



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. -- February 27, 2001

Mayor

Paul Thalhoffer

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 **RESOLUTION:** A Resolution accepting a Public Access Easement in fulfillment of an approval condition for the Bellingham Park Apartments.
 - 2.2 **MOTION:** A motion approving renewal of an intergovernmental partnership agreement with the City of Gresham for Business Development services.
 - 2.3 **RESOLUTION:** A Resolution recognizing the completion of the public improvements associated with the Troutdale Commons (a.k.a. Albertson's Plaza) and accepting them into the City's Fixed Asset System.
 - 2.4 **RESOLUTION:** A Resolution in support of the Mt. Hood Jazz Festival with endorsement by the Cities of Fairview, Gresham, Troutdale and Wood Village.
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (I) 4. **PRESENTATION:** A presentation on Early Childhood Development by Multnomah County Commissioner Lisa Naito. Commissioner Lisa Naito
- (I) 5. **PUBLIC HEARING / ORDINANCE(Introduction):** An Ordinance amending Troutdale Municipal Code Chapter 13.20 relating to permit requirements for organized sporting events. Clyde Keebaugh
- 6. **RESOLUTION:** A Resolution entering into a License Agreement with Nancy Cox to allow building encroachments onto City Right-of-way. Rich Faith
- (I) 7. **REPORT:** Introduce Police Department's three year strategic plan for Council to review and adopt. Chief Nelson
- (I) 8. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 9. **ADJOURNMENT**


Paul Thalhoffer, Mayor

Dated: February 21, 2001

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

February 27, 2001 - 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 lead the Pledge of Allegiance.

PRESENT: Smith, Ripma, Thompson, Kight, Rabe, Thalhofer

ABSENT: Daoust (excused)

STAFF: Clyde Keebaugh, Rich Faith, Jim Galloway, Erik Kvarsten, Marnie Allen, Sarah Greif.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied agenda item #7 which is the report to introduce the Police Departments three-year strategic plan, we would like to have that matter set over. Jerry Stitzel the Chairman of the Community Oriented Policing Team is the one that is most involved in that process and we think he would be the one to make the report to Council and he could not make it this evening, so we would like to set that over for the next meeting.

2. CONSENT AGENDA:

2.1 RESOLUTION: A Resolution accepting a Public Access Easement in fulfillment of an approval condition for the Bellingham Park Apartments.

2.2 MOTION: A motion approving renewal of an intergovernmental partnership agreement with the City of Gresham for Business Development services.

2.3 RESOLUTION: A Resolution recognizing the completion of the public improvements associated with the Troutdale Commons (a.k.a. Albertson's Plaza) and accepting them into the City's Fixed Asset System.

2.4 RESOLUTION: A Resolution in support of the Mt. Hood Jazz Festival with endorsement by the Cities of Fairview, Gresham, Troutdale and Wood Village.

Mayor Thalhofer 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 Thalhofer called this item and asked if there was anyone here to speak to us on a non-agenda item?

Captain David Phillips, I am the newly assigned Station Caption at the Troutdale Fire Station. I just wanted to come by and introduce myself.

Councilor Kight asked could you provide us with information updates on the arson investigation for the hotel that burned down.

Captain Phillips replied yes.

Mayor Thalhofer asked could you also provide us with a semi-annual report on the activities in Troutdale.

Captain Phillips replied yes.

4. PRESENTATION: A presentation on Early Childhood Development by Multnomah County Commissioner Lisa Naito.

Mayor Thalhofer called this item.

Lisa Naito, Multnomah County Commissioner, stated with me tonight is Wendy Lebow who is a Early Childhood Specialist. Lisa talked about the work that is happening in the County and the State on Early Childhood programs. (handout can be found in the packet)

Wendy Lebow talked about a task group that Commissioner Naito put together and their goals and vision of early childhood. Wendy asked the Council to review the draft Early Childhood Visions, Goals & Strategies Framework and get back to them with any comments or suggestions.

Mayor Thalhofer stated I think you are on the right track. Anything we can do with children when they are very young to help mold their lives I think will pay off in the future. The thing that concerns me the most is child abuse.

Councilor Kight asked how can Troutdale help?

Naito replied we really came here tonight to inform you and ask for your support in the framework plan so that we can move together as a community and to be able to share information.

Councilor Rabe stated what goes in hand with a vision is some sort of an assessment that is objective enough to people that they believe that what you have attempted to construct or to do is obtainable. I just wanted to plant that seed. Your efforts are in a very good direction. What you are doing is very important and the service needs to be made available to students, especially the teen age moms.

Naito replied I think your point if very well taken. We looked at that under the goal of having a system that is coordinated and sustainable. That would mean also that it is assessed and that it is going to be affective.

Councilor Ripma stated I endorse your efforts.

Councilor Thompson stated I have no questions but I commend you for the undertaking of this program.

5. PUBLIC HEARING / ORDINANCE(Introduction): An Ordinance amending Troutdale Municipal Code Chapter 13.20 relating to permit requirements for organized sporting events.

Mayor Thalhofer read the Ordinance Title and opened the Public Hearing.

Clyde Keebaugh reviewed the staff report contained in the packet. We are proposing an ordinance to require people who want to have an organized athletic event or training camp or organized practices to have a permit so that we can regulate the fields so they don't get over used and interfere with our maintenance efforts and so that we don't have conflicts between user groups. This has been discussed with the Parks Advisory Committee and they do support these proposed changes.

Mayor Thalhofer asked which fields are being overused?

Keebaugh replied primarily it is the soccer field that seems to be overused.

Mayor Thalhofer asked so if we passed this ordinance someone would have to call up the parks and recreation department to schedule time on the field?

Keebaugh replied yes they would need to call the Parks Division and we would reserve them the time to use the field.

Mayor Thalhofer asked what about kids that just run out there and play soccer.

Keebaugh replied any unorganized sport is fine. This is not to eliminate or restrict a pick-up game or kids that just want to kick a ball around. This is really aimed at the organized teams that are showing up to play games on the fields. We do have some organizations that have went through the permit process like Rockwood Reynolds Soccer. In fairness to them they are giving support to the field maintenance and then we have other teams come in and playing that are not scheduled and are not contributing anything to the upkeep of the field.

Mayor Thalhofer asked is that the only field that is overused?

Keebaugh replied yes at the current time. That would also help protect the baseball field from overuse.

Councilor Kight asked do you feel comfortable that you will be able to enforce this?

Keebaugh replied yes.

Councilor Kight asked what is the cost involved for a group to reserve the field?

Keebaugh replied currently there is no cost.

Councilor Kight asked how do you offset the maintenance costs?

Keebaugh replied the permitted groups have put money into the fields in their development stage and they have contributed the goals, they line the field, and we receive a lot of in-kind donations. We are currently looking at changing the user fees.

Councilor Rabe asked what you are proposing is for all fields, we aren't just referring to one field?

Keebaugh replied yes.

Councilor Rabe stated so we are really just asking for a permit to help with scheduling the fields and you said you are in the process of determining what the cost of that permit might be?

Keebaugh replied yes.

Councilor Rabe asked could the Parks Advisory Committee consider a waiver for people with a hardship, maybe the group could contribute some in-kind service.

Keebaugh replied as we develop the fee schedule we could include some language to address that.

Councilor Rabe asked I assume that you have in mind some sort of signs that will be posted to notify users of the permit requirements.

Keebaugh replied yes.

Councilor Ripma asked is it still true that the unimproved ball field at Sandee Palisades Park, traditionally that field has just been open for anyone to use, you did not have to reserve it, how would this ordinance affect that field?

Keebaugh replied we have made some improvements to that field. It is mainly just used by neighbors. We have not had any groups inquire to use the field on a permanent basis for organized games or for practice.

Councilor Thompson asked what do you mean by organized group or organized activity?

Keebaugh replied organized activity or group would be teams showing up with uniforms, referees and playing scheduled games. It would be obvious that it is not just kids showing up to play for fun.

Mayor Thalhoffer asked is there anyone else who would like to speak to us on this issue?

No public testimony received.

Mayor Thalhoffer closed the Public Hearing at 8:15pm and stated there will be a second public hearing on this ordinance at our March 13th City Council meeting.

6. RESOLUTION: A Resolution entering into a License Agreement with Nancy Cox to allow building encroachments onto City Right-of-way.

Mayor Thalhoffer read the Resolution title.

Rich Faith reviewed the staff report.

Councilor Kight asked the one trigger for Mrs. Cox would be if the neighbor came in to City Hall and applied for a land use permit?

Faith replied that is true in prospective of the variance. The license agreement is actually more stringent than that. The license agreement has been drafted so that it pertains only to the existing manufactured homes and so if either one of those were to be removed it terminates this agreement. The other thing that is built into this is if the property should transfer, that would terminate the license agreement. It does not run with the land, it is specific to the owner. In answer to your question, yes if the neighbor were to do some development that entailed a land use permit which was going to necessitate an improvement to the road, that would nullify the variance which automatically is going to terminate the license agreement.

Councilor Kight asked what kind of development would terminate this agreement?

Faith replied they would have to come in with an application for whatever it is they are wanting to do. It could be for the subdivision of the property or to construct an additional home, if he is going to make improvements to the road there has to be some relationship to the development and the need to develop the road. In other words, simply to build a house on the property is probably not going to trigger any requirement to upgrade the road. It is going to have to be a development of such a scale and intensity that it can only be approved if this right-of-way is upgraded. If the development is approved and part of the conditions that go with that approval is that the road is going to have to be upgraded, then that is the triggering point that would invalidate the variance.

Mayor Thalhoffer asked is there anyone else who would like to speak to us on this issue?

Andrew Stamp, I represent Nancy Cox and the Sandy Frontier Trailer Court. The only thing that I would like to change or modify is that this specifically enters into a license agreement with Mrs. Cox, for technical reasons it would be preferable that the agreement be entered into with Sandy Frontier Trailer Court. If the Council could accommodate me on that, that would be best for all parties involved, I think.

Mayor Thalhoffer asked what is the business structure, is it a DBA or a corporation?

Nancy Cox stated it is not a corporation, it is a sole proprietor.

Mayor Thalhoffer stated I am interested in why it matters whether it is in her name or Sandy

Frontier Trailer Court.

Stamp stated my understanding is that if we were to make the agreement with Sandy Frontier Trailer Court, that as an entity and would survive any of the concerns that we have here.

Mayor Thalhofer asked how can you make an agreement with a business name. Ms. Allen, what is your legal opinion on this.

Marnie Allen replied I tend to agree with you Mayor. If it is a sole proprietorship and that sole proprietor were to die, the sole proprietorship would be dissolved. Likewise if it were a partnership and there were a change in the partners that make up that partnership that would be dissolved and have to be reconstituted. I think it would be important to clarify what kind of business entity it is. If the Council supported granting the license to Mrs. Cox or family or can identify who you want the license to go to so that it would survive Mrs. Cox's death but isn't assigned to someone outside the family, we could work on amendments to the license agreement that would achieve that result.

Councilor Kight asked have we addressed all of your concerns?

Stamp replied in my version of the Resolution that I got...

Councilor Kight why are you saying my version?

Stamp replied I am somewhat suspecting that there is another version, I could be wrong. I didn't see anything in here that dealt with transferability and Mr. Faith mentioned that it was personal to Mrs. Cox so I thought perhaps there was some language that had been added that I wasn't made aware of. I was hoping to see a more explicit reference to the trigger for development. It says that the city is willing to allow this encroachment to continue in its current form. My concern is that this is not clear for future Councils, that the intent of this current Council is that the agreement would continue until that trigger occurs.

Faith stated Mr. Stamp is referring to the language in the Resolution and that just authorizes the Mayor to sign the license agreement. The details are in the license agreement.

Allen stated the trigger for revoking and terminating the agreement is in paragraph 2. Basically all that is required is a thirty day written notice from the city. It is not related to a limited condition in the land use permit. I think it is intentionally drafted that way because the city is giving them permission to encroach on a right-of-way and we don't know when we are going to need that property.

Stamp stated I guess that gives the city extra flexibility, from our stand point it doesn't give us much certainty but I guess that is entirely up to the city.

Councilor Kight stated so the only remaining issue is transferability, right?

Stamp replied no, it clearly says here that the license is not transferable, it is personal to

the licensee. We are fine with that, that is not a problem.

Councilor Kight asked so we have addressed all of the issues?

Stamp replied number 2 at the bottom of the license agreement that states the city may revoke this license and terminate this agreement at any time. I guess if I was representing the city I would want that also. Perhaps an additional finding that would state that the intent of this is to allow the encroachment until such time as the road is needed for development would be helpful.

Faith replied I think it is important that we separate the variance and the license agreement. It is entirely possible that we would see a reason to have the manufactured home moved out of the right-of-way but still allow the variance to continue. Maybe there isn't a development that is going to trigger our revoking the variance but we do want the manufactured homes out of the right-of-way. The variance could still be valid, so I think we are trying to keep these things separate. Mr. Stamp really wants them to be bound together in some manner.

Stamp stated I don't want to push the point too hard because this is an accommodation by the city. I guess what I was hoping for was some recognition that the city would recognize that we would like this to go on until such time that development is triggered and at that time we would get out of the right-of-way.

Allen stated the description in the resolution that authorizes the Mayor to sign the license agreement contains a summary of the history that I think would be adequate. I wouldn't recommend changing the license agreement. My recommendation would be to go ahead with the license agreement as it is drafted and presented.

Mayor Thalhoffer asked is there anyone else who would like to speak to us on this issue?

No further testimony received.

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

Councilor Ripma stated this is a very unusual situation. The trailer court has been there for a very long time and Midvale Road is an extremely unusual road with very little traffic. In the unusual circumstances here I think this is justified.

Councilor Kight stated this has been a long process for Mrs. Cox and her family and extremely costly and we finally have closure on this issue.

Mayor Thalhoffer stated I think this has been handled in the best way possible for Mrs. Cox.

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

7. REPORT: Introduce Police Department's three year strategic plan for Council to review and adopt.

Mayor Thalhofer stated this item has been postponed, it will be heard at our March 13th meeting.

8. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhofer called this item.

Mayor Thalhofer stated we will be having a Council Relations Work Session and we should be getting some information as to the date of the meeting soon.

Councilor Kight stated you have the packet on the Tri-Met bus stops. I received this information from Chief Giusto who represents East County on the Tri-Met Board. I have been laboring for a long time to get additional bus shelters. They are needed in East Multnomah County. If we are going to get increased riders we have to provide shelter from the weather. If you could review this information and get back to me with any comments you have.

9. ADJOURNMENT

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

YEAS: 6
NAYS: 0
ABSTAINED: 0


Meeting was adjourned at 8:45pm.



Paul Thalhofer, Mayor

Dated: 4-4-01

ATTEST:



Debbie Stickney, City Recorder

