

CITY OF Troutdale AGENDA

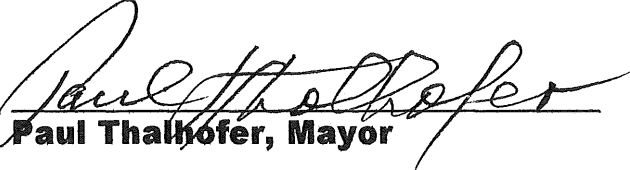
**CITY COUNCIL - REGULAR MEETING
TROUTDALE CITY HALL
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099**

7:00 P.M. -- April 13, 1999

- (A) **1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) **2. CONSENT AGENDA:**
2.1 Accept Minutes: March 2, 1999 Work Session
2.2 Business License: Month of March 1999
2.3 Resolution: A Resolution to accept ownership of a parcel from Multnomah County for public pedestrian access.
- (A) **3. PROCLAMATION:** Arbor Day
- (I) **4. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) **5. REPORT:** A report concerning encroachments onto City property and options for correction. (continued from February 23rd meeting) *Faith*
- (A) **6. REPORT:** A report concerning City Council options to replace the solid waste franchise agreement with Waste Management, Inc., which expires on December 31, 1999. *Morrow*
- (A) **7. APPOINTMENT:** Appointment of representatives to Multnomah County's Citizens Advisory Committee for the 242nd Avenue Connector Study.
Abrahamson - Multnomah County
- (A) **8. PUBLIC HEARING / ORDINANCE (Introduced 3/23/99):** An Ordinance adopting Title 8, Health and Safety, Chapter 8.36, Life Jackets in the Sandy River, requiring life jackets on all children 12 years of age or under when they swim in the Sandy River.
Lt. Nelson
- (A) **9. LIFE GUARD PROGRAM** *Lt. Nelson*
- (I) **10. DEPARTMENT REPORTS:**
- | | | |
|------|-----------------------|-----------------|
| 10.1 | Finance | <i>Gazewood</i> |
| 10.2 | Public Safety | <i>Berrest</i> |
| 10.3 | Community Development | <i>Faith</i> |
| 10.4 | Public Works | <i>Galloway</i> |
| 10.5 | City Attorney | <i>Sercombe</i> |
| 10.6 | Executive | <i>Kvarsten</i> |

(I) **11. COUNCIL CONCERNS AND INITIATIVES**

(A) **12. ADJOURNMENT**


Paul Thalhoffer, Mayor

Dated: 4-7-99

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MINUTES
Troutdale City Council - Regular Meeting
Troutdale City Hall
Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

April 13, 1999 7:00pm

Meeting was called to order at 7:02 p.m. by Mayor Thalhofer.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called on Councilor Smith to lead us in the Pledge of Allegiance.

Mayor Thalhofer asked for the roll to be called.

City Recorder Stickney called the roll.

PRESENT: Thalhofer, Smith, Kight, Rabe, Ripma (7:05pm).

STAFF: Faith, Galloway, Morrow, Berrest, Kvarsten, Allen and Stickney

GUESTS: Joe Thuney, Rowena Piluso, Betsy Piluso, Dan Piluso, Hui Wang, Leslie Sykes, Ed Abrahamson, Loraine Domine, Sande Wilhelm, Don Wilhelm, Gary Shikles, Adam Winston, Marv Nelson, Lynne Nelson, Curtis Smith.

Mayor Thalhofer stated that two items have been pulled off the agenda for this evening, agenda item 8 and 9. They will be heard at the April 27th City Council Meeting. Mayor Thalhofer asked are there any other agenda updates?

Kvarsten replied there are no further changes.

2. CONSENT AGENDA:

2.1 Accept Minutes: March 2, 1999 Work Session

2.2 Business License: Month of March 1999

2.3 Resolution: A Resolution to accept ownership of a parcel from Multnomah County for public pedestrian access.

Mayor Thalhofer called this item and read the consent agenda.

**MOTION: Councilor Kight moved adoption of the consent agenda.
Councilor Rabe seconded the motion.**

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

3. PROCLAMATION:
3.1 Arbor Day
3.2 Volunteer Week

Mayor Thalhofer called this item and read the proclamations.

4. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Mayor Thalhofer called this item.

Marvin and Lynne Nelson stated that they attended the Parks Advisory Committee on March 17th. During that meeting there was discussion about Sunrise Park pond. At that time the Parks Advisory Committee agreed to send a letter to the Council informing them of there strong interest in keeping the pond at Sunrise Park and to include funding in the upcoming fiscal year to pay for lining the pond. Did you receive that letter?

Mayor Thalhofer replied yes we did.

Lynne Nelson asked will this be on a future agenda?

Mayor Thalhofer replied yes. We will make sure that you are notified of when it will be on the agenda.

5. REPORT: A report concerning encroachments onto City property and options for correction. (continued from February 23rd meeting).

Mayor Thalhofer called this item and asked Mr. Faith to come forward.

Faith reviewed the staff report contained in the packet. The results of the survey done by Mr. Wilhelm do confirm that the guest house and all of the accessory buildings encroach onto the City's property. There are four options the Council could consider in trying to address this property encroachment. The first of these was to simply deed over a portion of the land to the Wilhelms' to accomplish a lot line adjustment and therefore correct the encroachment. The second option was to grant them an easement. The third would be to grant a license to acknowledge those encroachments. The fourth would be to demand that they remove those structures from the City property. At the last meeting I recommended either option two or three providing that the easement or license would apply only to the guest house and the smoke house that we know have been encroaching on this property long before the Wilhelms' took ownership of it. If such a provision were included in an easement or license then the three other accessory structures that have been constructed more recently would have to be removed or relocated to other spots on the property that meet the required setback standards. I provided you with the applicable setback standards for the R20 zone. If you apply those setback standards to their piece of property, because of its triangular shape, there is a very limited area in which they can put any structures and meet those setback requirements. It is important to note, that any variance request that would involve the reduction of any one of these setback standards by more then 20% would require a variance approval by the Planning Commission. Staff is recommending either option two or three for granting a license or an easement, but once again qualifying those to apply only to the guest house and the smoke house that have been encroaching for many years now. If the Council wishes, they could also stipulate in the easement or license agreement that if these structures are destroyed or removed that they could not be replaced with other structures encroaching on the City's greenway. If you select this option that I am recommending, the three accessory structures that the Wilhelms' have built without the required permits will need to be removed or relocated to areas of their property that meet the minimum setback standards and if those setback standards can not be met then a variance approval would be necessary.

Mayor Thalhofer stated I am glad the survey was done.

Councilor Kight asked how long has the guest house been located there?

Faith replied we do not have a record of that. I was under the impression that this was probably built shortly after

the original house which was in the 50's.

Councilor Kight asked the other accessory dwellings, when were they placed there?

Faith replied the first of these, which is labeled as number 3 on the map, was done approximately six to eight years ago. Number 4 and 5 were done about one year ago.

Councilor Kight asked the City Attorney, could a case be made on the guest home and the smoke house for adverse possession for either one of those structures?

Allen replied that is hard to answer because I don't think the City owned the property when the house originally encroached. Typically you can't take property from a municipality by adverse possession. But if these encroachments existed before we acquired the greenway they may have acquired title through adverse possession from the prior property owner.

Councilor Rabe asked could you explain the difference between granting an easement and granting a license.

Allen replied a license is typically more temporary than an easement, easier to revoke. It is not a property interest where an easement is a property interest. So a license is more along the lines of granting someone permission to use the property where an easement gives the person the right to occupy and be on the property and actually have an interest in the property.

Councilor Rabe asked is the license something that needs to be renewed periodically?

Allen replied it could be.

Councilor Rabe asked if a license were granted, and the property was sold, would the license be revoked at that time?

Allen replied you would have to draft that into the license agreement.

Councilor Ripma stated going back to the adverse possession, the Wilhelms' were told by the previous owner that he was encroaching, he had no claim to the property that these buildings encroach on. Doesn't that weaken any possible claim?

Allen replied yes.

Councilor Ripma stated for the purpose of structuring a solution here, if we were to propose a license that was for the guest house and smoke house, that was revokable by the City, that would be in favor of the Wilhelms' or their successors, with the stipulation that if the smoke house or guest house were destroyed or removed that the license would terminate and the buildings could not be rebuilt without permits and proper setbacks. Could we structure it that way?

Allen replied yes.

Mayor Thalhofer asked can the license run with the land or is that only an easement that can do that?

Allen replied an easement runs with the land.

Councilor Ripma asked but it could go to the successor?

Allen replied if we drafted the ability to have it assignable then it could.

Councilor Ripma stated that is the way I intended it.

Councilor Kight stated I think you just took care of one of the concerns I had. I like the way that Councilor Ripma has drafted it.

Dan Piluso stated I am a resident on Jackson Park Road. I am here to provide you with some information. Several years ago when we divided our property, one of the issues when we had placed our original draft of our new home to be built, the setbacks were twenty feet from the river. Our process took longer then we thought and during that time the setbacks were changed to fifty feet from the river. During our variance meeting the only person who spoke against it was Mr. Wilhelm and today here we are looking at him, after that fact, constructing buildings well within that fifty feet range which is the required setback for that area. The buildings that he constructed are relatively large, they are in a scenic area of the river. It is a greenway which is meant to be kept natural, he has taken the shrubs and trees away from that area to construct these items. I do agree that the new structures should be put back up for review before they be allowed to stay. Obviously you don't want to destroy his house, I think the idea of granting some sort of license to keep his existing homes grand-fathered into that area is a good idea. I would like to add a couple of items to the list of things that should be under review. One is a gate which I will explain a little bit about the easement that runs through the property in a few minutes. There is a gate that shuts off access to the property, there are also stairways that have been constructed down to the river which are well within the fifty foot boundary. My mother is extremely well versed on the history of the road and its layout. What she has contended for a long time is that there is an error in the survey down there as far as where that particular plot Mr. Wilhelm just had surveyed, whether or not the road runs through that. Along the line the survey was incorrectly done and the road was erased and that changed the back property line. Basically, whatever granting is done in that area, we need to get an accurate shot of what that is supposed to be as far as where the driveway goes through for the road access. Also we have been informed by the County surveyor that the corner stake on our property has been moved by about a foot which has given Mr. Wilhelm an advantage as far as where his gate is located, it still is on City property. If they used that corner stake for the starting point for their survey then it is off by that foot. As for the adverse possession thing, I hadn't really thought of it before, but if you grant him the right to adverse possession for his new buildings, what would stop someone from building a new building within the City property and then coming back in seven years. I am sure that is not the issue here, it is just on the older building. Our main concern is to add the stairs and the gate and also the easement for the roadway through that property. (Dan Piluso distributed a map to the Council which is contained in the packet)

The original survey is the top picture, what they have done is erased, on the right side of the drawing, a twenty foot easterly boundary which is the twenty foot easement of a roadway through that property. The bottom is where the original was changed and basically added thirteen feet on the bottom line and negated that twenty foot run to the east.

Councilor Ripma stated what is before us tonight is concerning encroachments on City property. What part of this roadway is City property?

Piluso replied the City property line is along the edge of the road.

Councilor Ripma asked have you seen the survey map that was done?

Piluso replied no.

Councilor Ripma stated this is an official survey done by a licensed surveyor. I can't tell where your road is on here. If Mr. Piluso is challenging the validity of this licensed surveyor, it probably is something we can not deal with.

Piluso stated the reason I am bringing this up is that if you are going to deed or license over a piece of property that actually is part of an easement that we have an interest in, that is where it involves us. Those buildings are built on our easement through that property.

Councilor Ripma stated the only land that we would grant an easement on is City owned land not your easement.

Piluso stated but you would be granting it off an incorrect survey. The original survey had a twenty foot road extending through Mr. Wilhelm's property. In 1922 or whatever, they decided that they needed a little more

boundary room, what they did is extend this line out and granted him another thirteen feet, which again is City property.

Councilor Ripma asked how is that City property?

Piluso replied it is part of that greenway space out there.

Councilor Rabe asked was that greenway space deeded to the City prior to that or after that?

Piluso replied I would assume after that. The verbiage on the survey is still the same. The point I am trying to get across, again I agree with everything you went over tonight, I just want to make sure that before any type of land grant where you are giving him land or licensing him for land, that the survey is correct. If you use the existing drawing that he has provided, that is not a correct drawing of that piece of property, it is thirteen feet off. I have a copy of Mr. Wilhelm's deed from the County, and it does mention that piece of property as far as the road that runs through it should have twenty feet.

Mayor Thalhoffer asked what do you suggest we do. We asked Mr. Wilhelm to have a survey done, and he agreed to do that. Now he has paid for a survey and you are now saying it is an incorrect survey because it didn't have the correct starting point. What do you suggest that we do at this point to come to a solution here? Would you be willing to pay for a survey.

Piluso stated I am working with the County surveyor right now to correct the records.

Councilor Kight asked the City Attorney, when a survey is done and maybe the surveyor wasn't aware of all the information and there is a property line dispute and they are disputing the survey, normally how is that handled?

Allen replied if someone wanted to contest the survey, they would have their own survey done and if you wanted to bring some kind of action and have a court legally establish a property line, that is the process that I am aware of.

Piluso stated then I guess that is the next step. If we are able to get it straightened out with the County surveyor that would make his rule law basically as far as I know.

Councilor Ripma stated that would not change Mr. Wilhelm's deed.

Piluso replied you wouldn't have to, his deed is correct.

Councilor Ripma asked if his deed is correct and we went ahead and granted a deed based on a correct deed then what is your objection?

Piluso replied the survey, the way the map is drawn out is incorrect.

Councilor Ripma asked how would that harm you? I am sure we would all be happy to have this resolved if you would want to do your own survey, but if your thinking of waiting until the County surveyor gets around to looking at things.

Piluso stated if we have to wait for the survey part of it, I just want to make sure that you add to the list of items that need to be reviewed.

Councilor Ripma asked where are those in relation to City property?

Piluso pointed out the items on the map. The gate swings back and forth on our property and it also restricts our

access to the twenty foot easement that goes through the property.

Councilor Rabe asked what kind of information has the County informed you of relative to coming out here and checking this?

Piluso replied I am not sure of when they are going to come out here and check it. Basically, they have looked at the paper and they said you are right.

Councilor Rabe stated your primary contention is the gate is your nuisance.

Piluso replied yes, it also restricts access to that easement.

Councilor Rabe asked and you feel it is critical to have access to that easement which parallels this property?

Piluso replied for fire protection.

Councilor Ripma asked are you offering to do a survey?

Piluso replied I am going to meet with the County surveyor this week and see exactly what he is going to do. If that drops dead by the end of the week then we will have to do our own survey.

Mayor Thalhofer asked Mr. Faith, you have heard the situation, what would you recommend?

Faith replied I would perhaps delay the decision about granting a license or easement but understanding that we are leaning towards if we do that it will only apply to the two structures that have been there for many years. I think that we ought to try to address the three structures that have been placed illegally. They have been put up without any permits and I don't know why we should continue to allow that. It seems to me that those should be removed because they encroach, and if you are not willing to grant permission for him to encroach with those buildings they are going to have to be taken down anyway. However, I guess in terms of bringing those matters before the Planning Commission for variances, it seems that we really can't deal with that until we know precisely where the property line is. It does address the immediate situation of removing the illegal buildings and as soon as we can get sorted out precisely where the property line is then we can entertain the application for variance for any other structures that he wishes to put up that would not meet our normal setback standard.

Councilor Rabe asked if the line moves, would that still prohibit the issuance of a license if the license were written such that when and if new property lines are established that it would be inclusive of that study?

Faith replied I have to admit that what I didn't understand from all the dialog is whether or not where Mr. Piluso contends the line is would mean that the structures do not even encroach onto the City property. If that is the case, what are we even granting a license for?

Councilor Rabe stated if it is found that these structures are not encroaching, then the license would not be a necessary document. But if they are encroaching then the license could be drafted and I am not to sure that to what degree they are encroaching is the issue.

Faith stated I think we need to stipulate in the license some measurement, not necessarily the legal description.

Councilor Rabe stated if there was an encroachment, then that dimension could then be cited into the license document. If there is no encroachment, then we don't even need the license.

Rich stated I would like to ask the City Attorney, do we need to have fairly accurate description of how much land area is involved in the license or do we just acknowledge buildings that are encroaching and that is the extent of

it?

Allen replied I think we would want to identify and get an accurate legal description of exactly where we are allowing them to encroach onto our property so they don't enlarge it.

Councilor Rabe asked would the Council need to be involved in that?

Allen replied no. If the Council wanted to direct staff or give staff authority to work with the City Attorney's office in drafting a license agreement that covers certain factors and direct staff to enter into a license agreement with the Wilhelms' when the issue of the property line is resolved if it was deemed necessary to grant them a license because they are encroaching.

Councilor Rabe asked would you be comfortable with that kind of procedure.

Allen replied I would be. The caveat would be if you did not follow through and get any final resolution then that would tie up staff.

Councilor Ripma asked what if this road exists and it turns out that the guest house is lying in the middle of the easement, I know the guest house is old, couldn't that possibly effect some intent to streamline this. I am worried about trying to streamline this because it seems so messy.

Allen stated I guess what I am struggling with is, and I am not to sure I understand Mr. Piluso's comments, it would seem to me that he is claiming that the twenty foot private road easement that ends on the official survey that we have just continues right down the line.

Councilor Ripma stated it would cut right through the guest house as well as the other structures. It wouldn't affect the smoke house.

Allen stated if that is the case then it would seem that there is no dispute about the City's property line.

Councilor Ripma stated I sense that also. If they came back with a survey showing something different for the Wilhelms's lot, it might be that its beyond staffs ability to handle it. It sounds more like a quiet title in court or something like that.

Allen replied it sounds like the only issue that needs to be resolved is identifying where the property line is and coming up with a legal description for the license. The issues about whether or not these encroachments are also on a private easement would really be a private dispute between the Wilhelms and Mr. Piluso and would not affect the City.

Mayor Thalhofer asked Mr. Wilhelm to come forward and testify on this issue.

Wilhelm stated as far as the easement, we checked with the title company to see if we could find any evidence of an existing easement through the property and we couldn't find anything. As far as I know on the original survey it came to a point at the end, we found the iron rod there and from any description of the property that I have ever seen it has come to a point. I don't see any reason for an easement through there for these people who have no business in there any ways. Where is there to go, when you get to the end of the property it is a cliff. This doesn't make any sense to me, the house I live in is in the twenty foot easement. All I am after is either a license agreement or a deed wide enough to accommodate those buildings. I was under the impression that we could accommodate the new buildings as well by getting the permits. I hadn't been informed that I would have to tear them down and rebuild.

Councilor Kight stated that the map provided by the Piluso's looks like a survey was done in 1922, it shows the

easement stopping at the gate and not going any further.

Wilhelm stated as far as I know that is the way it is.

Councilor Ripma stated what we were thinking of doing tonight, based on your survey, was offering you a license that you and anyone after you who owns the land would have the right to keep the guest house and the smoke house standing but would ask that the other buildings that were built without a permit be removed and for you to get the proper permits to re-build if you can find a place on your property to put them. That was the staff recommendation and certainly one thing that we were considering. Would that be something that would be okay for you?

Wilhelm replied I am not in favor of tearing down the other structures. Two of them are metal structures that come in kits and don't even require building permits according to the building inspectors.

Councilor Ripma stated Mr. Piluso has offered to have another survey done, what would be your reaction to that, I know you were looking to resolve this.

Wilhelm replied I am in no hurry.

Councilor Kight asked what if the two surveys are different?

Allen replied it would really depend on where the difference is, because really your only concern is where the City's property line changes.

Councilor Ripma asked Mr. Piluso would you be willing to do another survey within the next month?

Piluso replied I am not sure, but I will do it as soon as possible.

Councilor Ripma stated I would propose that we set this over until Mr. Piluso can do another survey and then have staff come back with another staff report and also answer the questions that Mr. Wilhelm asked about needing permits or not and the possible encroachment of the fence whether that is anything we need to worry about and the construction of the stairway if that is something we need to deal with. Mr. Mayor while the staff recommended that we deal with the encroaching buildings, I would like to do everything at once.

MOTION: Councilor Ripma moved that we set this over until Mr. Piluso can come back with a survey. Seconded by Councilor Rabe.

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

Mayor Thalhofer called for a break at 8:20pm and reconvened at 8:35pm.

6. REPORT: A report concerning City Council options to replace the solid waste franchise agreement with Waste Management, Inc., which expires on December 31, 1999.

Mayor Thalhofer called this item and asked Ms. Morrow to come forward.

Morrow reviewed the staff report contained in the packet.

Councilor Ripma asked do they pay the City for the franchise?

Morrow replied yes, they pay a four percent franchise fee.

Councilor Ripma asked do you have any idea how much we collect?

Morrow replied around \$60,000 annually.

Councilor Ripma asked do they operate a transfer station?

Morrow replied we have a material recovery facility which is a recycling and sorting facility.

Councilor Ripma asked can the public use it?

Morrow replied no.

Councilor Ripma asked can other haulers use it?

Morrow replied yes.

Councilor Ripma asked is that related to the franchise agreement in anyway?

Morrow replied it is not related to the franchise agreement.

Councilor Ripma asked could that be added to the new franchise agreement or permission from us to operate that type of facility?

Morrow replied they have a permit from Metro and that issue was brought through the City's planning process and to City Council about a year ago to add additional material.

Councilor Ripma asked do we collect a fee on what is handled at the transfer facility?

Morrow replied no we do not.

Councilor Ripma stated in the staff report you mentioned complaints, and I realize there has been very few, that they could be addressed in the future by revising the franchise agreement to include additional requirements. Could you elaborate on that?

Morrow replied our franchise agreement is very basic. A lot of franchise agreements incorporate specific details such as if a solid waste collection day or recycling day is missed the collector has to come back within twenty-four hours. Currently our franchise agreement doesn't have any specifics like that. Another example would be that the hauler must respond to a customer within a time frame. It is that type of detail that our current franchise agreement lacks.

Councilor Kight asked do the commercial customers have to use this particular company?

Morrow replied yes.

Councilor Kight stated on the plus side the rates have dropped significantly on two different occasions with this particular company. Why do you think that is the case?

Morrow replied that as Waste Management has become more familiar with the area, the efficiency on collections have gone up not to mention a portion of that plays into tipping fee reduction at the transfer stations from Metro.

Councilor Kight asked could part of that reduction be because of the transfer station in Troutdale?

Morrow replied it could play a role.

Councilor Rabe asked I have some questions regarding the comment in number one, where it mentions that the recycling industry has changed significantly. Would it be fair to say that the technology has also changed significantly in the recycling industry?

Morrow replied yes.

Councilor Rabe asked aside from the customer service issues, would you consider the current hauler up-to-date technologically with the recycling?

Morrow replied yes.

Councilor Rabe asked how do you base that, how do know that one hauler is doing a more effective job than another in processing?

Morrow replied Waste Management does provide collection for every type of recyclable material that we can recycle these days. A lot of the process with that, there are various markets that the recycle materials go to, it is up to each hauler what markets they dip into and sell the recycle materials to. The City obtains information monthly from Waste Management on the materials that are recycled and where they go and which facility they go to, I could provide that information to you.

Councilor Rabe stated that would be good. In your opinion, if the technology were to change would this firm be receptive to the change?

Morrow replied yes. Waste Management is one of largest companies in the area. They have been up to date in all recycling, processing and new technologies and they continue to be involved in that area.

Councilor Rabe asked would it be normal practice to have them be involved in an educational process?

Morrow replied we do provide recycling education to the schools. I have actually went to some of the grade schools with Waste Management to do some recycling presentations. Our high school does have a recycling crew that we have tried to help out and get involved with.

Councilor Rabe stated what I guess I was looking for is if there was a financial benefit to the school district if they were to actively participate in a recycling program.

Morrow replied the City does offer grants to the schools for implementing a recycling program. We have also worked with Waste Management to allow the schools to get involved in the Green Schools Program.

Councilor Smith stated twenty-four complaints in a year is not very many considering how many households we are talking about. Do you have anything to compare it with?

Morrow replied I have talked to other cities and it varies.

Adam Winston stated I am the district manager for Waste Management. Waste Management is very interested in continuing to do business in Troutdale. There were some questions regarding the transfer station. I believe that when it was built we invested three million dollars and we employ twenty people at that facility. The questions regarding recycling education programs and marketing materials, I would be happy to provide anything you need regarding those issues on what we do with the materials and how we recycle it. We do have a recycling education

program and a recycling coordinator on site and we would be happy to continue to participate. We are very much for recycling, I would say we are probably the largest recycler in the Portland area.

Councilor Kight stated how is Troutdale on compliance for recycling, what is the participation rate?

Morrow replied as far as the residents in Troutdale, we do have a very good recycling rate. We are at about 41%. Our commercial area does not do as well as our residential area.

Councilor Ripma asked at your transfer site, do you accept the public or other haulers?

Winston replied we do not accept the public, but we accept third party haulers.

Councilor Ripma asked do you haul directly to a land fill or do you have to go to a Metro transfer station?

Winston replied we haul directly to Columbia Ridge Landfill.

Councilor Ripma asked does Metro control your rates?

Morrow replied Metro does control all the tipping fee rates in the region.

Councilor Ripma asked are you planning on expanding that operation and taking additional types of waste, I have concerns about hazardous waste?

Winston replied per our Metro operating franchise agreement there is a cap of so many outbound tons. On a annual basis we are allowed to take 50,000 tons. That is a control mechanism. We do not accept hazardous waste in any way, shape or form.

Councilor Ripma stated your request is for a renewal of another eight years, are you saying that you will not expand into any other streams of waste such as hazardous waste in the next eight years?

Winston replied we will not.

Morrow replied if they were to expand into any other types of waste other than what they currently accept at the transfer station they would for one have to get approval from Metro and then Metro would come to us for the City's approval.

MOTION: Councilor Ripma moved to pursue option #3 which would allow us to hold a public hearing and get input from the residents and commercial customers. Seconded by Councilor Kight.

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

7. APPOINTMENT: Appointment of representatives to Multnomah County's Citizens Advisory Committee for the 242nd Avenue Connector Study.

Mayor Thalhofer called this item and asked Mr. Galloway to come forward.

Galloway reviewed the staff report contained in the packet.

Ed Abrahamson, Transportation Planner with Multnomah County stated this is not the Mt. Hood Parkway, this is to take a look at building an arterial improvement to help alleviate some traffic problems that will be caused by the fact that there will be no parkway. The purpose of this study is to review alternatives for connecting I-84 with 242nd north of Stark Street. The study is the first of several conducted that will provide guidance in improving transportation in connection with I-84 and US Hwy. 26. The need for this study came about when ODOT decided not to continue with Mt. Hood Parkway and also eliminated exit I 6B. The outcome of the study will most likely be an arterial connection. To best serve the needs of area residents, a citizen advisory committee is being formed. In order to facilitate this, three public hearings are going to be scheduled each lasting around two hours and they will be spaced out about one month apart. Although we are seeking citizens to serve on the CAC representing each of the jurisdictions, the meetings are all open to the public.

Councilor Ripma asked how soon will this be built?

Abrahamson replied from I-84 to Stark Street will be built in stages. The timing, that is a good question. This was rated as a high project.

Mayor Thalhofer stated as I understand it this will be a great benefit, and will take away the 238th curvy road as a main thoroughfare. I have contacted Leslie Sykes who is chair of the Troutdale Citizen Advisory Committee and asked her to recommend two members from the CAC to serve on this study committee. Leslie gave me the names of Loraine Domine and George Huber.

MOTION: Councilor Ripma moved to appoint Karen Burger-Kimber, Loraine Domine and George Huber to the 242nd Avenue Connector Study. Seconded by Councilor Kight.

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

Mayor Thalhofer asked Mr. Abrahamson to inform the Council of the dates of the meetings.

8. PUBLIC HEARING / ORDINANCE (Introduced 3/23/99): An Ordinance adopting Title 8, Health and Safety, Chapter 8.36, Life Jackets in the Sandy River, requiring life jackets on all children 12 years of age or under when they swim in the Sandy River.

Mayor Thalhofer stated that this item was pulled from the agenda.

9. LIFE GUARD PROGRAM

Mayor Thalhofer stated this item was pulled from the agenda.

10. DEPARTMENT REPORTS:

Mayor Thalhofer called this item.

Chief Berrest pointed out some stats in his report.

Faith replied I have nothing to add.

Councilor Ripma asked you reported that the County Planning Commission held a hearing on the City's recommendation for zoning of unincorporated lands within the City's UPA, do you know the outcome of that?

Faith replied they reluctantly went with your recommendation, but they had some difficulty with it. They truly did disagree with your recommendation and did not feel it was consistent with the expectations and desires under the Metro Functional Plan and the 2040 Growth Plan.

Galloway replied I have nothing to add.

11. COUNCIL CONCERNS AND INITIATIVES


Mayor Thalhofer stated we have good volunteers and we appreciate your service to the City of Troutdale.

Councilor Rabe stated I would like to extend an invitation to everybody to attend the tree planting activities on the 17th and the 24th.

12. ADJOURNMENT

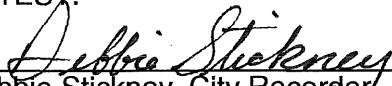
MOTION: Councilor Ripma moved to adjourn the meeting. Councilor Kight seconded the motion.

Meeting was adjourned at 9:50pm.



Paul Thalhofer, Mayor
Dated: 6-9-99

ATTEST:



Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

April 13, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Faith	" "	" "
Christa Morrow	" "	" "
Joe Thuney	Waste Management	
Annina Piluso	1662 Jackson Pl. Rd.	
Betsy Piluso	1614 Jackson Park Rd	
DAN PILUSO	1616 Jackson Park Rd	
Ann Wang	2147 SW Kendall Ct	
Leslie L. Sykes	1918 SW 22 nd St	669-7627
Ed Abraham	Mult 20 1600 SE 150th Ave 97133	249-5050
Lorraine M. Domine	3480 SE Elizabeth Pl.	667-3238
Sande Wilhelm	1706 Jackson Park Rd	665-1315
DON WILHELM	1706 JACSON PARK RD	665-1315
GARY SHIKLES	7227 N 55TH, PORTLAND, OR	493-7849

