



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. -- June 8, 1999

- (A) **1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) **2. CONSENT AGENDA:**
2.1 Accept Minutes: March 23, 1999 Regular Meeting, April 13, 1999 Regular Meeting.
2.2 Business License: Month of May 1999
2.3 Resolution: A Resolution accepting the May 18, 1999 Special Election Results from the Director of Elections, Multnomah County, Oregon.
2.4 Resolution: A Resolution adopting the City of Troutdale's Annual Waste Reduction Plan for Year 10 (1999 - 2000).
- (I) **3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) **4. RESOLUTION:** Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1998-99. Gazewood / Wiesinger
- (A) **5. RESOLUTION:** Resolution adopting a Supplemental Budget for Fiscal Year 1998-99 and making appropriations. Gazewood / Wiesinger
- (A) **6. REPORT:** Rerouting of Tri-Met bus line 24 in downtown Troutdale. Young Park, Tri-Met
- (A) **7. PUBLIC HEARING/ ORDINANCE (Introduction):** An Ordinance adopting a new subsection and amending several sections in Title 10 (Vehicles and Traffic), Chapter 10.12 (Stopping, Standing and Parking); Chapter 10.36 (Abandoned Vehicles, Towing, and Impoundment); and Chapter 10.40 (Violations and Penalties) of the Troutdale Municipal Code. Goldie
- (A) **8. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisances. Hanna
- (I) **9. DEPARTMENT REPORTS**
- | | | |
|-----|-----------------------|-----------------|
| 9.1 | Finance | <u>Gazewood</u> |
| 9.2 | Public Safety | <u>Berrest</u> |
| 9.3 | Community Development | <u>Faith</u> |
| 9.4 | Public Works | <u>Galloway</u> |
| 9.5 | City Attorney | <u>Sercombe</u> |
| 9.6 | Executive | <u>Kvarsten</u> |

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(I) **10. COUNCIL CONCERNS AND INITIATIVES**

(A) **11. ADJOURNMENT**


Paul Thalhofer, Mayor

Dated: 6/1/99

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

June 8, 1999 7:00pm

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Meeting was called to order at 7:02 p.m. by Mayor Thalhoffer. Mayor Thalhoffer called on Councilor Rabe to lead us in the Pledge of Allegiance.

Mayor Thalhoffer asked for the roll to be called.

City Recorder Stickney called the roll.

PRESENT: Thalhoffer, Smith, Thompson, Rabe, Ripma

STAFF: Galloway, Gazewood, Wiesinger, Goldie, Berrest, Faith, Hanna, Sercombe, Kvarsten and Stickney.

GUESTS: Norm Thomas, Loraine Domine, Ali Peret, David Bauman, Terry Smoke, Young Park, Phil Selinger, Valerie Tadda

Mayor Thalhoffer asked are there any agenda updates?

Kvarsten replied we have no changes to offer this evening.

2. CONSENT AGENDA:

- 2.1 Accept Minutes: March 23, 1999 Regular Meeting, April 13, 1999 Regular Meeting.**
- 2.2 Business License: Month of May 1999**
- 2.3 Resolution: A Resolution accepting the May 18, 1999 Special Election Results from the Director of Elections, Multnomah County, Oregon**
- 2.4 Resolution: A Resolution adopting the City of Troutdale's Annual Waste Reduction Plan for Year 10 (1999-2000).**

Mayor Thalhoffer called this item and read the consent agenda.

MOTION: Councilor Thompson moved adoption of the consent agenda. Councilor Ripma seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

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

Mayor Thalhoffer called this item.

Norm Thomas stated I am your representative on the Mt. Hood Cable Regulatory Committee. First of all I would like to thank you for the report you gave me when you asked me to continue on as your representative. I was honored by the comments and statements made by all of you. The reason I am here tonight was at the request of the Mayor to talk about the recent lawsuit victory that the City of Portland and Multnomah County had in regards to the open access issue and AT&T. It became quite a national issue after it was announced on Friday June 4th that they ruled in the favor of Multnomah County requiring open access. In the cable modems, if AT&T, which TCI is a part of, if they open up the modems they have to let other internet service providers ride on the same platform for a fee, it is not a free ride. In the meantime what we managed to get out of this is we started out with the Mt. Hood Cable Regulatory Commission which had been nationally recognized and now a lot more people know about us in that it was front page news in the Oregonian, the LA Times, Washington Post, in the business section of the Wallstreet and also it had a significant impact on the stock market prices for AT&T. At this point the case, according to AT&T, will likely be appealed. Tonight I have provided you with a couple of information bulletins and a copy of the judges decision. The impact as far as Troutdale's subscribers, at this point you are probably hearing some stuff out there that says AT&T is not going to upgrade systems. Within Multnomah County and according to our franchise, they have no option but to upgrade the system, they don't necessarily have to offer the internet service, but they do have to upgrade the system and they are required to be done by December 31, 2000. There is no impact as a result of this decision on what is currently happening within the City of Troutdale. One other quick note in regards to this, TCI system swap went into effect June 1, 1999, so Paragon is no longer our service provider, it is all now under AT&T.

4. RESOLUTION: Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1998-99.

Mayor Thalhoffer called this item asked Mr. Gazewood to come forward.

Gazewood stated I would like to take this opportunity to introduce to you our new Assistant Finance Director, Kyra Wiesinger. I am very please to make this announcement. Kyra is a tremendous individual with a lot of capabilities. The Resolution before you this evening provides for budget transfers in the 1998-99 Fiscal Year Budget. These transfers are related to the Water Fund and the Water Improvement Fund. These are transfers that are being made requesting appropriation transfers from the contingency account and as required by Oregon Local Budget Law, before monies can be moved from a contingency line item they must be approved by they governing body. This Resolution is before you to request a transfer of \$112,331.00 from the Water Fund contingency appropriation. This is necessary to finance the additional construction costs associated with the expansion of the Public Works Building and to provide funding for the design of the Water Telemetry System. Those costs on the Telemetry System project were not anticipated in the original budget and are primarily design related costs that in essence would up-front the project that is included in the 1999-00 Budget. The second Resolution that you will have kind of came into play when we were dealing with this issue of taking money from the contingency. Section two of the Resolution provides for a transfer of \$40,000 from the Water Improvement Fund contingency account and this is to provide for costs that were not anticipated in the general budget but were needed to relocate a water system pressure valve and install new piping in the intersection of Stark Street and Troutdale Road. One of the reasons why this project occurred was at a future time when re-paving is going on or re-construction of that intersection, that the project would already be in and would not necessarily cause additional expense for the paving project.

Councilor Ripma asked I noticed that this transfer depletes the Water Fund Contingency Account completely and the Water Improvement Fund down to \$10,000.00, is that a problem?

Gazewood replied no it is not.

Councilor Rabe asked the valve is being replaced currently because it is an opportune time?

Galloway replied as part of the reservoir construction project, which we don't intend to do for a couple of years, it would involve relocating a PRV and putting in about 200 to 300 linear foot of piping that would be within the general right-of-way of Stark Street. As it appears that Multnomah County may soon make some improvement to that intersection of Stark and Troutdale Road, we wanted to get in there and do our digging, relocate the valve, put in a pipe so that we are not coming along in a couple of years, shortly after Multnomah County does the intersection project, and digging up a new intersection and putting in our pipe.

MOTION: Councilor Ripma moved approval of the Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1998-99. Seconded by Councilor Thompson.

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

5. RESOLUTION: Resolution adopting a Supplemental Budget for Fiscal Year 1998-99 and making appropriations.

Mayor Thalhofer read this item and called on Mr. Gazewood.

Gazewood reviewed the staff report contained in the packet. The purpose of the Supplemental Budget is to provide an increased appropriation to the Water Fund of \$205,000.00. It is necessary for two reasons. In the purchase of the City Hall and Police Building sites that were included in the regular adopted budget, the purchase of additional land for the Public Works Shop purposes was not contemplated at that time as was later rolled in with the bond financing purchase of the City land primarily for the City Hall and Police Building sites. The total \$780,000.00 financing, \$88,213 attributed to the Public Works portion. This budget provides for the increased appropriation for the purchase of that land and related land acquisition costs. In addition to that nearly \$117,000 is also provided for the additional costs that are related to the construction and expansion of the Public Works building.

Councilor Ripma asked the use of the water fee money on this project, this is a public works land and building, is it only related to the water system?

Galloway stated you are correct, it is not only the water fund that benefits from the improvements over at the shop. From a funding standpoint, three different funds are involved. The water fund, being the principal user of the facility, would pay the costs up-front and the other two funds are going to keep paying, in effect almost like a rent to the water fund over the next twenty year period. So the water fund will recoup some of these monies over the years from the other two funds.

MOTION: Councilor Ripma moved approval of the Resolution adopting a Supplemental Budget for Fiscal Year 1998-99 and making appropriations. Seconded by Councilor Rabe.

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

6. REPORT: Rerouting of Tri-Met bus line 24 in downtown Troutdale.

Mayor Thalhofer read this item and called on Mr. Galloway.

Galloway stated as you may recall at our last meeting on May 25th these gentlemen from Tri-Met were here to discuss the issue of rerouting bus line 24. Bus line 24 provides seven day a week service to the downtown area and previously used the turn-around location of the private property immediately north of City Hall. The property owner and Tri-Met were not able to come to terms so that area is not being used anymore. Tri-Met went to a temporary layover location on 2nd Street between Kendall and Buxton. That was on an interim situation, they were looking at a variety of different options as far as a permanent solution. During the discussions at the last council meeting there were several issues that were raised as far as the locations that might be looked at and Tri-Met agreed to look into those and come back and report to the Council at this meeting.

Phil Selinger stated we are pleased to be back after doing some homework after our discussion two weeks ago. There was a tour this morning exploring some of the options that were talked about at the last meeting. We were also asked to confer with the Yoshida Group a little further regarding the continued use of the turn-around that we had been using by the Depot. Yesterday I did meet with the Yoshida Group, and our discussions were inconclusive at this point but very constructive and cooperative. We don't know right now whether in fact we would come to an agreement. What I can tell you, is if we were to come to terms we would be able to layover the buses at that location but not to have a public bus stop at that location. That perhaps could work for us and further discussions with the Yoshida Group would have to continue before we could actually say whether that would work or not. With that I am going to turn this over to Young Park.

Young Park stated in our last meeting we talked about the various options, one through six and in addition two others that were added. A new option that we came up with this morning was to look at the u-turn off of Columbia River Hwy., option A. With making some fixes to the roadway and using the access main that goes into the trailer park and turning the bus around there. The option that Councilor Kight brought up last week was tested out this morning and we concluded that we would still be abutting onto the private property and in addition we would still have to access the private property in order to get out. The second option is option #3 which is currently what we are doing with our buses. With the Kendall to 2nd option roadway construction is currently underway and we had to temporarily relocate our bus layover zone so we moved to option #3 which is to layover on 2nd between Dora and Harlow. Our conclusion was that for now, we must stay with option #3 and continue to serve the City. We did look at various other options of possibly moving on down to Kendall to see if we could provide another block of bus service and then looking at possibly a layover on Columbia River Hwy. Basically we would be blocking the bike lane. So we concluded that the two options that we came up with two weeks ago, option #2 which is a layover on Kendall and #3 which has a layover on Harlow are the two remaining options that are workable for Tri-Met. We also looked at option B of heading east on Columbia River Hwy. turning at the first driveway continuing on down on the access road, trying to find a place for two buses to layover and then getting back out on the other side of the driveway and turning the bus around. We concluded that there would have to be a lot of lost parking spaces to accommodate two buses, and the steepness of the angle of the driveway getting back out makes it somewhat difficult for buses to get down to that street. There is also various drop-off and loading truck movement there and a bus stopping to layover would complicate that.

Councilor Rabe asked on option A, would there be any issues with the right-of-way in terms of the construction of such a project?

Park replied we would have to follow-up on that.

Councilor Rabe asked the two buses would be parked on the west or east side?

Park replied the west side.

Councilor Rabe asked so you will need to put a wider area there?

Park replied yes.

Councilor Rabe asked so the driver would have to turn the bus around and will have to cross an oncoming lane of traffic and you don't foresee that as being a problem?

Park replied we may not, but Multnomah County may.

Councilor Rabe asked as I recall what you were hoping for with this particular stop was some sort of bathroom facility that would be made available to the driver, is that going to be a problem?

Selinger replied that would be a construction cost which is a potential problem from a budgetary standpoint.

Councilor Ripma asked what about the security in option A?

Park replied there are some existing off street lights there, anything we do we will have to provide additional lighting. Safety is a big concern for us.

Councilor Ripma asked so at this point tonight you are updating us but you are still talking to the Yoshida's and you might work something out there, barring that, you're planning to return to the 2nd and Buxton location is that correct?

Park replied yes.

Councilor Thompson asked what about the Glenn Otto Park turn-around?

Selinger replied the fact that there is not a restroom there and the parking lot, from our observations, does not appear to be designed or laid out for a bus to move through that lot. It is a somewhat isolated location for our operators, in the winter time especially. Plus the additional travel time to the park is a financial consideration for Tri-Met.

Galloway stated on the tour this morning, that is one of the locations where the bus did go. There was concern from most of us about the number of parking spaces that would probably be lost in order for the bus to turn around plus for two buses to layover.

Mayor Thalhoffer stated I had a conversation with Mr. Galloway this afternoon and he brought up that there was a discussion about an option X on the tour this morning, which is across the street from Glenn Otto Park, could you explain that?

Galloway stated there was some discussion, I think there was actually a couple different vacant parcels across from the park and there was some talk that perhaps in the best of all possible worlds, if those could be made available, perhaps something like a park-n-ride, where it could function as a bus turn-around and layover point and also a park-n-ride.

Mayor Thalhoffer stated that would probably run into the same schedule concerns as the Glenn Otto Park option.

Selinger stated yes it would. Physically it could work. That could be a solution, I don't think it would be a near term solution because we would have to budget for it and partner with other agencies.

Mayor Thalhoffer stated that sounds like that might be a more realistic long term solution than anything else I have seen. It sounds very promising to me. You would still have a restroom problem.

Selinger stated you are probably looking at \$200,000 just to establish that type of facility.

Mayor Thalhofler stated that would be something to put on the drawing board for the future. Where we are now is to continue having discussions with the Yoshida Group to see if that would work, and you don't know the answer to that tonight. In the interim we would continue the 2nd Street between Dora and Harlow and when the construction is done move back to Buxton and Kendall.

7. PUBLIC HEARING/ORDINANCE (Introduction): An Ordinance adopting a new subsection and amending several sections in Title 10 (Vehicles and Traffic), Chapter 10.12 (Stopping, Standing and Parking); Chapter 10.36 (Abandoned Vehicles, Towing, and Impoundment); and Chapter 10.40 (Violations and Penalties) of the Troutdale Municipal Code.

Mayor Thalhofler read this item and closed the City Council Meeting and opened the Public Hearing and called on Mrs. Goldie.

Goldie reviewed the staff report contained in the packet.

No questions from Council.

No public testimony received.

Mayor Thalhofler closed the Public Hearing and reconvened the City Council Meeting at 7:41 pm and stated that we will take action on this item at the next meeting.

8. PUBLIC HEARING/ORDINANCE (Introduction): An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisances.

Mayor Thalhofler closed the City Council and opened the Public Hearing at 7:42 pm. and called on Mr. Hanna.

Hanna reviewed the staff report contained in the packet.

Councilor Rabe asked the consequences of non-compliance, do they vary considerably?

Hanna replied it has not changed. The penalty section of the nuisance code had not been changed, it works well.

Councilor Rabe asked what about noise?

Hanna replied noise is in Chapter 8, but it is in a different section and that is presently being addressed by the Police Department.

Councilor Ripma asked how many weed complaints do you get?

Hanna replied probably about fifty per summer.

Councilor Ripma asked will this increase your load, will you be able to handle this?

Hanna replied what this will do, is part of high weeds and grass Ordinance that is being repealed, is the requirement of the City to publish a public notice. What we do now is publish a public notice on or about April 15th that says you must have your tall weeds and grass cut by June 15th, which is about a two month window. About April 16th I start receiving numerous calls from people that want their neighbors grass cut and by Ordinance I can not address it until the 15th of June. With this change it will be effective year around and it will not require a publication. It will spread the work out for me.

Councilor Ripma asked the connection of basically anything to a RV on the street will be prohibited, it isn't prohibited now?

Hanna replied no.

Councilor Ripma asked how serious of a problem is it?

Hanna replied I receive numerous calls particularly from joggers and mothers with strollers. The Ordinance that is going to regulate the motor homes and campers, we are giving them a fourteen day exemption for out of town visitors, but they would have to be parked in the driveway or at the street with no connection. If it is in the driveway they can hook it up, they just can't run it across the sidewalk where it becomes a hazard.

Councilor Ripma asked under the vehicle storage and repair in a residential neighborhood it states; "all driveways must be constructed with concrete, asphalt or comparable hard surface." Why is that under vehicle storage and repair, that sounds like some sort of building code. I might add that my house which is eighty years old has a gravel driveway. Does that mean everyone in town like me, that has an old place with a gravel driveway can't keep it?

Hanna replied that would be a pre-existing condition. If you park two or three cars in your yard and they come and go, at the time you move them off of your yard they can not come back. You can not use your front yard as a parking space on the grass.

Councilor Rabe asked what about boats parked in front of houses?

Hanna replied we did include boats, we are primarily targeting motor vehicles and trailers.

Councilor Ripma stated just so I am understanding this, the nuisance ordinance, vehicle storage and repair in neighborhoods, number one states; "all driveways must be constructed of concrete or comparable hard surfaces", that still does sound like to me a provision that is more a building code. Is that to get at the people parking in their front yard?

Hanna replied if you look at number two, it says parking areas which is not related to the driveway. It could be six inches of two minus rock, so they can actually put crushed stone down for parking motor homes or boats.

Councilor Ripma asked is this whole Ordinance complaint driven? You don't go around looking for these do you?

Hanna replied that is correct.

Mayor Thalhoffer asked on section 2A number 18, uncultivated growth of weeds. This will clear up our inability to get fields mowed before June 15th, is that correct?

Hanna replied yes.

Mayor Thalhoffer asked there is one part to number 18 and that is the last sentence which says; "except uncontrolled or uncultivated growth on public lands specifically for the purpose of providing native wildlife habitat, shall not constitute a nuisance." I have a problem with that, in that we have a double standard here to some extent. Is there something special about them that they won't get dry and won't burn and threaten houses.

Hanna replied no, they are just as dry as the other fields. What we have is one park in the City that has the

classification of a wildlife habitat. There is a bird species that nests in there and if they mow that prior to July or the middle of July they are going to displace that bird species from its nesting place.

Mayor Thalhoffer asked is there anything that could be done to preserve the habitat and still reduce the fire danger?

Hanna replied the parks department routinely checks the area and they do mow a wide buffer around the edge of the park along the neighbors fences. They walk the area and check for birds first and then they do mow a buffer zone. When the birds are gone they mow the whole area.

Councilor Smith asked section 3 number 3 states; "no commercial vehicles which exceed 8,000 pounds and twenty-one feet, on street or on driveways." What about tow trucks that are on call twenty-four hours a day?

Hanna stated commercial vehicles are allowed in neighborhoods if they are there doing business, they can not be parked or stored on the street overnight or for any length of time.

Mayor Thalhoffer asked in that case, there is a tow truck east of where I live, that vehicle would be illegal then?

Hanna replied if it meets these size limits.

Mayor Thalhoffer asked is there any place in this Ordinance that we would give any consideration to a special circumstances?

Hanna replied there is nothing in the Ordinance at this time.

Mayor Thalhoffer stated that we ought to at least consider some kind of a provision for a vehicle like that when they are on call twenty-four hours a day.

Hanna stated that this section is also compliant driven.

Mayor Thalhoffer asked if there was anyone here to testify on this issue?

No public testimony received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting and stated that action will be taken at the next meeting.

9. DEPARTMENT REPORTS

Mayor Thalhoffer called this item and called on Mr. Gazewood.

Gazewood stated I have nothing to add to my report.

Chief Berrest stated Officer Pam Bailey is now on board so we are now at full strength. We have also hired three reserve officers for beach patrol.

Faith stated I have nothing to add to my report.

Galloway stated I have nothing to add to my report.

10. COUNCIL CONCERNS AND INITIATIVE

Mayor Thalhoffer called this item.

Councilor Smith stated that this week Councilor Ripma was appointed by Governor Kitzhaber to the Energy Facility Siting Council.

Councilor Ripma stated this morning there was an appeal hearing on the demolition permit issued by the County for Bridal Veil, which is on the George. There is a small very old town there which was a logging town, the oldest one in the County and the only one left in the State of Oregon. It is a very historic site and the County under the Gorge Act considered issuing a demolition permit to demolish the rest of the buildings, except for the post office and the church which are still in use. The Crown Point Country Historical Society had appealed the decision to the County Board Commissioners, unfortunately they did not support us on that. I do want to commend our Commissioner, Sharron Kelley who saw the grave error of demolishing these historic buildings. She did persuade her fellow commissioners to give a thirty day stay while we try to work something out.

Mayor Thalhoffer asked what can we do during this thirty day period?

Councilor Ripma stated we are in the phase of the thirty day wait while the parties try to mediate. Sharron Kelley offered her services for that. We would certainly appreciate your support and other interested parties if we do appeal this to the Gorge Commission. Thanks for the offer.

11. ADJOURNMENT

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

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

Meeting was adjourned at 8:47pm.



Paul Thalhoffer, Mayor
Dated: 7-28-99

ATTEST:



Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

June 8, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Kyra Wiesinger	City Hall	665-5175
Bob Gazeewood	City Hall	✓ ✓
Mark Berrest	Police Dept	665-5175
Norm Thomas	2751 SW Clara Ct Troutdale	667-4320
Lorraine M Domine	3480 SE Eliz. Pl.	667-3238
H. Best	208 E Columbia Rvr Hwy	667-0450
Paul E Brumman	930 SE Robert	666-4428
Terry E. Smoke	345 E Hist Columbia Rvr Hwy	661-0123
Jon Par	Tri-Met	962-6701
Phil Selinger	Tri-Met	962-2137
Valentina Tachta	yo shinda Gallery	667-2552
ally	yo shinda Gallery	

