

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

---

**Tuesday, December 14, 2004**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**

Mayor Thalhofer called the meeting to order at 7:04pm

**PRESENT:** Mayor Thalhofer, Councilor Ripma, Councilor Thomas, Councilor Kyle, and Councilor Daoust.

**ABSENT:** Councilor Gorsek (excused) and Councilor Kight (excused).

**STAFF:** John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Elizabeth McCallum, Senior Planner; Dave Nelson, Chief of Police; Kathy Leader, Finance Director; Marnie Allen, City Attorney; and Sarah Greif, Office Support Specialist.

**GUESTS:** See Attached List.

Mayor Thalhofer asked are there any agenda updates?

John Anderson, City Administrator, replied yes Consent Item 3.2 has some revisions which you will find in front of you. There's a language change that legal counsel has worked on with the property owner. If you're satisfied with that change, we can act on it as a Consent Item and if you'd like to take it off and discuss it, we can do that as well.

**2. MOTION:** Possible Motion (result of the 6:30 Executive Session held under ORS 192.660(2)(d) – Labor Negotiations).

No motion was made at this time. The Executive Session was recessed at 7:04pm and will reconvene following Agenda Item 11 Executive Session. An Executive Session will also be held under ORS 192.660(2)(e) Real Property Transactions.

Mayor Thalhofer stated we are going to skip item 2.

**3. CONSENT AGENDA:**

- 3.1 RESOLUTION:** Resolution accepting the November 2, 2004 General Election Results.
- 3.2 RESOLUTION:** A Resolution accepting donation of real property legally described as Lot 33 in Thompson Villa Tracts.
- 3.3 RESOLUTION:** A Resolution accepting 165 lineal feet of storm sewer associated with the Rogers Construction project into the City's Fixed Asset System.
- 3.4 RESOLUTION:** A Resolution authorizing the City Administrator to enter into a lease agreement with the YMCA for use of office space at the City Conference Building (CCB).

Mayor Thalhofer asked does anybody want to take Agenda Item 3.2 off of the Consent Agenda and put it on as a regular Agenda Item?

The Council did not want to remove Item 3.2 from the Consent Agenda.

**MOTION:** Councilor Kyle moved to adopt the Consent Agenda with the amendments to the purchase and sale agreement described by staff in item 3.2. Seconded by Councilor Daoust. Motion passed unanimously.

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

None.

**5. MOTION:** Motion accepting the Selection Committee's recommended Committee/Commission Appointments.

Mayor Thalhofer stated if there is anybody here being appointed to a committee or commission; we would like you to stand up when we come to that committee or commission. We'll take these in order of Planning Commission, Parks Advisory Committee, Citizens Advisory Committee, and Budget Committee and vote on them separately.

**MOTION:** Councilor Ripma moved to appoint Daniel Haskins to Position #1, Frank Grande to Position #3, Matthew Wand to Alternate #1, and Mindy Rex to Alternate #2 on the Planning Commission. Seconded by Councilor Thomas.

**VOTE:** Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.

**MOTION:** Councilor Thomas moved to appoint David Nelson to Position #4, Marci Cook to Position #5, William Edgett to Position #6, Pat Smith to Position #7, and Jon Lowell to Alternate #1 on the Parks Advisory Committee. Seconded by Councilor Daoust.

**VOTE: Councilor Thomas – Yes; Mayor Thalhofner – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.**

**MOTION: Councilor Daoust moved to appoint David Rasmussen to Position #2, Jan White to Position #3, Tanney Staffenson to Position #4, William Knight to Position #5, and Carl Tebbens to Alternate #1 on the Citizens Advisory Committee. Seconded by Councilor Kyle.**

**VOTE: Councilor Thomas – Yes; Mayor Thalhofner – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.**

**MOTION: Councilor Ripma moved to appoint Dave DeGraff Jr. to Position #1, Greg Christenson to Position #4, John Wilson to Position #5, John Edwards to Position #7, and Pat Smith to Alternate #1 on the Budget Committee. Seconded by Councilor Kyle.**

**VOTE: Councilor Thomas – Yes; Mayor Thalhofner – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.**

**6. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance approving the annexation of 11.23 acres and concurrent comprehensive plan map and zoning district map amendments on the easterly 2.3 acres. (Land Use File No. 04-088 Asakawa – Tax Lot 1S 3E 01D-00400, located on Sweetbriar Road.)

Mayor Thalhofner opened the public hearing at 7:20pm.

Marnie Allen, City Attorney, stated Item #6 on tonight's meeting agenda is a quasi-judicial land use hearing. There are procedures set out in our Municipal Code and in State Law that I'll summarize. A staff report has been prepared for this item and made available 7 days before the hearing. The Planning Commission staff report, Exhibit B, identifies the approval criteria that applied to this annexation request and comprehensive plan map and zone change, and it also analyzes those criteria. If you would like the Mayor to read the criteria or identify them, please let me know and the Mayor and I can identify those criteria for you. The procedure that the City follows is set out in State Law and they are the following steps: first the staff will present a staff report and discuss the approval criteria, the Mayor will then open the public hearing, the applicant who has requested the annexation and map changes will present their application and respond to the City Council's questions, anyone who wishes to testify in support of the application or annexation may testify and respond to City Council questions, and then anyone who wishes to testify in opposition to the requested annexation will be given an opportunity to address the Council and respond to questions. If there is any testimony in opposition to the annexation, the applicant will be given a chance to present rebuttal testimony. Once everyone has had an opportunity to testify the Mayor will close the public hearing and City Council will deliberate and adopt a decision. If you're going to testify, you need to sign in or give you name at the beginning of your testimony so that the City has it

in our record. If you're going to submit anything in writing, please identify those items for the record so that we can confirm that they are included. Your testimony and anything that you submit in writing should address the approval criteria that are in the Planning Commission staff report and that the staff discuss. If you believe that there are some other criteria that apply that have not been addressed, you need to raise that for the City Council so they can take that into account and address that criteria or explain why they don't believe it applies. The Mayor may limit the presentations that are made at tonight's hearing although, anyone may submit written material. If you wish to submit written material after the hearing testimony concludes tonight, you need to ask the Mayor to leave the record open to submit written information and then the Mayor can respond to that request. If the City Council makes a decision that you disagree with, any issue that you want to raise on appeal before a Land Use Board of Appeals has to have been raised before the City Council with enough information that they can address it. If you fail to raise an issue with enough information for the City Council to address it, you will be barred from raising that later on at an appeal both before the Land Use Board of Appeals and in an action for damages in circuit court.

Mayor Thalhofer asked are there any x-party contacts, conflicts of interest, or biases on the part of the Councilors?

There were none.

Elizabeth McCallum, Senior Planner, stated before you this evening is an annexation of Ms. Carole Asakawa's property which is located at 27731 SE Sweetbriar Road and is generally located east of Troutdale Road and west of the Sandy River. At her authorization, Centex Homes made the land use application for the annexation and map changes. Centex Homes proposes to develop the property with single family dwellings as allowed under the R-10 Zoning.

McCallum presented the Council with a PowerPoint presentation (included in the packet).

McCallum stated the Planning Commission recommended approval of the annexation of 11.23 acres with comprehensive Land Use Plan and Zoning District Map amendments from the zoning that is currently on the easterly 2.3 acres of the property which is the County exclusive farm use and significant environment concerned water resource overlay and applying the R-10 Zoning designation. The options before the Council are to be considered for the annexation and the proposed map changes are to approve the annexation with a Low Density Residential Plan designation and R-10 Zoning District by adopting the ordinance or deny the annexation by terminating the proceedings at any time.

Councilor Daoust asked where is the Urban Growth Boundary (UGB)?

McCallum replied it follows the easterly edge of the property. The easterly 2.3 acres was recently brought into the UGB by Metro through a minor boundary adjustment which was effective April 12, 2004.

Councilor Ripma asked does Metro do the UGB amendments?

McCallum replied yes.

Councilor Ripma stated I'm surprised that Metro did this without consulting the City or informing us. Is that the procedure?

McCallum replied I don't know what their procedure was.

Councilor Ripma asked when you come back for the second reading of this ordinance, can you find out what their procedure is for that? Does Metro not have to consult the City?

McCallum replied okay.

Councilor Ripma asked we're just voting on the annexation, plan designation, and the zoning, not any kind of plan for the property?

McCallum replied that's correct. Centex Homes has made a preliminary application with the City for 37 lot single family subdivision. Subdivisions go before the Planning Commission so that is not part of this consideration.

Mayor Thalhoffer asked if it is in fact Metro's procedure to not inform us of minor boundary changes, could you please ask them to do so in the future?

McCallum replied yes.

Andrew Tiemann, Centex Homes, stated my address is 16520 SW Upper Boones Ferry Road Suite 200 Portland, OR 97224.

Jerry Offer, OTAK Inc., stated my address is 17355 Boones Ferry Road Lake Oswego, OR 97035. We are the planners and engineering firm representing Centex Homes. I want to point out some of the things that we will be looking at doing in the future as we move along with this property if the annexation is approved. Councilor Ripma noted that we had provided a conceptual site plan in the report. We provided that just to demonstrate how the property could be developed. It's not a commitment that that is exactly what Centex would be requesting. We felt it was a good thing to put in with our findings document to show that we can meet the criteria of the City. We can provide a development that would fit in with the area and be serviceable with the City's public facilities. There are adequate levels of sewer, water, storm drainage, and road systems serving the site. The description in the report is basically describing how we think that we would connect up with those facilities. We intend to submit a subdivision application for this property this winter, if the annexation is approved. We have talked to several neighbors of this site and told them that we intend to have a neighborhood meeting in early January. We will provide notice to everybody within the boundaries that the City notifies for the plan amendment annexation application. We will

meet with them and take their comments into mind as we design the subdivision. It's something that Centex Homes always does and I think it's a good idea.

Mayor Thalhofer asked how many units do you plan on in the future?

Offer replied it looks like between 35 and 37 units based on the conceptual layouts that we've done.

Mayor Thalhofer stated not more than 37.

Offer replied I don't believe that we could get more than 37.

Councilor Daoust stated the neighborhood meetings in January are a good idea. How far away from the site would you invite?

Offer replied we provided a mailing list for the City for the Planning Commission and Council hearings of, I believe, 300 feet. That's who we'd mail to and also we would put a sign up on the site. We have been in contact with Sweetbriar School about holding the meeting there.

Mayor Thalhofer asked is there anyone here to speak in favor of this?

There were none.

Mayor Thalhofer asked is there anyone here to speak against?

There were none.

Mayor Thalhofer stated this is the first reading and we will have a second reading on January 11, 2005.

Mayor Thalhofer closed the public hearing at 7:43pm.

**7. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance vacating a portion of the Hardy/Parks road deed.

Mayor Thalhofer opened the public hearing at 7:44pm.

Rich Faith, Community Development Director, stated Sandy Dell Road is a private road that was created in 1921 through a 30 foot wide easement. There was a restriction that went with the easement which prohibited that road from being dedicated and used as a public road without the consent of the easement holders. That restriction has carried forward over the years and the subsequent easement holders still have that same right. There are currently 18 different land owners who have rights to that easement and are therefore parties that need to give consent for it to become a public road. In 1989 the City approved a partition plat by the Hardy's and Parks'. As part of that partition plat the City required a separate 40 foot wide

tract to be created and that tract encompasses a portion of the 30 foot wide Sandy Dell Road easement. The 40 foot easement was ultimately deeded to the City to be identified as a future street dedication. The southern 30 feet of that is where the Sandy Dell Road easement runs. It took in that portion of Sandy Dell Road as well as approximately 10 feet outside of the easement area. In 1999 George Zifcak, who had purchased the property that was previously owned by Parks, submitted a subdivision application. As part of that application, it was his intent to use that 40 foot dedicated tract for a public road to serve that subdivision. It was at that time that the easement holders of Sandy Dell Road came forward and raised their objections to doing that and brought to our attention the restriction that was part of that 1921 deed. The City had accepted that deed without knowledge of that restriction. In error we had accepted a deed for the 40 foot wide strip for public road purposes and as it turns out it violated that 1921 easement. There was a long period of dispute over the validity of that road and of that deed. It turned into some potential litigation and then we went into negotiations to try and work something out. Ultimately we did reach some agreement on how to resolve that issue. It necessitated a transfer of quitclaim deeds in which Hardy and Parks quitclaimed whatever interest they may have had in that 40 foot tract to the City. Then we in turn quitclaimed our interest to Mr. Zifcak, which in our minds, wiped the slate clean. When Mr. Zifcak came through with his second round subdivision, it was brought to the City Council on an appeal from the Planning Commission decision and the Council approved it in September of last year. Now Mr. Zifcak is ready to record that final plat so he can have the lots created and go forward with the development of this property. The County Surveyor's Office has put a hold on recording this because it's their contention that we still have a valid right of way, namely the 10 foot strip. They acknowledge that the original Sandy Dell Road easement invalidated this lower 30 foot segment but it did not affect the upper 10 feet. Therefore we have to show that 10 foot segment on the plat or properly vacate it. This vacation before you is simply for the northerly 10 feet of that 40 foot Hardy/Parks deed. Even though we put an argument before the County that we felt the entire 40 foot Hardy/Parks deed was invalid and therefore the whole thing should have been wiped out, they disagree and are insisting that we properly vacate it. If we don't get this corrected and have to show it on the plat, it creates some problems. Modifying the plat to show this as a public right of way will render some of the lots non-conforming in size. It also creates some problems with some of the private utilities that were going to be put across the front of these lots. They would actually be put in the public right of way and we really don't like to have private utilities in public right of ways. Therefore we feel the best remedy is to go ahead and process this vacation. This was brought to your attention on October 12<sup>th</sup> and at that time you agreed that this seemed to be the right course to take and agreed to initiate this vacation. It was on that basis that this was put before the Planning Commission. The Planning Commission held their public hearing on November 17<sup>th</sup> and evaluated all the criteria. They found that the criteria have been met and therefore they are forwarding this to you with the recommendation to approve the vacation. The ordinance before you would accomplish that. The only other option would be to reject the vacation and then require Mr. Zifcak and the City to go back and scramble to try and rectify this in some other manner by putting the right of way on the subdivision or somehow using another approach to satisfy the County.

Mayor Thalhoffer asked is there anyone here to speak to us on this matter?

There were none.

Mayor Thalhofer closed the public hearing at 7:54pm.

Mayor Thalhofer stated this is an introduction to this ordinance, the second reading will be on January 11<sup>th</sup>.

**8. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance repealing Chapter 5.12 of the Troutdale Municipal Code relating to auto wrecking businesses.

Mayor Thalhofer opened the public hearing at 7:54pm.

Rich Faith, Community Development Director, stated this issue was introduced to you at a work session on October 26<sup>th</sup>. It was at that time that I explained to you that we have dual processes currently in the Municipal Code and the Development Code in how we review auto wrecking businesses. The Council felt it was worthy to consider this repeal and directed staff to bring this forward as an ordinance repealing Chapter 5.12. The process that is outlined in the Municipal Code is one that has been on the books for a number of years. It creates and overlaps with our land use permitting process that is spelled out in the Troutdale Development Code (TDC). Currently we allow wrecking yards, called junk yards in the Development Code, by conditional use in our General Industrial District. As a conditional use that means that the decision to approve or deny rests with the Planning Commission and it can be appealed to the City Council if necessary. State Law spells out what some of the approval processes are for wrecking yards. State Law allows the local government to establish specific zones in which to permit or prohibit these types of uses. Because the Council delegated this authority to the Planning Commission when the use was adopted as a conditional use, it's really unnecessary to have this process in the Municipal Code. Therefore it was deemed appropriate to consider repealing this process from the Troutdale Municipal Code. There are three options that have been laid out for you. Option 1 would be to adopt this ordinance to repeal Chapter 5.12, which avoids duplication of approval processes that now exists. Option 2 is to not adopt this ordinance and to continue to have separate duplicate processes required by the two codes. Option 3 is to not adopt this ordinance but to direct staff to amend the Development Code to remove junk yards as a conditional use in the General Industrial District and to follow the process contained in this Chapter of the Municipal Code. Consistent with the directive of the Council from the October 26<sup>th</sup> work session, it is staff's recommendation to adopt this ordinance repealing Chapter 5.12 of the Troutdale Municipal Code.

Councilor Thomas asked when did this become a conditional use under the Industrial Zoning?



Faith replied I can't be certain if it's been that way since I've been here or if it was part of the 2000 overhaul in our Industrial District. It may have been put into the conditional use category at that time.

Councilor Thomas asked with this in place, wrecking yards could exist in Troutdale?

Faith replied yes because they're listed as a specific use in the TDC in the General Industrial District. They would have to go through a public hearing before the Planning Commission.

Councilor Thomas asked a conditional use only has to go through the Planning Commission?

Faith replied unless there's an appeal to the City Council.

Mayor Thalhoffer asked is there anyone here to speak to us on this agenda item?

There were none.

Mayor Thalhoffer closed the public hearing at 8:00pm.

**9. MOTION:** A Motion casting Troutdale's vote for a Representative and Alternate to serve on JPACT (Joint Policy Advisory Committee on Transportation). The nominees from the 4 Cities Special Meeting held on November 30th are: Steve Owen of Fairview and Dave Shields of Gresham.

Mayor Thalhoffer stated Steve Owen of Fairview was nominated to be the JPACT representative and Dave Shields of Gresham was nominated to be the alternate. Another motion was made for Dave Shields of Gresham to be the JPACT representative and Steve Owen of Fairview to be the alternate.

**MOTION:** Councilor Thomas moved that Councilor Steve Owen of Fairview be the primary representative for JPACT and Councilor Dave Shields of Gresham be the alternate. Seconded by Councilor Daoust.

**Councilor Thomas stated I believe that Councilor Owen is very well qualified and I totally support him as the JPACT representative.**

**Councilor Daoust stated at the special meeting there seemed to be a consensus around this same order of people.**

**Mayor Thalhoffer stated I think the three Cities of Wood Village, Fairview, and Troutdale are in favor of Councilor Steve Owen of Fairview to be the JPACT representative. However, we can make any decision that we want to make tonight. I'm personally in favor of the motion.**

**Councilor Ripma stated Gresham has staffed the JPACT representative for many years. Do you get the feeling that Gresham would continue to assist or is Fairview going to take that over?**

**Mayor Thalhofer replied I got the feeling that Gresham would still be involved.**

**Councilor Ripma stated that would be a way for them to both assist the other cities and stay involved. I favor the motion.**

**Mayor Thalhofer stated the City of Fairview would also have staff assisting the JPACT representative.**

**VOTE: Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.**

**10. RESOLUTION: A Resolution requesting annexation to Fire District #10 at the May 2005 election.**

Mayor Thalhofer stated if we chose, at some point, to decide to request annexation to Fire District #10 we can either do it at the May 2005 election or we can do it at the September 2005 election. This is just a resolution putting it on the agenda tonight so that if the Council decided they'd like to request annexation to Fire District #10 at the May 2005 election, we have to pass the resolution tonight. If you are in favor of a May election, after the Gresham election in March, then you would support this. If you favor a later election after we find out what Gresham voters have done in March, then you would probably not be in favor of this resolution.

Councilor Thomas stated the Ad Hoc Fire Committee is looking at the fire options in the future as far as what we want to do whether Gresham goes to District #10 or not and how we take care of fire service protection over the next year. We really felt that it would be best to wait until the September 2005 election. Therefore what happens is it keeps us from doing double work in the mean time, not knowing which way Gresham's going. If Gresham's voters decided not to go with District #10, it's a whole different ball game. If they went with District #10, we'd be trying to do things to prepare, when that decision's not even decided yet. I feel it's much better for us as a City and for staff in general to wait until September 2005 when we really know what the target is.

Mayor Thalhofer stated I concur with Councilor Thomas, it makes more sense to wait until September 2005 when we know what Gresham did in March 2005. If Gresham chooses not to annex to Fire District #10, we have some options, annex to Fire District #10, form our own Fire District, or several other things. We shouldn't put our staff through double preparation. Waiting to see Gresham voter do, makes a lot of sense to me. I was elected chair of the Ad Hoc Committee where we have the Mayor, a Councilor and an alternate from each of the cities of Fairview, Wood Village, and Troutdale. We have a meeting every Thursday at 3:00pm and our next meeting will be at Wood Village City Hall. We are working our way

through the issues on this very important issue and we will be giving you reports as we go along.

Councilor Kyle stated as the alternate to this Ad Hoc Fire Service Study, I agree with Councilor Thomas and the Mayor on selecting September 2005.

Councilor Daoust stated to be clear, the Ad Hoc Fire Service Study Committee has not officially voted on May or September, correct.

Councilor Thomas stated this would be just a recommendation.

Councilor Daoust stated when I first read this it sounded like we needed to preserve our option for the May ballot. It sounds like everybody's heading down the track of a September 2005 election.

Councilor Ripma stated the requested action tonight is to not keep our options open but to go to September. There's a resolution in here spelling out the May election. We're voting to recommend that the Study Committee members and staff work together on preparations for a September election and essentially dropping any further work on May.

Mayor Thalhoffer stated yes. You would have to vote no on this. That doesn't mean that we're voting no on future request for annexation to Fire District #10.

Councilor Ripma say the City has determined that it's in the best interest of this City to be annexed. One problem with that is it may not be if Gresham doesn't vote to join. The suggested motion here doesn't sound like what we were talking about, I'm confused.

Mayor Thalhoffer stated this is a resolution before us and I think we need to take action on it, either up or down.

Councilor Ripma stated there's one thing that worries me about that, I can see a headline that say Troutdale votes no on annexation to Fire District #10 and that isn't what we're intending at all.

**MOTION: Councilor Thomas moved to adopt the resolution requesting annexation to Fire District #10 at the May 2005 election. Seconded by Councilor Daoust.**

**Councilor Thomas stated I don't support this.**

**Councilor Daoust stated I think we'd be better served to wait until September.**

**VOTE: Councilor Thomas – No; Mayor Thalhoffer – No; Councilor Kyle – No; Councilor Daoust – No; Councilor Ripma – No.**

**MOTION:** Councilor Ripma moved that the City Council direct the Ad Hoc Fire Service Study Committee members and staff to work with fellow committee members from Fairview and Wood Village on preparations for an election to annex to Fire District #10 in September 2005. Seconded by Councilor Daoust.

Councilor Ripma stated I think we're better served voting in September, May is a little too soon.

John Anderson, City Administrator stated I think the three of you on the committee are aware that the committee is also exploring other options. So if you insert annexation to Fire District #10, it's limiting. If Gresham votes against annexation to Fire District #10 in March, then you'd be pursuing other options. It may be annexation to a different fire district, creating our own fire district, it may be for a levy for contracting, it leaves our option open.

Councilor Thomas asked since we gave some direction at the last council meeting, is there a need to restate it at this time?

Anderson replied perhaps not. What I was trying to do was make sure that since this City Council had favored annexation to Fire District #10 and had talked about the May election, that we clear that up and leave the rest of the agenda open for other options.

Marnie Allen, City Attorney, stated it may not be legally required but it certainly doesn't hurt to give direction that your going to work toward a September 2005 election.

Anderson stated we didn't have direction to focus on September last time, it was open.

Councilor Thomas asked would it be appropriate to make a friendly amendment of striking the Fire District #10?

Mayor Thalsofer stated I think if you just leave Fire District #10 and say other options.

Councilor Ripma stated if we're going to have an election in September, Fire District #10 is the only thing that that election would be about, in my opinion. If we were forming a new taxing district in a September election, we wouldn't reach the double majority. We should keep our options open. I think the way this is worded is working with fellow members on preparations for an election, it's so loose anyway, it wouldn't be contrary to this motion. I think the idea that we would adopt and form a separate fire district in September 2005 is a stretch. Couldn't we pass another motion in the summer if we're really going that way?

Anderson stated you certainly can. I think the committee would keep the full Council apprised of how the options are developing.

Councilor Ripma stated I'm ok with going back on the wording. If we aren't going to do Fire District #10, we need to rethink a double majority election in an even numbered year.

Councilor Thomas stated that's all being considered by the committee. I think to handcuff us to a specific issue is not a wise thing to do.

Councilor Ripma stated I'm happy to remove the words Fire District #10 from my motion and go back to the original wording that staff recommended.

Councilor Daoust stated that's what I'd recommend.

Mayor Thalhofer asked why not Fire District #10 and other options? We might have to go for a levy in September.

Councilor Ripma stated you really want the word Fire District #10 in there?

Mayor Thalhofer stated as well as and other options.

Councilor Ripma asked how about and other options? That's okay with me.

The Council agreed with adding and other options to the motion.

**AMENDED MOTION:** Councilor Ripma moved that the City Council direct the Ad Hoc Fire Service Study Committee members and staff to work with fellow committee members from Fairview and Wood Village on preparations for an election to annex to Fire District #10 and other options in September 2005. Seconded by Councilor Daoust.

No further discussion by Council.

Mayor Thalhofer called for the vote on the motion as amended.

**VOTE:** Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.

**11. EXECUTIVE SESSION:** An Executive Session will be held under ORS 192.660(2)(e) Real Property Transactions.

Mayor Thalhofer stated at this time the City Council will recess into an executive session being held under ORS 192.660(2)(e) Real Property Transactions. We will have another executive session held under ORS 192.660(2)(d) – Labor Negotiations, following this one and then we'll reconvene. This executive session is a continuation of the first executive session

that we had before this meeting. Immediately following the executive session the City Council will reconvene the regular meeting.

Mayor Thalhofler recessed the regular meeting at 8:24pm for a 10 minute break and reconvened into the executive session at 8:34pm.

Mayor Thalhofler reconvened the regular meeting at 10:41pm.

**MOTION:** Councilor Thomas made a motion to authorize staff to take the steps that were discussed in the executive session as it relates to the City's strategy for negotiating the real property transaction for the Sewage Treatment Plant Site. Seconded by Councilor Kyle.

Councilor Thomas stated I think the recommendations are worth pursuing and will be beneficial to the City.

Councilor Daoust stated I like the movement forward on the old Sewer Treatment Plant Site.

**VOTE:** Councilor Thomas – Yes; Mayor Thalhofler – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.

**MOTION:** Councilor Daoust made a motion to authorize staff to continue labor negotiations in accordance with the direction that was given in the executive session. Seconded by Councilor Kyle.

**VOTE:** Councilor Thomas – Yes; Mayor Thalhofler – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes.

## **12. STAFF COMMUNICATIONS**

None.

## **13. COUNCIL CONCERNS AND INITIATIVES**

The Council wished everyone a Merry Christmas and Happy Holidays.

Mayor Thalhofler stated I went to a retirement function at the City of Gresham for Chief Riley Caton and wanted to say he is a first class individual. He's worked his way up through the ranks to Chief and he's done an excellent job.

Councilor Kyle and Councilor Ripma sent their sympathies to the family of Carolyn Taylor for their loss.

Councilor Daoust stated I'm concerned about ODOT's timing of the traffic lights on Frontage Road. Recently I've noticed that the NW light, where Marine Drive comes into Frontage Road, quite often traffic is stopped there and backed up during rush hour when there's no cross traffic. Maybe ODOT could adjust that to be traffic sensitive to cars on Marine Drive.

#### **14. ADJOURNMENT**

**MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Thomas. Motion passed unanimously.**

The meeting was adjourned at 10:49pm.

**Paul Thalhofer, Mayor**

**Approved February 8, 2005**

**ATTEST:**

**Sarah Greif, Office Support Specialist**