



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

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

7:00 P.M. -- December 14, 1999

EXECUTIVE DEPARTMENT

Fax (503) 665-7265

Administration


City Administrator
City Recorder

Human Resources

Community Services

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
- 2.1 **ACCEPT MINUTES:** October 13, 1999 Regular Meeting
- 2.2 **BUSINESS LICENSE:** Month of November
- 2.3 **RESOLUTION:** A Resolution exempting certain brand name items from competitive bidding requirements.
- 2.4 **RESOLUTION:** A Resolution recognizing the completion of the Capital Improvements associated with the SW 7th Street Improvements project and accepting them into the City's Fixed Asset System.
- 2.5 **RESOLUTION:** A Resolution approving a Special Public Works Fund Contract Amendment No. 3 for Project No. B92002, Wastewater Treatment Plant Expansion.
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) 4. **MOTION:** Motion Approving agreement for option to purchase real estate from Multnomah County. *Kvarsten*
- (A) 5. **PUBLIC HEARING / ORDINANCE (Introduced 11/23/99):** An Ordinance changing the Solid Waste Franchise term length and amending Chapter 12.10 of the Troutdale Municipal Code. *Morrow*
- (A) 6. **PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance changing the Solid Waste Franchise fee and amending Chapter 12.10 of the Troutdale Municipal Code. *Morrow*
- (A) 7. **RESOLUTION:** A Resolution adopting the revised Solid Waste Franchise Agreement between the City of Troutdale and Waste Management, Inc. *Morrow*

- (A) 8. **PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance annexing Tax Lot 501, Township 1 North, Range 3 East, Section 23CA, amending the City's Comprehensive Plan map to assign the industrial designation and amending the City's Zoning District map to assign the General Industrial Zoning designation to the property upon its annexation. *Faith*
- (I) 9. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 10. **ADJOURNMENT**


Paul Thalhofer, Mayor

Dated: 12-7-99

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

December 14, 1999 7:00pm

Meeting was called to order at 7:00 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.

PRESENT: Smith, Ripma, Thompson, Kight, Daoust, Thalhofer.

STAFF: Berrest, Morrow, Galloway, Faith, Sercombe, Kvarsten, Callan, Stickney.

GUESTS: Robert VanderBorg, Brian McMenamin, Sharron Kelley, Bob Oberst, Ban Walsh, Corbin Shays.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we do have several matters this evening. You have before you for agenda item 2.3, a Resolution exempting certain brand name items from competitive bidding requirements, you do have a replacement Resolution in front of you. Also under the consent agenda we would like to add item 2.6, approval of liquor license from Fortuna Chinese Restaurant. And finally I would like to note, if you would recall at the November 9th meeting and Ordinance was introduced amending Troutdale's Comprehensive Land Use Plan in the Development Code to comply with Title 3 of Metro's Urban Growth Management Functional Plan which relates to water quality and flood management standards. The Council decided at that time to continue the hearing to the December 14th and January 11th meetings. The Ordinance is not on the agenda this evening because Council then postponed action on the matter until later this year. As Council requested we have submitted the extension request to Metro.

2. CONSENT AGENDA:

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- 2.5 RESOLUTION:** A Resolution approving a Special Public Works Fund Contract Amendment No. 3 for Project No. B92002, Wastewater Treatment Plant Expansion.
- 2.6 Approve Liquor License:** Fortuna Chinese Restaurant

Mayor Thalhoffer called this item and read the consent agenda.

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

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

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

Robert VanderBorg stated I have sent letters to the Mayors of Wood Village, Fairview, Gresham and Troutdale in relation to a park and recreation district. Gresham has held three meetings to date with regards to this. I was the only representative at the meeting from Troutdale last Wednesday and I am now a board member of that group representing Troutdale. At this time I am in the process of going around and collecting signatures which would hopefully indicate that there is reason for you folks to be an advocate for this park and recreation district as well. Hopefully we will be able to have this on a November 2000 ballot. I just wanted to let you know that I was the representative and I am going to be going around collecting signatures.

Mayor Thalhoffer stated that we will be putting this item on an agenda in January to discuss.

Mayor Thalhoffer made a presentation of an award to Don Curtis. He has been working in the City of Troutdale for the past few years to help, especially the Down Town Merchants Association. Don has been very active in down town Troutdale and we are really happy to present him with a plaque tonight to honor him for the work he has done.

Don Curtis stated I have had more fun in the last ten years than I have had in the last fifty. This group of people that I have worked with in down town Troutdale, city staff, city council, we have had a lot of fun but I have never in my life met a place where we have had a group of people that work more closely together to get a job done. All I did was promote a vision a few years ago and everybody took the vision and started working real hard and I was just fortunate to be part of that team that pulled that vision together.

4. MOTION: Motion Approving agreement for option to purchase real estate from Multnomah County.

Mayor Thalhoffer called this item.

Kvarsten stated the matter before us tonight is the option to purchase real estate from Multnomah County. The parcel is approximately 47 acres near 244th and Halsey often referred to as the "County Farm" or "Pig Farm" property. As you are aware for many years this was part of Multnomah County Farm operations. In 1992 the Board declared the land surplus and listed it for sale. In 1994 the County withdrew the property from the surplus land inventory so our perspective area Chamber of Commerce could pursue development of the property in a matter that would be most beneficial to both Troutdale as well as the region. In 1996, in response to a letter the Mayor sent, Chair Stein advised the County would be willing to sale the property to the City at an appraised market value contingent on the approval of the rest of the Board of County Commissioners. As you recall in 1998 the Council reviewed development proposals for the property submitted by a number of interested parties. Following several public hearings, the

Council selected the development proposal from Mike McMenamain. We were then directed to negotiate an option agreement with Multnomah County and then a development disposition agreement with McMenamain's Inc. The parcel has been appraised a number of times during the past ten years, the two most recent were October "98" and October "99" which established the value at approximately \$3.7 million. Attached as exhibit "A" is the option agreement which was crafted by the City and County and approved by the Multnomah County Board of Commissioners on December 2, 1999. This is contingent on the execution of the development agreement between the City and McMenamain's Inc. The City Attorney and representatives of McMenamains are still working on the development disposition agreement. This agreement addresses the scope of development, schedule of performance and other related issues. Once this is drafted it will be returned to City Council for final approval and that will be sometime in the future. The recommendation from staff tonight is a motion to approve this option agreement for the purchase of real estate from Multnomah County. From staffs prospective we would also like to take this time to thank Bob Oberst for his tremendous work through what has been a very long process. Commissioner Kelley is always a strong advocate for east county interest and again the cooperation that we received from Commissioner Stein's office.

Commissioner Sharron Kelley stated the process has required from all of us a lot of patience. I think through all that process we have come to what I think is just an amazingly good decision that I think will enhance the lives of all the people in east Multnomah County. My Board has been delighted to participate in this process. When it was presented to the Board there was not a comment, a question or a concern. There was simply accolades from us to you. What I am suggesting tonight is that, while this is not without problems, we simply have transportation issues that we will have to deal with in the next year. But for tonight what I am suggesting is that we savior the moment, we don't have very many opportunities for Multnomah County and the City of Troutdale to have a non-controversial issue before us, and for us to pat ourselves on the back and say, we did a great thing, without any debate. I am just here to congratulate you for all the work that you did in coming to this final conclusion and to say we are pleased to be supportive of this project.

Brian McMenamain stated this is a great opportunity for us and I would just like to say thanks.

MOTION: Councilor Ripma moved to approve the option agreement. Seconded by Councilor Kight.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

5. PUBLIC HEARING / ORDINANCE (Introduced 11/23/99): An Ordinance changing the Solid Waste Franchise term length and amending Chapter 12.10 of the Troutdale Municipal Code.

Mayor Thalhoffer read the Ordinance title, closed the City Council meeting and opened the Public Hearing at 7:41pm.

Morrow stated at the November 23rd City Council meeting I introduced to you an Ordinance that proposed to change the solid waste franchise term from a term of 5 years to a term of not more than 10 years that would be specified in the franchise agreement. The proposed ordinance will give the city flexibility in determining the exact terms of the franchise and would accommodate a new franchise agreement which is to become effective January 1, 2000 and will be presented to you later

on this evening. A longer franchise term was requested by the franchisee and will be specified in the franchise agreement. Staff recommends that the proposed ordinance be adopted this evening.

Mayor Thalhoffer asked if there was anyone here that would like to speak to us on this issue.

No public testimony was received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting.

MOTION: Councilor Thompson moved to adopt the Ordinance changing the Solid Waste Franchise term length and amending Chapter 12.10 of the Troutdale Municipal Code. Seconded by Councilor Kight.

YEAS: 6
NAYS: 0
ABSTAINED: 0

6. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance changing the Solid Waste Franchise fee and amending Chapter 12.10 of the Troutdale Municipal Code.

Mayor Thalhoffer read the Ordinance title, closed the City Council meeting and opened the Public Hearing at 7:45pm.

Morrow stated I would like to introduce to you tonight an ordinance that would change the franchise fee section of Chapter 12.10 of the Troutdale Municipal Code. Staff has been working on updating and finalizing the City's Franchise Agreement with Waste Management it has come to our attention that currently in the franchise fee section it does not allow the City the flexibility to increase the franchise fee. Currently the franchisee pays the City 4% of the gross cash receipts. We believe that the current franchise fee language should be modified to give the City the opportunity to increase the franchise fee to align with other franchise fee requirements in the Portland-Metro area. Waste Management is in agreement with the proposed franchise fee language outlined in the proposed ordinance. Therefore, staff recommends that the proposed ordinance be adopted.

Mayor Thalhoffer asked if there was anyone here who would like to speak to us on this issue.

No public testimony received.

Mayor Thalhoffer stated that there will be a second hearing on this ordinance at the first meeting in January.

7. RESOLUTION: A Resolution adopting the revised Solid Waste Franchise Agreement between the City of Troutdale and Waste Management, Inc.

Mayor Thalhoffer read the Resolution title.

Morrow stated that the current franchise between Waste Management and the City of Troutdale expires on January 1, 2000. The purpose of the franchise is to ensure that safe, efficient and economical solid waste and recycling services are provided for the residents and businesses within Troutdale. Staff has been working on updating and finalizing the franchise agreement with Waste

Management which will become effective on January 1, 2000. It is proposed to be in affect for a term of eight years. The solid waste industry has changed significantly since Waste Management acquired Ege Sanitary in February of 1996. Therefore, staff has revised the franchise agreement to accommodate some of these changes in the industry. Some of the sections of the franchise have remained the same as the current franchise. Some sections are new in the franchise and those are to specify out the responsibilities of the customer, the franchisee and the city. I did speak with the Mayor today regarding some portions of the franchise and there was a change that he would like to propose to make. Staff does recommend that the proposed resolution be adopted to approve the exclusive franchise agreement.

Mayor Thalhoffer stated I would like to have you clarify the change that I have recommended.

Morrow stated we discussed under section 15 item 6 where it talks about how the franchisee is responsible to secure the garbage can lids from blowing away but it doesn't say anything about preventing the receptacle themselves from blowing away if the customer has secured them. So basically we would add a sentence to the affect; the franchisee shall secure receptacles in the same manner that the customer secured the receptacle to prevent them from blowing away.

Councilor Ripma asked was that change ran by Waste Management?

Morrow replied we have not, but there is a representative from Waste Management here tonight.

Daryl Lyons of Waste Management stated I have no problem with the change to the language.

Councilor Kight stated in section 10, it talks about missed collections. Sometimes we have animals at night, raccoons, they have been known to pop off the lids on the garbage cans no matter how you secure them. It might be helpful if there is someway that you can notify when people have to have the garbage can out by. The time seems to vary.

Lyons replied we would always like to assure our customers that they could set their clock by the arrival of our trucks. But due to vacations, equipment failures during the day, weather conditions, it is almost impossible to keep a pure schedule. We would always recommend that you have your can out by 6am.

Councilor Kight asked have you corrected the problem of fluid leaking out from under the truck, you were going to change the truck in some way so there wasn't grease running down the street?

Lyons replied we try to avoid any type of excessive leaks of fuel or petroleum products and or garbage. We try to minimize to any industry and equipment standard and we try to go beyond that call of duty to make sure that we have those pieces of equipment in A-1 condition. If a citizen sees a spill, we have a response team that will quickly take care of any spills.

Councilor Daoust asked is the clean-up of spills in the agreement?

Morrow replied we did specify under System and Equipment Requirement, about how vehicles need to be operated and maintained to not be leaking fluids. It states that the franchisee shall make a reasonable effort to clean-up all dropped, leaked, blown or escaped solid waste, recyclable materials or yard debris, spilled vehicle fuel, hydraulic fluid or lubricants as soon as practicable.

Councilor Daoust stated I see that the term of the agreement has got set at eight years, before we were talking about ten years. Was there a reason for going with eight years?

Morrow replied previously it was at five years. We went up to the eight years. About a year ago, Gary Penning, the previous District Manager for Waste Management had written a letter to the City asking that the franchise be extended to eight years. A lot of that had to do with recouping the depreciation costs.

MOTION: Councilor Thompson moved to adopt the Resolution. Seconded by Councilor Kight.

Kvarsten asked Mayor, I just wanted to clarify that the maker of the motion intended to include your revision in the motion.

Councilor Thompson replied yes.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

8. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance annexing Tax Lot 501, Township 1 North, Range 3 East, Section 23CA, amending the City's Comprehensive Plan map to assign the industrial designation and amending the City's Zoning District map to assign the General Industrial Zoning designation to the property upon its annexation.

Mayor Thalhofer read the Ordinance title, closed the City Council meeting and opened the Public Hearing at 8:03pm.

Faith stated this annexation is the result of a request by William and Mary Walsh who own Walsh Trucking Company. It pertains to a parcel approximately 2 1/2 acres in size which is just outside the existing city limits. The property is immediately adjacent to their existing trucking facility which is located at 1615 NW Sundial Road. They currently own the property and wish to expand their trucking operation and they would like to have their entire operation within the jurisdiction of Troutdale as opposed to part being in and part being out. The annexation is a little unusual in that you will actually be deciding on the annexation. That is different then in previous years when the Portland Area Boundary Commission was in effect they generally dealt with the annexations and then once the property had been annexed, then it was up to the city to apply a comp plan and zoning designation to the property. However, the Boundary Commission was abolished effective January 1st of this year and so you will be actually deciding on the annexation. In conjunction with that, staff is recommending that we also apply the comp plan designation of industrial and the zoning classification of general industrial to the property. The proposed plan designation and zoning are consistent with the resolution that was adopted by the City Council in March of this year in which you reviewed the areas within our urban planning boundary that are currently unincorporated lands and had recommended to the County Commissioners the specific zoning and land use designation that you would like to see with these properties upon their annexation into the city. This matter was brought before the Planning Commission for public hearing on November 17th and they are forwarding to you a recommendation for approval of the annexation and the approval of the

comprehensive plan designation of industrial and a zoning designation of general industrial.

Councilor Ripma asked the operation that is going to go on this land is already occurring next door?

Faith replied yes. The property that is next door that is in the city is the site of Walsh Trucking.

Councilor Ripma asked are they going to expand it or move it?

Faith replied they want to expand it for additional parking of their trucks and I believe a fuel island.

Councilor Ripma asked is there an affect on our police department? Do they generate a lot of police work?

Chief Berrest replied presently Walsh Trucking poses no serious problems with the police that I am aware of.

Councilor Kight asked they are going to have an asphalt parking lot and a fuel station, is there going to be any landscaping plans to the property to enhance it?

Faith replied we have not yet seen a site plan for how they intend to develop the property. I can assure you that when they do get ready to improve that site they will have to come in for their land use permit and submit the application and we will review it against the requirements of the code which includes landscaping, setbacks, proper drainage and water quality facilities.

Councilor Kight asked the refueling station that they are going to have there, is it going to be gasoline as well as diesel or just diesel?

Faith replied I could not tell you the specifics, we have not talked about it.

Councilor Kight asked do we have anyway to mitigate in case there is a major fuel spill?

Faith replied with facilities of this type they are usually required, through public works, to submit a fuel spill plan or a spill containment plan.

Councilor Kight asked what are the waterways and or wetlands that are adjacent to this property?

Faith replied there is not really any wetlands but Salmon Creek does run along the northern boundary of the site.

Councilor Kight asked how far from it?

Faith replied I believe it creates the northern boundary, but that might be best to ask the applicant.

Dan Walsh stated our property line is probably about 15 feet to the south of Salmon Creek.

Councilor Kight asked is any of that in a flood plain or flood way at all?

Walsh replied flood plain.

Councilor Kight asked did you experience any flooding in 1996?

Walsh replied no.

Councilor Daoust asked I realize that we do not have a boundary commission anymore, and I realize that we are going under guidelines from Metro. What role does Multnomah County play in a land annexation?

Faith replied Multnomah County is notified of the annexation request and they have the right to challenge the annexation if they wish to in which case it would go to Metro.

Councilor Daoust asked is the County notified after we make our decision?

Faith replied they have already been notified of this annexation request with the opportunity to file a challenge or appeal.

Councilor Daoust asked have we heard anything from Multnomah County?

Faith replied no. We did contract the analysis for this annexation to Ken Martin, who was the staff person with the boundary commission, since we were working under new procedures and under staffed. He did all of the notifications and I am sure if he had received a challenge or appeal he would have informed us.

Councilor Daoust asked if the applicants do put in a truck fuel island, and if they do need water for the trucks, is the city capable of supplying water to that site?

Faith replied it is my understanding that the water and sewer lines are already available to the site.

Corbin Shays stated I represent Walsh and Sons Trucking for the annexation and I have had a conversation with Ken Martin and he said there was no appeals or opposition to this annexation.

Mayor Thalhoffer asked if there was anyone else here who would like to speak to us on this issue.

No public testimony was received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting and stated that there will be a second public hearing on this ordinance at our January 11th meeting.

9. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer called this item.

Councilor Ripma stated the long battle by Crown Point Country Historical Society to save the buildings of Bridal Veil, the appeal to the Gorge Commission was heard today and they overturned the County's demolition permit.

Mayor Thalhoffer stated the Troutdale Trolley Committee met again on December 7th and we got organized to pursue the trolley that we hope to put into operation as soon as possible. The book

drive for the Reynolds Education Foundation is in full swing. The Japanese from the City of Ebetsu visited us here in the Council Chambers and a toured Yoshida's Art Gallery. Then they went to McMEnamin's and they may make an agreement with them to import some of their beer.

Councilor Kight stated I attended a Snow-Cap meeting this morning at Briarwood Inn and we raised several thousand dollars which will go to those people who are needy at this time of year. I also attend a JPACT meeting and we finalized our transportation list. Finally I directed staff to produce the last Y2K publication, I hope everyone takes time to read it.

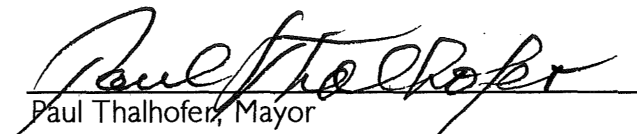
Councilor Daoust stated I would like to encourage people to shop in Down Town Troutdale. The Reynolds School District is putting on the play 42nd Street starting January 12th at Mt. Hood Community College. The Troutdale Boosters Club has started, and will advertise shortly, an assistance program or a hotline that people can call if they need assistance especially in the winter months.

10. ADJOURNMENT


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

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

Meeting was adjourned at 8:39pm.


Paul Thalhofer, Mayor
Dated: 2-9-00

ATTEST:


Debbie Stickney, City Recorder

