mayor Thalhofer called this item and read the consent agenda.

MOTION: Councilor Thompson moved to approve the consent agenda minus item 2.1. Councilor Kight seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

3. COMMENDATIONS, AWARDS, AND PROCLAMATIONS:
3.1 Downtown Task Force

Mayor Thalhofer called this item and presented the Downtown Task Force with Certificates of Appreciation. Members present to receive their certificates were Don Curtis, Greg Handy, Troy Jenkins, Don McGinnis, and Tom Miller, those not present were Ali Peret, Marge Schmunk, Michael Martin, Mark Jensen, Colleen Fuentez, Sam Cox, Jeff Arnt.

4. APPOINTMENTS:
4.1 Selection Committee Appointments

Mayor Thalhofer called this item and stated that these committees would interview candidates and recommend appointments to the standing committees. The recommended appointments are; Planning Commission, Mayor Thalhofer, Councilor Lloyd, & Chair Grande; Budget Committee, Mayor Thalhofer, Councilor Smith, & Chair Jensen; Parks Advisory Committee, Mayor Thalhofer, Councilor Burger-Kimber, & Chair Stannard; Citizen Advisory Committee, Mayor Thalhofer, Acting Chair Desylvia, & Planning Commission Chair Grande.

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

YEAS: 7
NAYS: 0
ABSTAINED: 0

5. PUBLIC COMMENT:

Mayor Thalhofler called this item.

Cindy Johnson, 2517 S.E. Evans, stated that she was in front of the Council on October 22, 1992 regarding speeding on Evans, speed studies were done and the city acknowledged that there is a speeding problem. In February of this year was notified Evans was on top of list for speed humps and then in March we noticed humps on 27th, we have been waiting three years. Voiced concerns regarding more homes now and more speeders, neighbors mail box has been flattened three times, neighbors are yelling at neighbors to slow down, liability issue for the city if something is not done. There is \$20,000. in the city's budget for speed humps and we want them on Evans and Lewellyn, we have been waiting three years.

Councilor Kight stated that Evans and Lewellyn run parallel so humps would be needed on both.

Johnson stated that is correct, \$10,000. paid for 7 on 27th so the \$20,000. could put 7 on Lewellyn and 7 on Evans, might not be enough but is a start.

Mayor Thalhofler stated that the Troutdale Advisory Committee is studying this issue, they recommended the humps be put on 27th.

Johnson stated that she spoke with Kris DeSylvia regarding the issue.

Mayor Thalhofler stated that it is a problem area and something needs to be done.

Galloway stated that work has progressed on the Speed Hump Implementation Plan and the T.A.C. should be reporting to the Council the first meeting in October.

Johnson stated they have been waiting three years and something needs to be done as soon as possible.

Councilor Kight raised concerns regarding weather and placing the humps.

Galloway stated that is a valid concern, could effect the quality of the humps and marking.

Councilor Kight asked if there is anything the Police Department can do in the mean time.

Berrest stated that the Police Department has been concentrating their efforts in that area, have been working with the residents of the area, but, the police are only effective when they are actually there, it is an ongoing effort.

Johnson stated that the police have been very helpful but they can not be there all of the

time.

Councilor Kight asked about temporary speed humps?

Galloway stated they have been researched previously and the council decided to stay away from them because the only style available is the "bump" type along with the cost factor.

Councilor Thompson stated that this is a very sore point with him, is there any assurance that the TAC will recommend humps in this area.

Galloway stated there is not.

Councilor Burger-Kimber clarified that the council mis-understood the TAC recommendation of placement of humps and that is why they were originally planed to be placed on Evans & Lewellyn. This is a non agenda item and the council needs more information to take action on this issue. Asked that staff get more information and report back, how many, how much will it cost, etc.

Galloway stated that the area has been studied and it has been determined that the are will require 13 on Evans and 9 on Lewellyn for a total of 22.

Councilor Kight stated that there is only \$20,000. in the budget and that is not enough for 22 humps.

Johnson stated that the city should put in what they can afford until they have enough money to put the rest in, it would be a start and it would help.

Councilor Kight stated that it would be better to do them all at once and would like to see it

Councilor Ripma asked if there is time to do it this year if the council took action at the next meeting?

Galloway stated that it would be very tight, the staff could start the process of getting bids etc., but leave the location to be determined.

Councilor Ripma stated that the council did make Evans and Lewellyn there first priority once and then deferred to the TAC, now something should be done.

The Council directed staff to begin the process and come back to council at the next meeting with a report and the recommendations from the TAC for further direction from the council.

Galloway stated that he was not sure what the TAC recommendations would be, could be

just recommendations regarding the implementation plan and not a certain location.

Mayor Thalhoffer stated that what ever their recommendation was the council could take action at the next meeting.

Councilor Lloyd stated that he has a problem with this, this council tends to blow with what ever group is in the audience and I am a little concerned that we are leaving the impression that they are going to get humps on Evans and Lewellyn and I don't think that is right, we are going to have a hearing at the next meeting with recommendations from the TAC, it is not fair for us to have them study this issue and not wait to hear what they have to say.

Johnson stated that when she talked to DeSylvia she was only familiar with the are by map.

Councilor Lloyd stated that discussed the area at length the last time around. It is unfair to leave the audience with the impression that they are going to get the \$20,000., I want them to understand that we will make the decision at the next meeting after hearing all of the information, do not want to hurry through this.

Johnson stated that three years is not rushing this, they are not going to go away until something is done.

Councilor Thompson stated that he understands what Councilor Lloyd is saying but that is part of the reason people are unhappy with government, it takes so long for anything to be done, if we wait much longer it will be another six months before the humps can be installed, the simple fact is the council can make the decision the TAC is only advisory to the council.

Mayor Thalhoffer stated that the issue will be discussed at the next meeting.

Stephanie Cools, Lewellyn resident, stated that here friend Sara Hoffman was hit by a speeding car and she does not want that to happen to here brothers or sisters so would the Council please put in speed humps.

Marilee Thompson, Lewellyn resident, stated that this area is quite a community, very busy street with people walking strollers, dogs, exercising, playing basketball, it is not just the speeding cars it is also the amount of people on the street, they do not mix.

Rich Shepard, presented a petition and voiced concerns regarding the pace and type of development in the city. The target is 50/50 single and multi-family residences. Creating problems with the city's infrastructure with the storm water run-off, renters have no tie to the community, affects the schools, etc., would like to see a inventory and if not suggest moratorium on building until we know what is going on.

Councilor Ripma stated that he believed that the city is very near the 50/50 target, the metro housing rule is state law, it forces us to have the city zoned in such a way to allow us to meet the rule.

Sheppard stated that the perception is that there are many more apartments than single family units being built.

Councilor Burger-Kimber recommended that Sheppard go to the P.C. also, the council in goal setting agreed that they wanted to push the envelope. Sue Barker has indicated to me that we have a 25/75 split because there have been a high density of multi-family development, so we are not pushing the envelope at this point in time and the council needs to give direction to the P.C. to start that process.

Council discussed this issue and the possibility of the TAC studying the issue. Council directed Faith to prepare a report regarding the 50/50 Housing Rule and decided to wait and see what the report showed before any further action is taken.

Dan Stewart, 2529 SE Evans, voiced concerns regarding speeding on Evans and Lewellyn, has replaced mail box 4 times due to people losing control on his corner, fortunate it has not been a child. You know there is a problem, you have done the studies, the police have been fantastic but they can not be there at all times, speed humps are needed, we were asking for them before the neighborhood that have them was completed, we want something done as soon as possible, you are aware of a very dangerous situation.

Kyle Gibson, 2816 SE Evans, voice concerns regarding speeding on Evans and Lewellyn, works out of home and sees vehicles speeding at all times of day, if funding is not there for humps right away lets go part of the way and use stop signs at all the intersections, something needs to be done. I will do what I can, write down license numbers, etc. but we run the risk of getting shot if we approach the wrong person now a days. The police are doing a great job but they can not be there all of the time.

Mayor Thalhoffer stated that the speed hump issue would be addressed at the next meeting and encouraged everyone to slow down in all of the neighborhoods.

6. ORDINANCE/INTRODUCED 8/22/95: 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.

Galloway stated this a proposed ordinance that you conducted a public hearing on at the last council meeting. It makes two changes to the utility billing procedures of the code. First it

lengthens the period of time from the ending period of the billing cycle to the time that a non-paying customer has their water shut off, from approximately 45 days to approximately 75 days, second, it gives the authority to establish a late fee for utility bills that are not paid within 45 days after the end of the billing period. At the last meeting there was a question of whether or not the due date that the bill was to be paid actually showed up on the bill, and the answer to that question is yes. Staff recommends adoption.

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

Councilor Kight asked how much is the late fee?

Galloway stated that would come to the council at a later date in a resolution that would establish specific fees and charges.

YEAS: 7
NAYS: 0
ABSTAINED: 0

7. **RESOLUTION: A Resolution Providing for the Disposition of Regional System Development Charge Funds and Amending Resolution No. 1188.**

Mayor Thalhoffer called this item.

Galloway outlined 4 options for refunding the Regional System Development Charge Funds, Option 1- refund to the property owners of record as of July 12th which is what the resolution that abolished the fee calls for, Option 2 - refund to the person or entity that paid the fee, Option 3 - 50/50 to the owner of record and the person or entity that paid, Option 4 - give the money to Mult. County as originally planned for regional street improvements. After meeting with the City Attorney and City Administrator this afternoon we developed an option 5 it does pretty much the same as 3 but it spells it out in more detail and is at your places.

Councilor Ripma asked that Option 5 be copied and distributed to the audience.

Mayor Thalhoffer called for a break at 8:25 p.m. and reconvened the meeting at 8:37 p.m.

Jeff Nix, C.W. Nix Homes - 4418 SE Ogdon, this house in question for me had the deal consummated on February 3rd and the quote used was from a house I built in the fall of 1994 when the permits were at a lower price, the deal was a contract sale that I had to commit to, so when the fees were raised I had to absorb them. This was a transaction between the city and C.W. Nix Homes not the property owner, they paid the same amount

regardless of the permit fees, I am entitled to the full amount. I have three properties effected by this but this is the only one that falls within the time line under question.

Rick Garner, 1656 S.W. Kendall Court - Columbia Country Homes, this is misleading as to who was on the title at the time and who should get the refund, different types of loans place people on the title at different times, but they may not have actually taken possession of the house, to me it seems like the only option is to give the money back to the person who paid it. If the fees are raised after the price of the house is agreed upon then I lose the money, it is as simple as that, if the fees are less then I should benefit.

Linda Brown, 2040 S.W. Sunrise Circle, I don't care if we split it, but if I pay the fees when I purchased the home, why wouldn't I get it back if there is a refund, it is included in the price of the home. The builder should be aware of the fees before they set the price.

Joni Webber, 1932 SW Stella Way, my husband and I relinquished the cost to the builder, we financed our house on a permit construction loan. Our thought was that the costs do go into setting the price of the house but what really sets the price is supply and demand, and market value, so if I purchase something for what I believe is fair market value then I am getting my worth, regardless of what the costs were to support that. I agreed upon a market price for the home I purchased.

Jim Delanty, 2126 SW Cerise Way, read from Websters Dictionary the definitions of Tax, Private, and Property, and stated that his home is his, it is his asset, if the price goes up or down I should benefit or lose accordingly. When I paid for it I should get everything that goes with it, good or bad, taxes or refunds. It is my asset. I don't want to argue with my builder but I am the property owner of record on that date so it should be refunded to me.

Mayor Thalhoffer asked if the TIF was included in the cost of the house?

Delanty stated he has no idea & did not want to argue that point, the cost of the house was established and if it was a fair price than it is beside the point. The asset is mine and you changed you mind after I owned the home.

Gwen Levison, 2170 SW Royal Place - Dar-Mar Construction, stated that it is obvious that no one on the council has ever been involved in a competitive business, like home building. Expressed concerns that the council did not understand the process of home building. Had window packages stolen from job site and did not call the real estate agent and raise the price of the homes to compensate for the loss, how could we and stay in competition with the homes that did not lose any windows, it was absorbed, like this fee. Would like to see the legality of refunding money to someone other than the person who paid it. Troutdale didn't grow because people wanted to live in a small windy community, it grew because of it's affordability, and now that Troutdale is higher than Gresham where do you think they will

want to live, it has already started. Not very often do we see a decrease in Troutdale, this is a big decrease, it compensates for all of the other fees that have went up.

Councilor Lloyd asked of the two homes in question were the fees passed on to the homeowner?

Levinson stated no.

Councilor Burger-Kimber voiced concerns regarding the dates of the receipts for the fees, one in December 94, and one in March 95, they would have known of the fee for the second home so those cost should have been passed on.

MOTION: Councilor Kight moved to adopt the resolution option 5. Councilor Burger-Kimber seconded the motion.

Councilor Ripma stated that for some like Dar-Mar the split is fine, but for some this would take half away from new Troutdale residents and I would urge that we do not do that.

Councilor Lloyd stated that he feels the money should go back to the builder or the person who wrote the check, however I can tell that there is not enough support to do that therefore I am going to support the motion to split it down the middle because there is no way to sort this out.

Councilor Thompson stated the amount paid was for a TIF similar to a sewer fee which belongs to the property not who paid for it. When someone sells a property they give up any risk or windfall. The builder has opportunity to recover the fee from subsequent home owners. To be successful in business you have to pass the costs of doing business on. The home owner has no way to recover the money. I don't believe the builders in this area are as badly treated as some would have us believe. I feel the refund should go to the property owner of record as of the date on the original resolution that abolished the TIF and if the property owner would like to split it with the builder that would be fine.

Councilor Smith stated that the builders are making money. It is not a windfall it is a refund. It should go back to the home owner, the builders will make it up if they did not add in a percentage for this type of thing. I feel the home owners should get the money.

Councilor Kight stated that in his experience with building it is best to maintain a good relationship between the homeowner and builder, in this situation there is a warranty on some of the homes and the relationship needs to be good. I feel the 50/50 split is the

fairest way to divide the refund.

Mayor Thalhoffer stated that his first instinct would be to return it to the one who paid it, but the votes are not here, it takes four votes to do anything on this council, so with out going into each case separately the next best thing is to split it 50/50.

YEAS: 4
NAYS: 3 (Smith, Ripma, Thompson)
ABSTAINED: 0

8. DEPARTMENT REPORTS:

Mayor Thalhoffer called this item.

Berrest stated that he had nothing to add.

Councilor Thompson voiced concerns about parking on Stark St., when the council repealed the prohibition on parking cars for sale on the street you indicated there may be some relief by putting up time limit parking signs, has anything happened with that.

Councilor Ripma thought that no parking signs would be better.

Berrest stated that he will address it with the county.

Faith stated he had nothing to add.

Mayor Thalhoffer reminded Faith of the report for next meeting on the 50/50 housing rule and clarified what is expected.

Galloway stated he had nothing to add.

Councilor Burger-Kimber asked why the ODOT Frontage rd.. meeting is scheduled on an off Tuesday?

Galloway stated it was his understanding that it was going to be treated as a work session, there may be a lot of testimony and may not be appropriate for a regular meeting.

Mayor Thalhoffer agreed.

Sercombe stated he had nothing to add.

Kvarsten stated he had nothing to add.

Mayor Thalhoffer called this item.

Councilor Ripma updated the council on the progress of the EMCTC, they have decided to put three of the city's recommended projects on their top priority list for road improvements if metro goes with its' regional arterial fund, the three are, Frontage Rd., Halsy St, and the Sandy Overpass.

Councilor Ripma stated that the Historical Society is requesting a sign permit for the Harvest Faire that is coming up September 23rd & 24th, this would fall under our ordinance requiring a sign permit for temporary signs for community wide events, I would like the council's approval to put up the signs the Monday before and they will be taken down the Monday after, I know this not the appropriate time but the next meeting will be to late and I apologize.

Mayor Thalhoffer suggested that Councilor Ripma make a motion.

MOTION: Councilor Ripma moved to grant a temporary sign permit for the Historical Society to put up signs the Monday before and the Harvest Faire and to be removed the Monday following. Councilor Kight seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Councilor Kight suggested having new developments put in speed humps as they go.

Galloway stated that could be done if that is what the council would like staff to pursue.

Councilor Lloyd asked if there has been any feed back on the speed humps on 27th?

Galloway stated that most of the feed back he has heard has been positive.

Councilor Ripma stated that sometimes people don't want speed humps and voiced caution on requiring them.

Mayor Thalhoffer stated that this issue should be placed on the agenda for a work session regarding speed humps.

Councilor Burger-Kimber suggested the possibility of having citizens sit in for staff on various committees and developing Community Events Bulletin Boards.

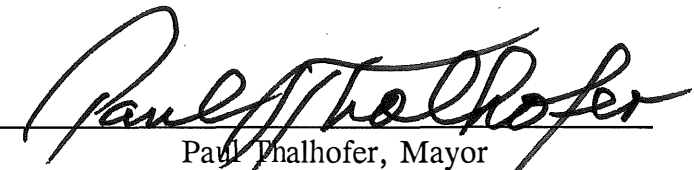
10. ADJOURNMENT:

Mayor Thalhofer called this item.

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

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Thalhofer adjourned the meeting at 10:22 P.M.


Paul Thalhofer, Mayor
Dated: December 1, 1995

ATTEST:


George Martinez, City Recorder

CITY OF TROUTDALE

PUBLIC ATTENDANCE RECORD

September 12, 1995

◆◆◆REGULAR CITY COUNCIL MEETING◆◆◆

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Faith	" "	" "
Mark Berrest	Police Dept	665-5175
Don Curtis	1440 SW 12th	665-9874
Toni Miller	23953 NE Poplar, WV	666-9083
Dan + Molly Stewart	2529 SE Evans	666-3718
Cindy Johnson	2511 SE Evans	665-5937
Dana Lamy Harlett	2503 SE Firmin	667-8485
Stephanie Stewart	2121 SE Firmin	666-6884
Jim Delanty	2126 SW CERISE WAY	666-4777
Don McGinnis	151 SW 257th	665-4071
GREG HARVEY	1105 SW HALSEY	666-4441
M. Aug. Fisher	337 SW CHERRY PK	665-5177
Marilee Thompson	1870 SE Lowellyn	667-1610
Sherry Wells	1728 SE Lowellyn	665-2294
Eden Hillier	1838 SE Lowellyn	667-3873
Malia Sullivan	1838 SE Lowellyn	667-3873
Jentey + Taylor "	" "	" "
Stewart B Sullivan	1838 SE Lowellyn	667-3873
DAVID COOLS	1862 SE Lowellyn	667-8364

PLEASE COMPLETE THE FOLLOWING

NAME	ADDRESS	PHONE #
JEFFREY W NIX	4418 SE OGDEN	7758474
Clarence W. Nix	7816 SE 108 th	777-0173
Carol Whitten	1731 SE Lewellyn Ave	666-9691
Ashley & Kathleen Whitten	1731 SE Lewellyn Ave	666-9691
Eric Gumbert	P.O. Box 13354 Post, OR 9713	669-0170
Stephanie Cools	1862 S.E. Lewellyn	669-8364
Christi Cools	1862 S.E. Lewellyn	669-8364
Josh Cools	1862 SE Lewellyn	669-8364
DAVE GUTSCHMIDT	17721 SE 37 th ST CAMAS	695-7700
PAUL D UNDERWOOD	301 SW LINCOLN # 706 PTLAND	229-1858
Thomas Voldbaek	2535 SE Evans Ave	667-2151
JIM BURAUCA	1074 SE ACACIA PL	667-9833
David T. Lee	1952 SW North Star Way	492-0349
PAT SPIER	3752 S.W. 5 th ST Gresham	665-8372
Nathan Frye	2430 SE Evans Ave	667-4776
Debbie Degener	2430 SE Evans Ave	667-4776
Katie Frye	2430 SE Evans Ave	667-4776
Gwen Levison	2170 SW Royal Pl	666-6363
Jimmy Weber	1932 SW Stella Way	492-2484
Jolene Weber	1938 SW Stella Way	492-2484
CHUCK HOPKINS	1805 SE LEWELLYN AVE	666-6168
Chad Spahr	2014 SE LEWELLYN AVE	669-9238
Hobby Hopkins III	1805 S.E. LEWELLYN AVE	666-6168

DATE 9-12

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