



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. -- March 28, 2000


Mayor

Paul Thalhofner

City Council

Pat Smith
David Ripma
Bruce Thompson
Jim Kight
Paul Rabe
Doug Daoust

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 **Accept Minutes:** February 22, 2000 Regular Meeting
 - 2.2 **Motion:** A Motion authorizing the Mayor to sign a letter supporting the State's Juvenile Accountability Incentive Block Grant program.
 - 2.3 **Resolution:** A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1999-2000.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 4. RESOLUTION: A Resolution to support all efforts to restore Amtrak service to Eastern Oregon. Mayor Thalhofner
- (A) 5. RESOLUTION: A Resolution supporting the Reynolds School District's bond measure. Mayor Thalhofner
- (A) 6. PUBLIC HEARING / ORDINANCE (Introduced 3/14/00): An Ordinance withdrawing territory located at 1756 SE Woodard Road from the Corbett Water District. City Attorney
- (A) 7. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance establishing procedures for deviating from the Public Works Construction Standards and amending Chapter 12.01 of the Troutdale Municipal Code. Galloway
- (I) 8. COUNCIL CONCERNS AND INITIATIVES
- (A) 9. ADJOURNMENT


Paul Thalhofner, Mayor

Dated: 3/21/00

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

March 28, 2000 7:00pm

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

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhoffer called on Councilor Daoust to lead us in the Pledge of Allegiance.

PRESENT: Ripma, Thompson, Kight, Rabe, Daoust, Thalhoffer.

STAFF: Galloway, Kvarsten, Sercombe, Stickney

GUESTS: Diane McKeel, Chris Gorsek, Daniel Block, Wayne Kinney, Frank Shields

Mayor Thalhoffer asked are there any agenda updates?

Kvarsten replied we have an addition under the consent agenda, we would like to add item 2.4 which is a liquor license for El Tapatio Restaurant at 244 SW Cherry Park Road and you should have a copy of their application in front of you. We have no other changes this evening.

2. CONSENT AGENDA:

- 2.1 Accept Minutes:** February 22, 2000 Regular Meeting
- 2.2 Motion:** A Motion authorizing the Mayor to sign a letter supporting the State's Juvenile Accountability Incentive Block Grant program.
- 2.3 Resolution:** A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1999-2000.
- 2.4 Approval of Liquor License:** El Tapatio 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.

Mayor Thalhoffer called this item.

Senator Frank Shields stated I wanted to introduce myself, I have been in the House of

Representatives for three terms and have been elected to the State Senate. I have decided to run for the Multnomah County Commission. I wanted to reiterate that I work hard to understand the issues of my district. The present district that I am in as State Senator goes from the Airport to Clackamas County line, from 72nd Street to 174th Street. It is a large area and the issues are diverse. What might be an issue in one area might not be an issue here. Transportation is a problem that we share in common. Another area that is shared by all is peoples right to feel safe in their homes and communities. I just wanted to stop by and introduce myself and you can feel free to call me. 761-0276 - State phone or 760-6473 - home.

4. RESOLUTION: A Resolution to support all efforts to restore Amtrak service to Eastern Oregon.

Mayor Thalhoffer called this item and read the resolution.

Wayne Kinney stated I work with Senator Wyden out of his eastern Oregon office in LaGrande. Amtrak, when it was closed in 1997, there were a large number of folks in Eastern Oregon that wanted it to come back. In 1999 Senator Wyden held public meetings in Hermiston to talk about how important passenger rail was to them. We then formed a task force to look into ways to bring passenger rail service back. That task force started meeting last summer, and will be holding another meeting on April 13th at 10:00 at the Port of Portland building. Amtrak has been under a requirement by Congress, that by 2003 it has to be operating without subsidy. A lot of folks believe that is an unfair standard for Amtrak to meet given that every other form of transportation is subsidized. What we have had to do is try to find ways to entice business and community support to make up for that deficit. We first started talking about a Boise to Portland run, Amtrak projected that would lose, using 1993 numbers which was the last time that Amtrak ran seven days a week, that it would lose \$4.6 million a year. That did not scare people on the task force because they knew that there was no tourism promotion, no business use, there was no promotion at all. We have been working to find ways for businesses to use the train for shipping. The Service Transportation Board back in Washington has ruled that Amtrak could be used for timely freight shipments. We have since received some interest from the Portland flower market, Windmere Brewery and from the Wildhorse Resort and Casino near Pendleton. The other thing we have talked about is trying to find a way to get community support and to get support from the legislature. Almost every place in the Country where Amtrak has run into some difficulty, it has been able to stay because the legislatures have provided support for it. One thing we have been doing at the suggestion of Amtrak, is going to communities along the route and asking them to consider contributing an amount equal to .75 to 1.00 per head for a number of years to help offset the cost and help show the community support for Amtrak. LaGrand, Hermiston, Pendleton, Baker City and Union County have all agreed to do that. The Dalles, Ontario, Boise and Portland are considering it. While Boise to Portland is good for some tourism, there is also a lot of support for going on to Salt Lake where you can then pick up a train and go further east from there. My understanding is that Amtrak has a preliminary indication that a Portland to Salt Lake run could actually be profitable if it got some mail contracts and it certainly would be easier if we could get some other express type products such as fruit in Hood River.

Councilor Daoust stated it seems to me that a logical stop along the way might be Troutdale. Have you talked about this.

Kinney stated we have talked a little about connecting with the Airport, but we have not talked about it in great detail.

Councilor Ripma asked I am delighted to support this resolution, however are we endorsing the .75 a head of Troutdale's money?

Kinney replied your resolution does not speak to that.

Councilor Ripma asked did the others kick in .75 per population not per train riders.

Kinney replied correct.

Councilor Ripma stated because Troutdale didn't really have any train riders because we don't have a stop. We did not have one on the Pioneer.

Kinney replied I didn't understand that, I thought there was one.

Councilor Ripma replied no we did not. I have taken the Pioneer and I hope it goes through to Denver eventually because that was a great run.

Kinney stated well if you want a stop in Troutdale, we will have one there. I thought you had one, so I apologize for that.

Councilor Ripma stated we did not, we did actively seek one while the Pioneer was still running. We think we are a very logical place for a stop being the Gateway to the Gorge and logical distance out of Portland.

Mayor Thalhoffer stated the fiscal part of this we will refer to the City Administrator.

Councilor Kight stated I want to reiterate my support of having a stop here in Troutdale.

Councilor Rabe asked how is it that they are able to sustain the Washington side of the track but not the Oregon?

Kinney replied I think that they decided that one of the routes had to go. I know that they also have a mail contract.

Daniel Block, I represent the association of Oregon Rail and Transit Advocates. I am here to make a few comments about the resolution you have before you. I have two objectives in representing our organization this evening. The first is to support the resolution you have before you. The second objective has changed somewhat in the last few minutes to congratulating you on the wording of the objective as it regards to one specific point and that is the express freight and mail aspect of it and the connectivity of the train to eastern destinations. The organization is very concerned that when we have an institute rail transit in the Northwest, that it be economically viable, efficient and have longevity to it and not rely heavily on subsidy. We have put forth a proposal for this to be seriously examined by Amtrak that takes revenues from express mail and in particular fresh produce out of the Northwest into eastern destinations. Our organization has been holding meetings throughout the Northwest with growers and shippers to determine what their interest is in putting fresh produce on the back of a passenger train. Amtrak will allow up to thirty cars on a train, as you can see that offers tremendous opportunity for express cars on the tail end of the train to make a passenger schedule to Chicago and other destinations. The response we have been getting from growers and shippers in the Northwest is very enthusiastic. Our proposal not

only includes fresh produce but also includes nursery products and a variety of other things. Amtrak has been communicating with us in detail about our proposal but it relies heavily on connectivity. Obviously if the train stops in Idaho, you can't ship anything. Connectivity to the rest of the Amtrak system is important. Our objective is to have long term viable passenger service, that has to be paid for somehow and passengers alone don't cover it. Our proposal looks at three years to almost break even using the revenues from passengers as well as from shippers.

Councilor Daoust asked how is Amtrak responding to your proposal?

Block replied our recent communication with them is that the Chicago destination makes the proposal more viable.

Councilor Ripma stated I am all for making the system pay. When Amtrak was originally set up, the railroads were giving up something they didn't want to, which was to provide passenger service, and I think one of the reasons the law was written that Amtrak couldn't carry freight was because that directly competes with the railroads. I wonder are you having any luck with the railroads on this?

Block replied I think that question is better directed to Amtrak and their relationship with Union Pacific. To my understanding, express cargo like we are talking about is allowed under the agreement with Amtrak and the main freight railroads, so this doesn't appear to be competition.

Councilor Kight stated I didn't realize that your focus on freight was so narrow. What happens in non-growing seasons?

Block replied that is a good question. I think they will be carrying other express products which could include second class mail.

Chris Gorsek stated I am a Troutdale resident and I am also a geography instructor at Mt. Hood Community College, and like Frank Shields, I am also running for office, for Senate District 11. I am here tonight because of the information that I received recently about this proposal. The loss of Amtrak service to the east was a serious burden on eastern communities. I support your resolution. I would also support a Troutdale stop, it does make sense.

Councilor Ripma asked are you enthusiastic enough about the train that you would work in the legislature to help support this?

Gorsek replied absolutely.

Councilor Thompson asked are you in favor of the legislature giving support to Amtrak for this line?

Gorsek replied yes.

Diane McKeel stated the Chamber has written letters of support to Senator Wyden, Senator Smith and Representative Blumenhauer. We also advocate for a stop in Troutdale in all of our written material and all of our conversations that we have had.

MOTION: Councilor Ripma moved adoption of the Resolution. Seconded by Councilor Kight.

YEAS: 6

NAYS: 0
ABSTAINED: 0

Mayor Thalhoffer asked Mr. Gorsek would you like to introduce yourself at this time.

Gorsek stated I am a Troutdale resident, we have lived here for 2 ½ years. I have been teaching at Mt. Hood Community College for 3 full years. Currently I am running as the Democrat in Senate District 11 for the State Legislature. I am running on the issues of growth and transportation and I also have some very serious concerns about education funding and juvenile services.

Councilor Daoust asked is this your first shot at an elected position.

Gorsek replied yes.

Councilor Kight asked one of the issues you point out is how does growth pay for infrastructure, with your background in education and considering the next agenda item is the resolution supporting the Reynolds School District bond measure. In your experience or based on your knowledge, how would you, if you were elected to this office, have growth pay for the infrastructure supporting the public school system?

Gorsek replied that is a question that was recently put to me and there was a question as to whether we should ask people that are developing land to be involved in the process of supporting that. The first time I have really looked at that issue was today, so at the present time I don't have a real good answer. However, I would say that we do require, or ask developers to assist with streets and sewers and things of that nature and it makes some sense to think that if you are going to develop that you don't just put the buildings there, that you worry about the community beyond that.

5. RESOLUTION: A Resolution supporting the Reynolds School District's bond measure.

Mayor Thalhoffer called this item and read the resolution.

Councilor Daoust stated I whole heartedly support this resolution. We have all seen the statistics and we are very familiar on the council with how many more children are going to move into the area and how we are already crowded. I have reviewed the bond request and what they are asking to do and it seems reasonable to me. Every time my kids get involved in a high school play they have to rent Mt. Hood Community College. When my kids first started going to Woodland Elementary School, just a couple of years ago, there were vacant classrooms. Now they have already filled all the vacant rooms. I think we need to support this as a Council just to show we have a commitment to the children in our community.

Councilor Ripma stated I also endorse the bond measure and I intend to vote for it, I think it is important to Troutdale. I do have a question and I don't know who to ask, but on item 3 of the resolution it states that "it will be structured so new homeowners moving into the district will assist in the payment." What is that? Does that mean because it is a bond measure it will go on everybody's taxes?

Mayor Thalhofer replied I think that is what it means.

Councilor Ripma stated it seems like everybody would be paying for it, not just new homeowners. I do think that the school district is important to Troutdale. I question the correctness of the City Council taking a position on the measure. I think as individuals we should speak up for it, but my reason for bringing up the issue would be for future consideration and discussion. I do endorse this bond measure whole heartedly and I will vote for it.

Councilor Thompson stated I support this resolution whole heartedly. I think we all have a commitment to our kids education whether we have kids in school or not. All the kids in our community need the best educational facilities that we can give them and this just keeps us even with the increased population it doesn't bring us forward any.

Mayor Thalhofer stated I think it is important for us as individuals but also as the City Council, the elected leaders of this community, to support as a Council, this bond measure which proves and assures the people of our City that we are committed to the children of our community to see that they get an adequate education. Our students in our schools don't even have appropriate text books to read. We have a real shortfall in our whole educational system and anything we can do to support our schools in our community should be done. We need to stand firm in our support of SDC's for developers and builders to support the schools. I enthusiastically support this and anything we can do for our children. Our children are going to grow up and very soon be our leaders and we want to make sure that they have a good education.

Councilor Kight stated I brought up this issue with Councilor Ripma about the statement in the resolution "structured so new homeowners moving into the district will assist in the payment." I think that particular statement ought to be struck. We do not charge SDC's for new schools, there is no way to structure it so that they will be paying a higher amount of property tax proportionate to adding capacity to the schools. They keep adding to the elementary schools and the middle schools, but we have in Troutdale with Reynolds High School the largest high school in the State of Oregon. The school was built and designed for 800 students, it is now almost tripled that number. My hope was that they would build another high school, that is not the case, so I am a little disappointed in that but I do offer my support for this bond measure. We do need to take care of our students and the overcrowding in our district. It is important, as the Mayor and others have pointed out, that we provide not only adequate education but the best education that money can buy.

Councilor Rabe stated I will support this position. I am in a unique position as I have been in education for twenty-four years. I think one of the most important things that the community needs to be reminded about is that to have a good educational system within a community is a constant source of pride for the community. That becomes severely eroded when the schools become eroded. I would highly encourage people to do their own investigation, visit the schools. I would highly encourage everybody to endorse this bond and certainly check it out, make sure you understand what you are voting for and how it will effect the education of your children. It is the cheapest investment you could possibly make in any kind of community. I will endorse this resolution.

MOTION: Councilor Thompson moved that we adopt the Resolution supporting

the Reynolds School Districts bond measure 26-3. Seconded by Councilor Rabe.

MOTION TO AMEND: Councilor Kight moved to amend the motion to strike the language “will be structured so new homeowners moving to the district will assist in the payment.” Seconded by Councilor Ripma.

Councilor Thompson asked Councilor Kight do you have any idea what the school district has in mind by that?

Councilor Kight replied I haven’t a clue because the way it is set up when you move into a new home they assume the tax liability of that bond measure. They do not pay a higher rate then anybody else.

Councilor Thompson stated all it says is that they will assist in paying, not that they will pay a higher tax.

Councilor Kight stated it says “will be structured so that new homeowners moving into the district.” I guess I am confused by the language “will be structured.”

Mayor Thalhofer asked Councilor Kight do you want to speak to your motion to amend the motion.

Councilor Kight stated it is clear that the language here says the new homeowners are going to be in a class by themselves and somehow the property taxes relative to the schools be structured so the new homeowners are going to be potentially paying a higher rate.

Councilor Ripma stated I think the language misleads the public into thinking that new homeowners somehow are taxed on this in a way, because of clever structuring of the bond measure. I think it is irrelevant to the motion, which we are all in full support of. I resent the language that makes it sound like new homeowners are paying something extra when they are not.

Councilor Daoust stated I am fine with the amendment. I do think it was just a generic statement that everybody is going to pay, including new people. I will support the amendment and the original motion.

Councilor Thompson stated I don’t see that this language talks about new homeowners in any other way then that they will assist in the payment. I don’t believe it indicates that they are going to pay any special tax. I don’t mind the motion if you want to strike the clause but I don’t think it is necessary.

Mayor Thalhofer stated nor do I. The language is clear, it is not any special amount of money that new homeowners are paying. Unfortunately, we don’t have anybody from Reynolds School District here to explain that language. As I read it, so new

homeowners moving into the district will assist in the payment. Obviously they are going to assist in the payment because they are new homeowners in the district. I don't even know why we are making an issue of this and I will vote against the motion to amend.

Councilor Rabe stated I would tend to agree just to simplify it just to say that the cost of the bond is \$1.29/1000 of assessed property and leave it at that.

Vote on the Motion to Amend.

**YEAS: 4
NAYS: 2 (Thompson, Thalsofer)
ABSTAINED: 0**

Vote on the Main Motion as Amended by striking the language "will be structured so new homeowners moving into the district will assist in the payment."

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

Mayor Thalsofer called for a break at 8:22pm and reconvened the meeting at 8:30pm.

6. PUBLIC HEARING / ORDINANCE (Introduced 3/14/00): An Ordinance withdrawing territory located at 1756 SE Woodard Road from the Corbett Water District.

Mayor Thalsofer read the Ordinance title, closed the City Council meeting and opened the Public Hearing.

Sercombe stated the affect of this ordinance is to withdraw a single tax lot from the Corbett Water District. The property is within the City limits of Troutdale but when it was annexed into the City that area was not withdrawn from the water district at that time. The affect of the measure would be to remove the tax lot from the taxing authority of the water district, there would be no tax consequence of the withdrawal on the City. In affect this would eliminate a double taxation on the property for water service. It was suggested by the Tax Supervising and Conservation Commission and supported by the property owner and is not opposed by the water district.

Mayor Thalsofer asked is there was anyone here who would like to speak to this issue.

No public testimony received.

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

MOTION: Councilor Thompson moved to adopt the Ordinance withdrawing territory located at 1756 SE Woodard Road from the Corbett Water District. Seconded by Councilor Kight.

YEAS: 6
NAYS: 0
ABSTAINED: 0

7. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance establishing procedures for deviating from the Public Works Construction Standards and amending Chapter 12.01 of the Troutdale Municipal Code.

Mayor Thalhoffer read the Ordinance title, closed the City Council meeting and opened the Public Hearing and called on Mr. Galloway.

Galloway stated in some recent council meetings you have had two opportunities to receive issues from citizens who have a desire to either deviate from the Public Works Construction Standards that the City has adopted or to appeal a decision that my office made regarding an action pertaining to those standards. It appeared to me at that time there was some concern by the Mayor and Council that we did not have a formal procedure in place to address this particular issue. I have taken a little bit of a cue from the Community Development Department and the way they handle nuisance appeals and also received considerable assistance from the City Attorney's Office in crafting something for your consideration. The proposed Ordinance would do several things. First of all it would establish a procedure that someone could request a minor deviation from the standards, and there is a definition of what constitutes a minor deviation. Then it gives the Public Works Director the authority to act on that and the time frame in which he must do so. It then establishes a procedure in which, if the applicant is unhappy with that decision they could appeal that decision to the Hearings Officer. A couple of things that it doesn't do that are worth pointing out; 1) it does not provide any procedure for handling a major deviation, in other words we would not entertain a major change to the standards other than through the legislative process; 2) it does not have a role for the City Council either in the decision making or in the appellant procedure that being turned over to a Hearings Officer as the Community Development Department does now with the nuisance and signs and some other issues. It also provide the provision that you may by resolution establish a fee that would have to be paid to process the initial request for a deviation.

Councilor Ripma asked the way it works now is governed by exhibit 2 in our packet?

Galloway replied that is correct.

Councilor Ripma asked how often has the deviation from the current standards been appealed?

Galloway replied to my knowledge, the two that you considered recently were the only ones that have been appealed beyond staff level to the Council.

Councilor Ripma stated they are the only ones I can remember also. Both times we said no. It seems like a very good way to handle it.

Mayor Thalhoffer asked the awkward position that we were put in during that proceeding still sticks with me. Here we have something before the Planning Commission and yet they are appealing the street standards to the City Council, it seemed awkward, will this solve that problem?

Galloway replied it does not specifically address it in that there is no prohibition for instances for

someone requesting a deviation or appealing a decision while the matter is pending before the Planning Commission. It wouldn't be coming before Council under any condition if this ordinance were adopted so the conflict that Council might have in that regard would be removed.

Councilor Kight asked this Council has never been put in the position necessarily where we have tried to escape controversy. However, this brings up an interesting issue and the fact that you point out that only twice has this appeared before the City Council, it is not that frequent. You mention that there is no cost to the appellant under our current procedure, is that correct.

Galloway replied that is correct, in fact there is actually no appeal process provided currently because we have assumed that it would come before the Council.

Councilor Kight asked does there need to be a change at the Planning Commission level? In other words if we could tighten up the Planning Commission so this issue could come before the Planning Commission as opposed to the Council, is that a possibility?

Galloway replied I can't think of a reason of why it would be prohibited. The standards come before you in a legislative process and you approve them. Whether then you would want to delegate to the Planning Commission the ability to change what you have approved or not, I guess is a policy matter for you to consider and if so if you want to have any limitations on that as to whether they could change anything or only minor changes.

Councilor Kight stated the only change I see in the process is that the Hearings Officer replaces the City Council in making the decision.

Galloway replied that is correct. The other piece that I would add is that we are providing some structure where there is not any now as far as what does an applicant have to submit in order to have his request heard and what is the time-line for responding to that and what does he provide in submission in the appeal, those are not included because we do not have a procedure now.

Councilor Kight asked couldn't that same mechanism that you are making apply to the resolution here, also apply to the current resolution?

Galloway replied in other words put those procedures in place but leave the decision body the same.

Councilor Kight replied correct.

Galloway stated I don't know of any reason why we couldn't.

Councilor Rabe stated that is what I was thinking. I was wondering if we could utilize some of the structure that has been provided to give city staff more direction and be able to give the applicant a rationale for why it is no or yes but not necessarily involve us. From my time served on the Planning Commission it would seem as though the construction standards are fair and reasonable to most all and my fear is that if we were to provide a forum for every applicant to try that, I think we would find that they would start coming out of the wood work. I do want to provide staff with a definite structure as to how to handle these instances.

Galloway stated I think either in the formation of this proposed ordinance or an alternative, I think a couple of key points are we would only entertain a change for a minor deviation. Secondly, the appellant process under the proposal, the Hearings Officer would replace the City Council as the decision maker, would only address whether or not the Public Works Director had abused his discretion in making his decision. They would not get into the fine details of what pipe material is better to use or something like that.

Councilor Daoust stated it seems like adding this much structure to a problem that is not going to come up very often is more than adequate.

Councilor Ripma stated as far as solving the problem, this is the problem of two requests in 20 years on the same night. This would solve the problem, correct me if I am wrong, a request to deviate from the construction standards would never again come to the City Council?

Galloway replied if this proposed ordinance were adopted, that is correct.

Councilor Ripma stated the construction standards govern the streets, sidewalks, utilities, that sort of thing. Don't you think those should generally be enforced uniformly on all of the developers?

Galloway replied yes.

Councilor Ripma stated I agree. Couldn't we impose a fee for an appeal without doing all this other?

Galloway replied I think you could do either, impose a fee and leave it very opened ended or you could adopt some type of procedure so someone who wishes to make an appeal could have some idea of the issues that he should address in that appeal.

Councilor Ripma asked could we impose a fee if someone wanted to appeal construction standards and that fee would compensate the city for the time involved and you could do a report to the Council.

Mayor Thalhoffer asked has the City Attorney been asked to submit another kind of structure where there would be a fee paid and the applicant would know exactly what he or she would need to do. In other words a similiar structure only without the Hearings Officer, it sounds like some of the Councilors are not interested in a Hearings Officer.

Galloway replied I didn't ask the City Attorney's office to do that. It was my understanding from the Council meeting when this was brought up that at least some of you desired to get out of that particular business of dealing with those particular appeals, so I asked them to structure it that way. If that was an error, it was certainly my misunderstanding and we can draft a different one.

Mayor Thalhoffer replied it is not an error. You did what you were directed to do.

Mayor Thalhoffer asked is there anyone here that would like to testify on this issue?

No public testimony received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting at 8:48pm.

Councilor Ripma stated I recommend that we withdraw this ordinance. I don't favor doing this at all. If we want to impose a fee and invite staff to come back with a fee, I don't favor that but I could live with. I invite the Council to reconsider even considering this ordinance because it is overkill. It could be another 40 years before we get another appeal. I don't think we should deviate from the construction standards any more than it has ever been done.

Mayor Thalhoffer stated we could consider withdrawing this is someone would like to make a motion.

MOTION: Councilor Ripma moved that we retain the current process for the time being and withdraw the proposed Ordinance. Seconded by Councilor Kight.

Councilor Ripma stated I think it is okay that we discuss this, it did come up recently that we had two appeals but we turned them both down. I personally think in general, other then very unusual circumstances, that we should not deviate from our construction standards. I don't think we need a set procedure, it worked fine at that meeting, it was a bit of our time but we can make an hour out of anything, that is what we are here for. That is what makes Troutdale great, we all listen to everybody, we debate the issues. I certainly do not favor going to a Hearings Officer procedure at all.

Councilor Kight stated I agree with what Councilor Ripma stated. It is our responsibility, it is not to advocate to a Hearings Officer. I think having a Hearings Officer in this type of a scenario is not the best way to go. I think the Council needs to have control of these issues. If we have construction standards they need to be met.

Councilor Daoust stated the way this is worded we are not advocating anything to a Hearings Officer we are still relying on staff to make the decision and it could be appealed. All the Hearings Officer would rule on is whether staff did the wrong thing. I don't mind getting rid of this, I don't have any strong feelings that this is the answer either. As often as this is going to come up, I am okay with leaving things the way they are. The reason that we didn't like it last time was because it was going through the Planning Commission at the same time. That was the uncomfortable position that we were put in. We asked for an answer to that and staff came up with one.

Councilor Thompson stated I am also okay with dropping it.

Mayor Thalhoffer stated I am also going to vote in favor or doing away with this ordinance as well. However, I still don't like the procedure where we find ourselves in this awkward position where we have something at the Planning Commission and we are dealing with construction standards. Is there anyway to smooth out that part of it?

Sercombe replied I don't think so. I think a two options would be to either to allow the Planning Commission to consider those deviations which probably wouldn't be a good idea or to have the Planning Commission proceedings be stayed while the Council considers the deviation. For the Planning Commission to do its job they would need to know whether or not the deviation was approved. Mayor if you are just after the problem of the concurrent proposal while it is still being considered by the Planning Commission we could I suppose amend the Ordinance to require that any deviation from construction standards be approved prior to the time that an application is considered by the Planning Commission.

Mayor Thalhofer replied that sounds good.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Mayor Thalhofer asked the City Attorney if they could draft a process which reflects what you just outlined to us and also look at adding a fee.

8. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhofer called this item.

Councilor Daoust stated Home Depot construction has started. In early February I facilitated a school safety forum at Woodland Elementary School. Officials from Fairview and Troutdale were requested to attend because the parents had some concerns about a safety issue that occurred at Woodland Elementary School. The City Administrators were there from Fairview and Troutdale, the Police Chiefs, both Mayors and the Principal from Woodland and about 25 parents. The end result was that the concerns of the parents were addressed and the one thing I noticed was the parents, after the meeting was over, they gave a vote of confidence to the Police Departments for having explained what went on and they gave a vote of confidence to the city staff that was there. One of the other things that came out of the meeting was that Woodland was going to put together a plan for safety issues that come up in the future.

Mayor Thalhofer stated I was at the same meeting that Councilor Daoust facilitated and he did a nice job on that. I attended a Trolley Committee meeting on February 25th. On that same evening I attended the Reynolds Education Foundation Auction that raised a considerable amount of money for the purchase of text books. I was asked to be a judge for the third year at the Reynolds High School Talent Show on March 3rd. There is a lot of talent in this school district. I attended the Mt. Hood Community College Auction on March 4th. I attended the 4 Mayors' meeting on March 17th. Myself, Rich Faith and Marnie Allen from the attorneys office attended the Metro Growth Management meeting on March 21st. We presented our case to try to combine the Title 3 with the Goal 5 and do it all at once which the Metro Growth Management Council rejected. We will be going again on Thursday to the full council and make a little different presentation to them. Diane McKeel and myself last Friday, visited the potential trolley at Oregon City. It is a beautiful old trolley.

Councilor Kight stated I attended a meeting on February 29th at the League of Oregon Cities offices

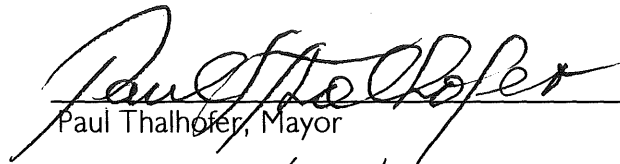
on the Transportation Committee in Salem. On March 1st we had our pre-JPACT strategy meeting with the City of Gresham. On March 2nd I attended the JPACT meeting at Metro and the conversation centered around talking about the constrained list for transportation. March 4th I was also at the auction at the college. March 15th Councilor Ripma and myself took at tour of the airport/max construction site. March 29th, I attended the DUll forfeiture meeting in downtown Portland.

9. ADJOURNMENT

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

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

Meeting was adjourned at 9:21pm.


Paul Thalhofer, Mayor
Dated: 5/25/00

ATTEST:


Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

**March 28, 2000
CITY COUNCIL REGULAR MEETING**

PLEASE COMPLETE THE FOLLOWING

NAME (please print)	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Diane McKeel	Troutdale Chamber	669-7473
Chris Gorsek	2458 SW WRIGHT ST TROUTDALE OR	665-9212
DANIEL Block	POBOX 3409 PORTLAND, OR 97208	796-7630
WAYNE KINNEY	DS SEN RAN WYDEN LA GRANDE 97850	541 962-7691