



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale City Hall - Council Chambers
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)
Troutdale, OR 97060-2078

Tuesday January 10, 2017 – 7:00PM

Mayor
Doug Daoust

City Council
David Ripma
Corey Brooks
Larry Morgan
Glenn White
Rich Allen
John Wilson

**Interim City
Manager**
Ray Young

City Recorder
Sarah Skroch

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **MOTION:** Election of 2017 Council President
3. **CONSENT AGENDA:**
3.1 **MINUTES:** December 6, 2016 City Council Special Meeting.
4. **REPORT:** A review of Council rules, public meeting requirements, and public comment expectations. Ed Trompke, City Attorney
5. **PUBLIC COMMENT:** Public comment is limited to comments on non-agenda items. *Remarks shall be limited to 5 minutes for each speaker unless a different time is allowed by the Mayor. The Mayor and Council should avoid immediate and protracted response to citizen comments.*
6. **PRESENTATION:** A presentation from the Robotic Program at Troutdale Elementary School.
7. **PRESENTATION:** A presentation by the U.S. Forest Service regarding the sale of property at the Troutdale Airport. Lisa Northrop, Mt. Hood National Forest Supervisor

8. **PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending sections of the Troutdale Municipal Code Chapter 8.26 – Outdoor Lighting.

Chris Damgen, Community Development Director

9. **RESOLUTIONS:** Resolutions approving City financial statements and receiving Annual Audit Report:

9.1 A resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year that ended June 30, 2016.

9.2 A resolution accepting the Report of Independent Certified Public Accountants on the City's financial statements for the Fiscal Year that ended June 30, 2016, the Auditor Communication Letter (SAS No. 114), and the OAR 162.10 Audits of Oregon Municipal Corporations Letter.

Erich Mueller, Finance Director

10. STAFF COMMUNICATIONS

11. COUNCIL COMMUNICATIONS

12. ADJOURNMENT


Doug Daoust, Mayor

Dated: 01/05/2017

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 39 on Friday at 4:00pm and Sunday at 9:00pm following the meeting.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

Tuesday, January 10, 2017

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

Mayor Ryan called the meeting to order at 7:00pm.

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Morgan, Councilor White, Councilor Allen, and Councilor Hudson.

ABSENT: None.

STAFF: Ray Young, Interim City Manager; Ed Trompke, City Attorney; Chris Damgen, Community Development Director; Erich Mueller, Finance Director; and Sarah Skroch, City Recorder.

GUESTS: See Attached List.

Mayor Ryan stated I'd like to recognize the new Councilors that we have tonight, congratulations Councilor Lauer and Councilor Hudson, and to Councilor White for your reelection.

Councilor Ripma stated congratulations to you Mayor.

Mayor Ryan stated I've had very good conversations with all of the Councilors and we've had a lot of good dialogue. Are there any updates to the agenda?

Ray Young, Interim City Manager, replied we have postponed the presentation by the Robotics Program at Troutdale Elementary School. The School District closed all evening activities and because of that we decided to postpone that to January 24th.

2. MOTION: Election of 2017 Council President.

Mayor Ryan stated I will take nominees.

NOMINATIONS:

- **Councilor Morgan nominated Councilor Ripma for Council President.**

MOTION: Councilor Hudson moved to elect Councilor Ripma as Council President for 2017. Seconded by Councilor Morgan.

VOTE: Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes; Councilor White – Yes; Councilor Allen – Yes; and Councilor Hudson – Yes.

Motion Passed 7 – 0.

3. CONSENT AGENDA:

3.1 MINUTES: December 6, 2016 City Council Special Meeting.

MOTION: Councilor Ripma moved to approve the Consent Agenda. Seconded by Councilor White. The motion passed unanimously.

4. REPORT: A review of Council rules, public meeting requirements, and public comment expectations.

Ed Trompke, City Attorney, stated the first thing that I would like to talk about is in the Troutdale Municipal Code, Council Rules 2.08.150 "Order and Decorum". Civility is the general rule. Everybody, public and Council, needs to be civil and treat everyone civilly and with respect. Don't use unreasonably loud or disruptive language, don't make noises, don't make distractions, don't damage anything, don't refuse to obey any of the Council Rules, and don't refuse to obey the presiding officer. If he tells you that you are done then you are done and if he tells you it's time to speak then it's time to speak. Those are the things that ordinary civility requires. Section 2.08.180 talks about Council discussion. When Council gets into discussions, all discussion is addressed to the Chair and not other Councilors. No responses from other Councilors except in the order of member discussion is appropriate. All Councilors can speak once before anyone gets a second chance to speak. It doesn't mean that everyone has to speak but everyone gets one opportunity before anybody speaks a second time. A third statement requires a Council vote. We've strayed from that in the past but the rules are there for a reason to keep efficient use of the public's time and energy and I would encourage everyone here to talk to the Chair and not address each other and certainly don't respond to each other except when it's your turn to speak. As you know that rotates. There's a card that is in front of a Councilor each week and it rotates. So you'll all get a chance to be first and last. Public Comment, the rules limit it to 5 minutes unless the Mayor modifies that rule and limits it. Some cities only allow 2 minutes of public comment and some allow 3. This City has been pretty lenient in allowing comment. We'll see how it goes but we do need to make good use of the City Council and public's time for all of the people that are here and watching on TV. If groups speak on the same subject, the group gets 5 minutes. This City doesn't require sign-up sheets at the beginning of the meeting but most cities do. If you want to speak on an item you have to sign up. It requires you to come in with a purpose and you state whether you are affiliated with anyone, if you are pro or con, and what agenda item. The Chair can be flexible if someone forgets to sign up or if the sign-up sheets are collected before the person comes in. It does help and I would want to suggest that the Council may want to try it from time to time if we are having long discussions on some items. That allows the Mayor to call someone from a pro, a con, a neutral and go through them in an orderly fashion. It does help the discussion sometimes. On ordinances, public comment is required at one hearing. Typically the City has allowed comment at two hearings because the Charter requires two readings of all ordinances.

That can be waived by unanimous consent. Public comment is allowed at the first meeting in most cities and under Roberts Rules of Order. If after the first reading a member of the public has a comment to make then they should communicate directly with the Councilors. There's an email system that distributes to the Council or you can call each Councilor. Some people do get up and testify at both the first and second readings and if you like it or not then it either is or is not an efficient use of time. I don't want to say one way or another because I don't take a position on those things. On resolutions, you are not required to have public comment at all but customarily in Troutdale it's allowed and that's probably a good practice but if it's a contentious item, you may want to limit the amount of time on it. Agenda items are required to be presented by a motion with a second. The Mayor can second but can't make the motion. Typically staff makes a presentation on an item or another agency such as the Forest Service makes a presentation. If a responsive motion is made to move the agenda item forward then there is public comment, then Council discussion, and then it moves to a vote. Again, Council discussion is addressed to the Chair and public comments are also addressed to the Chair and not to specific Councilors. Council should not respond to public comments because if you do you may be violating the public meetings law because you may be getting into deliberating a substantive issue that hasn't been noticed. Thank the person for coming whether you agree or not and move on. That's generally what I wanted to go over with you and other than that, enjoy your two and four year terms as they continue.

Mayor Ryan stated I found a quote that would be humorous for the public comment card. "These people are members of the community, they care about where they live, so what I hear when I'm being yelled at is that people are caring loudly."

5. PUBLIC COMMENT: Public comment is limited to comments on non-agenda items.

Bob Akers, Gresham resident, stated I spend a lot of my time in Troutdale walking on trails and I've been on several committees regarding trail projects in the City. I had the privilege of being on the committee that helped design the new Interstate 84 Bridge and I was on a committee several years ago that talked about putting the new 40 Mile Loop east bank esplanade down here on the Sandy River. I hope that's done in my lifetime because I think that would really be a positive deal for the City of Troutdale. I'm here for a couple of reasons. I don't know how many people know about the 40 Mile Loop or what we do so I brought a map that was made 3 years ago and we're getting ready to put another one out (a copy of the map can be found in the meeting packet). These maps are printed on waterproof tear resistant paper that trail users can use over and over without it falling apart. The 40 Mile Loop is a historical name. It came about in 1903 when the City of Portland decided what they would do to have the World's Fair here in 1911 or 1912. They hired the Olmsted brothers from New York to come out and formulate a plan for parks for the City of Portland. At that time the Olmsted brothers suggested that the City of Portland had wonderful parks such as Forest Park, Mt. Tabor, Laurelhurst Park, Columbia Slough, Kelly Point Park and if you took a trail and connect those together then you would have an outstanding parks system. In 1903 if you would have connected the parks that they suggested then it would have been a 40 mile loop. In the late '70's and early '80's when the people that organized and formed the 40 Mile Loop were trying to find a name, Barbara Walker came up with the idea that wouldn't it be neat to honor the

Olmsted brothers and name it the 40 Mile Loop. We get criticized now because we don't call it the 140 Mile Loop. We're proud that it's 140 miles and someday in my lifetime I hope it's completed without gaps. I would like to thank the City of Troutdale for all of the support over the years. I've been on the 40 Mile Loop board for almost 30 years of the 35 years of the organization. I was here back when we did the first 40 Mile Loop Master Plan and Troutdale was historically the first jurisdiction in the 40 Mile Loop that ok'd the master plan. I compliment the City of Troutdale for that. Over the years, Troutdale to me has been a pleasure to deal with. Another reason that I'm here is that some of you may know that one of the gaps is what we call the Gresham gap or Troutdale gap from Springwater Trail over to Marine Drive. A couple years ago there were a couple of people from Troutdale that witnessed a group of students from the University of Oregon that did an outstanding feasibility study about building that trail. Metro is now starting to take another step from that plan and trying to find a route that we can build a trail on so we can connect the whole 40 Mile Loop from the south to the north on the east end. The 40 Mile Loop is a historical name but I think the main thing that is great about it is it's a connecting unit of different communities in the Portland Metropolitan area. We helped promote the bike trail on 205, we promoted the trail on Peninsula Crossing in the St. John's area, and right now we're trying to get a trail built from Kelly Point Park to the Steel Bridge along the Willamette River. We had a feasibility study, we have the plans for it, and it's being worked on as we speak. The other goal is to try and get that trail all the way from Kelly Point Park to the waterfalls in Oregon City where the new Metro development will be. There is a trail on the east end of the 40 Mile Loop from Springwater Trail to Marine Drive. There's a lot of misinformation. There is a webpage that's trying to get it stopped. A lot of the information that's on social media is misleading. I don't do social media but I was at a 40 Mile Loop meeting today and they pulled up some of the things and they're suggesting that we've never advertised that their building a trail and it's been on the Master Plan for years. It's not the 40 Mile Loop. We advocate for trails but Metro and the cities do the planning and promoting of it. The main thing that I really want to express is that we haven't really had much feedback from the City of Troutdale people yet but I think there will be some negative comments to you about the trail. I like to turn negative comments into positive comments. I like to get the negative people to put as much energy into a positive situation to build something to make us all proud of what we're after and connect it to having something successful. The trail would be something that would be an economical positive situation for the City of Troutdale. I'm lucky enough to have my home phone number on the 40 Mile Loop webpage and I get calls from people every day from all over the United States wanting to know when they come to Troutdale or Portland, how do they get on the 40 Mile Loop. I know the Chamber is a real advocate for trails in this area. When we get a negative comment, let's get those people to put that much energy into a positive deal to help us build something that is real positive for our citizens. If you ever have any questions about the 40 Mile Loop you can get a hold of me really easily.

Robert Canfield, Troutdale Resident, stated it has come to my attention that the City Council is considering a vote on whether they have the City of Troutdale provide legal fees to Councilor Rich Allen in defense of a civil lawsuit filed against Mr. Allen. I believe that Mr. Allen has no right to expect a blank check from Troutdale residents to defend his egregious behavior and the City of Troutdale should not pay private counsel to represent

officials in engaging in any kind of reprehensible conduct. Mr. Allen's alleged conduct raised in this lawsuit was not performed on behalf of the City. His alleged conduct raised in a lawsuit was contrary and not in furtherance of any City policy and were outside the scope of his official duties as a City Councilor. Paying Mr. Allen's personal legal fees are contrary to and not in furtherance of any adopted City policy at all and the payment of any legal fees would only serve Mr. Allen's private interest and not the public interest. I urge the City Council to agree with the City's own counsel and City County Insurance Services who also declined to pay for the legal fees. It would provide a personal benefit for Mr. Allen and no benefit at all to the City.

John Wilson, Troutdale Resident, stated I've been working on the 40 Mile Loop project as a City Councilor for over 12 months. It's coming to a close in February. I'd like to offer my insight to continue with the project, if you would like me to do that. There are concerns from citizens about the trail, some are good and some are not good reasons. I think I have some ideas to work with Metro to help eliminate any of the issues that have happened on the Springwater Trail. Depending upon which of the 3 sites they are looking at, I would come back to you and tell you my reasons why I support 1 over the other 2. I hadn't planned on saying that but since it was brought up I decided I would offer that. Congratulations, I was on family business last week and sorry I couldn't support you during your swearing in. I had come to talk about the URA (Urban Renewal Agency) and a number that continues to be put out to the public by Councilor Allen that is incorrect. He continues to tell the press that the URA is valued at \$6,000,000. That was the original estimate that our person who was giving us the value of the property had come up with. Shortly after that they met with the appraisal person from Eastwinds and Eastwinds came up and Troutdale came down so that \$6,000,000 figure is inaccurate. I'd like to see that change and Council support that that is not an accurate statement. There were a lot of different proposals put on the table and every proposal except for the last one had the City of Troutdale cleaning up the old Sewer Treatment Plant with the original estimate of \$2,000,000 which is 10 years old so we know it's going to be a lot more. The last official signed deal that we had with them has Eastwinds cleaning up the old Sewer Treatment Plant. When you look at the numbers we'd be very close to the \$1.5 million if Troutdale had to clean it up. Really the value of the property if we sold it for what we were going to would probably net down to \$1.5 million after we got done paying for the clean-up. I wanted to get that straight and I hope someday you will admit that the \$6,000,000 is not a correct figure.

Will Knight, Troutdale Citizens Advisory Committee (CAC) member, stated we want to welcome and congratulate the new members here tonight and those reelected. We are here to discuss something that has been in the works for the last year and was discussed tonight during the report and that's public comment. Last spring, I believe in March, the CAC went through and discussed some potential changes to the wording on the agenda regarding public comment. At that March meeting 3 resolutions were passed and forwarded to Council which were added to the April agenda. From my recollection it was discussed and it was agreed to make some changes to it. The CAC felt it was a step in the right direction but not entirely what we were hoping to achieve. Skye is going to discuss further why we are here tonight.

Skye Troy, Troutdale Citizens Advisory Committee (CAC) member, stated I think that we can all agree that public comment is an imperative part of what we do here and talk to each other about some of the issues that we face as citizens in our community. As a committee we drafted some very simple language that we would like to present. One would be that on the City Council agendas it says that resolutions can also be included in public comment at the appropriate time. Secondly that public comment on a non-agenda item is welcome and comments on agenda items will be taken at the appropriate time. What that is supposed to signify is that we would like there be an opportunity for people to speak on non-consent agenda items and consent agenda items.

Will Knight stated the idea being that there would be additional wording added to the agendas that would have this language. We would be more than happy to forward that language to each of you as to what resolutions were put forward from the CAC.

Paul Wilcox, Troutdale Resident, stated I wanted to welcome Mayor Ryan and Councilors Lauer and Hudson. What I'm commenting on happened last month so you have immunity. The bad thing is that I have to speak at this meeting because I was not permitted to speak at the last meeting. The subject was Item #9 on the 12/13/16 Council Meeting. It was a resolution talking about adjustments to Resolution #1901, the subject of which was enterprise zone standards, what's required to qualify for the enterprise zone property tax abatement. The first point was on the timing of the resolution. It came at the last meeting of the term for 2 Councilors and the Mayor. So 3 lame duck members of the Council were voting on this. As it turned out 2 Councilors could not participate, 1 was not present and 1 left early. My next point is that when Mr. Mueller was doing his presentation, I thought he left out a couple of key elements on Resolution #1901. One of them was under paragraph 2 that said one of the goals of the enterprise zone is higher incomes for local residents and the other was it must provide benefits to full time employees that meet the national average of non-mandated benefits for the size of company. Benefits are required either way. To back track to the higher income for local residents, I'd like to quote a statement that Councilor Allen made during the discussion on Item #10 which was about the community service fees "basically we have an enterprise zone to attract companies, you incentivize them if they pay better and have better benefits, right? That's what we're talking about here." My take on an enterprise zone is that you're trying to attract companies that already qualify and in exchange you're giving them the property tax abatements. If you have a company coming in who doesn't qualify under the existing standards and you require them to adjust their pay scale for example, that increased payroll is going to eat into the savings that they're seeing in the property tax abatement and in some cases might eliminate it entirely. Onto the next point where the actual change is made where the wage requirement is going from 150% of minimum wage not including benefits to 125% of minimum wage including benefits. That's a 25%+ reduction if you factor in the difference in the value of the benefits. Once you get down to 125% of minimum wage, a basic benefit package is going to account for the 25% so you are basically at minimum wage. You can't get any lower than that. 25% is on the low side for a benefits package, most companies are 30-40%. You are essentially saying come on in, we'll give you the property tax abatements and your salary requirements are minimum wage plus benefits. That's a pretty sweet deal. The other thing is that in the past election cycle several of the comments linked on their Facebook campaign pages

an article in The Outlook that talked about the Troutdale Reynolds Industrial Park (TRIP) property bringing in 3,500 jobs to Troutdale. At least 2 of the candidates specifically mention their expectation that those were going to be family wage jobs. In the current issue of The Champion, former Mayor Daoust declares that there's 1,000 plus jobs that Piper is providing and they'll be living wage jobs. I don't know what he's using for a living wage definition but that's questionable in my opinion. Councilor Morgan said that these changes made Troutdale more competitive. That's actually an understatement. Gresham requires 200% of the minimum wage and Hillsboro is 150-200% depending on whether it's 3 or 5 years. You're essentially giving away the leverage that you have to raise the wages in the enterprise zone.

6. PRESENTATION: ~~A presentation from the Robotic Program at Troutdale Elementary School.~~

This presentation was rescheduled for the January 24, 2017 City Council Meeting.

7. PRESENTATION: A presentation by the U.S. Forest Service regarding the sale of property at the Troutdale Airport.

Lisa Northrop, Forest Supervisor for the Mt. Hood National Forest, stated with me I have Bill Westbrook, the Ranger for the Zigzag Ranger District, and Gianna Vaccaro, our Realty Specialist.

Gianna Vaccaro, U.S. Forest Service, stated you received a packet of our proposal that we're doing a conveyance of the Troutdale air tanker base. It's a property of 9.65 acres. We're planning on doing it as a competitive sale. One of our requirements is to notify the local government of the proposal that we have. We've gone through the Troutdale Planning Department to request a partition and we received their response with various conditions that we are trying to meet.

Councilor Ripma stated I appreciate you providing the required notice. I suppose we have no say in this other than you have to meet the Planning code. I assume we can't promote it, block it, or say you should do this another way?

Gianna Vaccaro replied once we receive funding we will do a notice that will be advertised in the Oregonian newspaper and also a scoping letter will be provided to the City as well as congressional, adjacent land owners, interested parties that we have listed, holders that may have an easement or utility line. At that time, there will be a public comment period where the City or anyone else can provide comments for this proposal.

Mayor Ryan asked are there restrictions on who you can or can't sell it to?

Gianna Vaccaro replied it's open. There used to be restrictions that it could only be U.S. citizens but that no longer applies.

Mayor Ryan asked what would be a typical person or business that would buy this?

Gianna Vaccaro replied it's by the airport so it might be someone that's interested in a facility to support the airport. But it is just south of FedEx so it could be an industrial company, it could be various warehouses. It's zoned as an industrial area.

Councilor Ripma asked are you not using the facility right now? Is that why you're selling it?

Gianna Vaccaro replied yes, it's an excess property. We no longer have tankers using it.

Councilor Ripma stated I recall, the Forest Service did at one time have tankers here. When did you phase them out?

Lisa Northrop replied we phased them out about 3 or 4 years ago because the tankers got too big for the property. The ones that we use now are larger than they used to be and they don't fit.

Councilor Ripma asked did it have anything to do with the Port's expressed intention to shorten the runway?

Lisa Northrop replied there are restraints that are implied by shortened runways. For using an air tanker, you need a runway that's long enough to both take off and land.

Councilor Ripma asked the reason that you quit using this is because the tankers got too big to park here and it wasn't landing so much but parking?

Lisa Northrop replied that's part of it. The other piece is that Forest Service wide, we've become much more efficient in how we're using our air tankers in general. Redmond airbase is right down the way and it's not that much longer of a flight time for firefighting purposes to use that air tanker base. So it's an efficiency thing and when all of these things came together it makes more sense to just dispose of the property because we can't use it.

Councilor Morgan stated it says that the property will be sold by competitive bid. Is that a federal standard for bidding relative to how the property can be used and things like that?

Gianna Vaccaro replied with the competitive, there really aren't any restrictions unless there is zoning and so forth. It's whoever makes the bid that's acceptable and that can pay within a certain amount of time.

Councilor Morgan asked is there a timeline in regards to when this will be advertised?

Gianna Vaccaro replied yes it will advertised. We don't know an exact date but we're hoping to have this conveyed this calendar year of 2017.

Councilor White stated I'd rather see a Gateway to the Gorge Ranger Station at that location. I hate to see you guys leave that site. If that ever becomes a possibility, that

would be welcomed to have you in Troutdale because there are so many hiking opportunities, trail head, tourism, and that sort of thing. I was curious if there are any appraisals that'll be done on that property or if any have been done?

Gianna Vaccaro replied with the competitive process that we're doing we don't exactly do an appraisal that you're used to, it's more of a consultation, and that's been completed.

Councilor White asked does the public have access to that?

Gianna Vaccaro replied no that's only an internal document.

Ed Trompke, City Attorney, asked to follow up on Councilor White's question, when the deed is delivered, there will be a price on it?

Gianna Vaccaro replied yes.

Ed Trompke stated so the price isn't secret. It's just not a true appraisal so you don't circulate it.

Gianna Vaccaro replied and at this time I don't have anything to offer but when you do go through the County records, they do have an idea of what the taxes are so that gives you an idea of what the worth of the property is.

Mayor Ryan asked how do people know what to bid on it?

Gianna Vaccaro replied sometimes when we do a competitive bid we may have a starting price. But we haven't quite gotten to how we're going to do that yet.

Mayor Ryan stated so somehow we'll know somewhat what you think it's worth by maybe that starting price.

Gianna Vaccaro replied we will know when we say that's the final bid that we'll accept.

Lisa Northrup stated after that all of the information about the sale would be available through the freedom of information act.

Gianna Vaccaro stated when we do make it open for bid, there will be a packet with all of the restrictions and rights that will provided to the public.

Mayor Ryan asked will you come back and visit us before that goes out?

Lisa Northrup replied we certainly can if you ask us to.

Councilor White asked I'm curious about the water rights. Do you actually use spring water for that location?

Gianna Vaccaro replied there is an existing water right out there it's just that nobody has proceeded to cancel it and nobody has been using it.

Councilor White stated I found it interesting that apparently it was in Fairview's boundary at the time.

Gianna Vaccaro stated just so you know, on the property there is no actual spring above ground.

Councilor White asked are there any wetlands or contamination on the property?

Gianna Vaccaro replied we did something like a hazmat report, we call it an environmental site assessment and that's under the EPA regulations. Our findings are that there is nothing and all the levels of the sampling met the criteria that everything is acceptable.

Councilor White stated I think you guys have the only trees in that whole area and that's how we know its Forest Service property.

Councilor Allen asked I take it that this property can be used for any use and not necessarily aviation related?

Gianna Vaccaro replied it would be restricted to what the City and the County regulations are, the zoning, and so forth.

Ed Trompke stated its zoned industrial and industrial zoning is pretty broad.

8. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending sections of the Troutdale Municipal Code Chapter 8.26 – Outdoor Lighting.

Chris Damgen, Community Development Director, stated this is a situation that came before the previous City Council at the first meeting in September. It's an interesting situation, outdoor lighting is not regulated in our Development Code, it's located in the Municipal Code. More often than not it does fall on the Community Development staff to make sure the regulations in that Code are being followed. What's also interesting is that in situations where we may have an issue of a non-conforming light fixture, the way the Municipal Code prescribes it is that it goes through a variance procedure through the Development Code which means it goes in front of the Planning Commission. At the September meeting the Port of Portland provided testimony during public comment that said City of Troutdale, we would like for you to reconsider your standards for outdoor lighting, specific to height restrictions. Their particular interest is they are in TRIP as the principal developer of the site. These are large lot properties which often are several dozen acres in size. When you are looking at larger projects along the lines of FedEx, you want to ensure that you have sites that work efficiently. The lighting standards in their opinion and also in staff's opinion, were encumbering that and requiring variances and adding to the development timeline and the development costs. In the spirit of the previous Council, and perhaps this Council, the idea of trying to remove barriers to development opportunities. The City Council asked the Planning Commission to look at

this issue and come up with some suggestions for Municipal Code amendment language. The Planning Commission took this up on September 28th at a work session and staff in the meantime had prepared some research on the matter. What we found is that there are 2 issues at play. One has to do with new development as I just described and the other has to do with existing development. We have a number of properties both commercial and industrial and the majority of them are north of the railroad tracks, so along the freeway and in the industrial areas of the City, where we have a number of light fixtures that are above 25 feet. They are effectively non-conforming. We also have a situation in the industry where a lot of property owners are replacing old bulbs with more energy efficient ones and when you replace those it requires an electrical permit and requires a site lighting plan. If you require an electrical permit, you can only do it for conforming light fixtures. That means anytime you have a non-conforming light, you would have to get a variance and that is difficult for not only new development but also for existing development. We've heard from several commercial business owners, not just the Port, that this is presenting a hindrance. It could be a situation where a light pole was damaged when a tractor trailer backed into it. That would require an electrical permit and right now the way our code is written, they would have to go through this additional variance procedure and pay \$600 at minimum just to replace a light post when they can be straight forward and pay an electrical permit fee. Right now the standard is 25 feet. A 50 foot height would do 2 things, the vast majority of light fixtures proposed or currently out there would be in conformance. If there were going to be situations where a developer or an existing development would want a taller light post, an example is at FedEx where they have several 100 foot large lighting systems, you could still handle that through a variance process. But for the average property owner looking to make improvements to their property, by bringing in a 50 foot standard for those particular areas in the City, it might make sense and that way we eliminate the hassle of getting additional approval. We wanted to be respectful of 2 things, airport operations because higher lights often mean higher glare and what impact could that mean for the airport. The other issue was making sure that if we are increasing height limits, does that affect residential properties. One of the reasons why Planning Commission is recommending you restrict it to areas in the City north of the Union Pacific Railroad is because it is away from the residences and geographically it is at the bottom of the slope. They are not making the recommendation for commercial areas along Stark, the 25 foot height threshold there is still appropriate. If there is a situation where a business owner wanted a higher pole then there's still an avenue to pursue it, it just requires a public hearing through a variance. We felt this was a pretty common sense solution. Planning Commission recommended it unanimously to you. One thing to add which is really strange is that outdoor lighting standards are based on private property development but street lights installed by Mid-County Lighting District are exempt. Their standards for a street light is a 35 foot height. We're allowing a pass for a light fixture that's already 10 feet above what we allow for private property. Is that even fair? That was a further endorsement of these potential changes.

Councilor White stated I appreciate your effort to streamline things. It makes a lot of sense. I understand that there will be less lighting fixtures with the higher height for a larger area. My only concern is that we've had hundreds and hundreds of emails sent to us from the Audubon Society supporters and they're concerned about this issue. Can you speak on that?

Chris Damgen replied I know those emails began to trickle in in the fall during the election season. The Planning Commission had this work session, it was publicly advertised, and this is technically a public hearing too and has been advertised appropriately. It's an ordinance so there will be a second hearing. If there is opposition then this would be the time to hear it. As a staff, we haven't heard any to this particular request.

Ed Trompke, City Attorney, stated I received an email from the person who started that email chain after I commented to her. It was all intended to advertise a talk that is being given in a week or two at Metro about dark skies and the Audubon Society. It wasn't about this although we all initially thought that it was. It had to do with the speaker who is coming. She apologized to me for having irritated me. I appreciate dark skies, I appreciate the birds, but spam, I don't like.

Chris Damgen stated to elaborate, what is being proposed is simply a text amendment to the height allowance and precisely where it would be allowed. The standards for shielding and illumination would still apply.

Councilor Allen asked what about around the airport, how far away do they have to be?

Chris Damgen replied it's really a calculation. With new development we require applicants to submit a 7460 form which goes to the FAA for review. It usually takes 3 to 6 months for them review those. Part of that submittal includes a lighting plan where the FAA gets a chance to comment and if they see something problematic then they raise the flag. With regard to existing development around the airport, it's assumed that it's maintaining the standard. If it's of any consultation, one of our Planning Commissioners happens to be an operator at the airport and he basically said there are no particular issues other than going through FAA protocol.

Councilor Allen stated an interesting thing that I noticed during our weather here is there's a sheet of ice built up on one side of a sign and as it warmed up the sheet came down all at once. Has anybody been hurt by the height that some of these are?

Chris Damgen replied I haven't heard any testimony about that. These light fixtures are typically found in truck parking or loading areas and have not really been accessible to my knowledge.

Councilor Lauer stated this says one of the solutions is to limit it to where impacts on residential properties is minimal. Is that because it is only strictly for commercial and industrial properties and not that this is where we're going to focus but maybe we can move it a little bit into the residential because it's minimal?

Chris Damgen replied the underwriting concern was making sure that where you have the existing type of fixtures like this and where they could be proposed and that it is far away and you keep it in those industrial or commercial areas. Where terrain, appropriate trees and other natural blocking devices can really mitigate that. That's why it didn't

include where we're sitting right now, downtown or Stark Street because they are more residential or community commercial oriented.

Councilor White asked are the properties along the Sandy River going to be an environmental issue? I know Metro has special rules concerning lighting. If you light up a river at night then it becomes an unfair advantage to certain animals for the salmon.

Chris Damgen replied we haven't heard any testimony from Metro regarding that. The properties that we've heard from the most as far as their interest in this are more or less freeway oriented or within TRIP.

Mayor Ryan opened the public hearing at 8:05pm.

John Wilson, Troutdale Resident, stated over the last 4 years or maybe even the last 8, the discussion of being business friendly has always come up. Extending this to a new height will save the companies moving in, issues of having to go to Planning and making it easier to do business in the City of Troutdale. I would urge all of you to support this proposal.

Mayor Ryan closed the public hearing at 8:05pm

- 9. RESOLUTIONS:** Resolutions approving City financial statements and receiving Annual Audit Report:
- 9.1** A resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year that ended June 30, 2016.
 - 9.2** A resolution accepting the Report of Independent Certified Public Accountants on the City's financial statements for the Fiscal Year that ended June 30, 2016, the Auditor Communication Letter (SAS No. 114), and the OAR 162.10 Audits of Oregon Municipal Corporations Letter.

Ed Trompke, City Attorney, stated before the staff presentation begins, Councilor Morgan forwarded to me an email that he received from the Oregon Government Ethics Commission because he works at the Secretary of State's Office for which these audits are prepared and to which are submitted. The ethics folks said that he could talk about this and participate fully in the discussions and vote on the matter. There is no conflict on it.

Erich Mueller, Finance Director, stated as those of you that continue on the Council are aware this is a 2 step process. These 2 resolutions are closely intertwined. For those of you that are new, I assure you that I am not going to take you through all of these hundreds of pages. The first resolution is essentially a necessary step. The City Council is the ultimate supervising authority for the City and the City's financial statements. The management is responsible for the maintenance and operation on a day to day basis in the preparation of the financial statements. The first resolution has the Council approve the financial statements as they've been drafted and prepared which makes them the official financial statements of the City. The second resolution addresses the reports and the opinions that the auditors rendered on those almost official financial statements.

That's why it's a 2 step process. The second resolution is to receive their reports rather than to approve them because it's their professional opinions that they're offering. The City as the client doesn't have the opportunity to approve or disapprove their professional opinions other than to receive their report and the judgements that they've made on it. The large bound item that you have in your packet has 2 pages that have been flagged. Essentially the first resolution approves everything except those 2 flagged pages. That's the content of all the financial schedules, recaps, the statistical analysis sections, the supplemental information, the foot notes, the budget variances, etc. As those of you are familiar from the past, I typically ask that the Council approve this first resolution and then on the second I will dive into the comments from the auditors once we have an official set of financial statements.

Councilor Morgan stated the public might not have the ability to dig into the packet but the minimum level of compliance is the GAAP (Generally Accepted Accounting Principles) right? However a municipality, which there are over 38,000 across the country, do not have to qualify for the GFOA. The staff work that you guys have done, this will be the 27th consecutive year in which Troutdale, will go beyond the minimum criteria and meet the excellency that was given out. I believe there are 3,500 municipalities that do this. I think a lot of public distrust of government and spending money, it really speaks to the work that you've done and to staff to now be in nearly 30 years of going above and beyond for accountability and transparency. Hats off to you and your team.

Erich Mueller replied that you for the comment. That sets me up nicely for one of the things that I've wanted to mention. It has been the tradition of seeking to have this higher level of accountability, disclosure, and reporting. It started long before my tenure and I've had the opportunity to continue the process. It is truly something that is able to be accomplished due to the fact that I have a staff that is well experienced and day in and day out they are diligent, deliberate and conscientious in their process which provides for us to have a consistently clean process and audit trails and it's really due to their hard work. This is an activity that I end up focusing on a lot in the fourth quarter of the year to get it done but they're the ones that make it possible to be done due to their work day in and day out.

MOTION: Councilor Hudson moved to approve a resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year that ended June 30, 2016. Seconded by Councilor Morgan.

VOTE: Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Councilor Morgan – Yes, Mayor Ryan – Yes; Councilor White – Yes; Councilor Allen – Yes; and Councilor Hudson - Yes.

Motion passed 7 – 0.

Erich Mueller stated all of this is for the record. As I've mentioned in prior years, these 2 items are fortunately boring. You don't want an exciting audit report. That tends to mean that there are problems that would require lots of attention and correction. The purpose

of the audit is for them to express an opinion about the financial statements that were put together. It's their responsibility to determine the fairness of the presentation of the information. They do that against a set of standards both auditing standards and generally accepted accounting principle standards. The Council's ultimate role is for monitoring the accountability and oversight of the City's fiscal affairs. The SAS letter 114 is the auditor's professional responsibility. Part of their accountability is to have a communication openly and candidly with the governing board. Oregon has its own set of minimum standards for audits of Oregon municipal corporations which is where the Secretary of State's office ties in. They're the executive department that's charged under the statues for monitoring and receiving the audit reports of all municipal corporations in Oregon. The first page that is flagged is the auditor's Opinion Report and talks about their process, their responsibility, management's responsibility, and that it's their duty to express an opinion. At the top of the second page it reads "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the government activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Troutdale as of June 30, 2016.....for the year then ended and in accordance with accounting principles generally accepted in the United States." That long formal audit speak essentially translates into what is known as a clean audit opinion. It's without reservation or modification. On the second page of the staff report, the SAS 114 letter is Exhibit B in your packet. That is the auditor's communication to the governing body. Again it recaps the purpose of the audit, what their standards are, it talks a little bit about their scope and timing, and again it talks about the results of the audit at the top of the second page. They refer to the State minimum standards and that they found no exceptions or issues requiring comment, which is as much of a pat on the back as you get from an audit. They also indicated that this year they did not issue a separate management letter, we did not have issues of any concern that required them to do so. Then there are a few pages of significant audit findings. As they mention in their report, they reported no issues in these additional areas of audit focus. The final section that is flagged in the large bound document, page 107, is an additional letter from them recapping what they did to comply with the Oregon minimum standards and it talks about the areas that they tested and they noted that they found no exceptions to compliance in these various areas. The resolution before you for item 9.2 is that you are accepting for the record, these reports that the auditors have put together on the financial statements, accepting them, placing them in the record and not necessarily approving or disapproving of their opinion.

Councilor Lauer stated I just want to reiterate what Councilor Morgan stated earlier and add that being an employee of a neighboring city, I see this process and it is a long process. It's not a long process because it's an exciting one, it's just the nature of the business. The level of transparency that needs to happen all year long is paramount to the success of this. Good job.

MOTION: Councilor Morgan moved to approve a resolution accepting the independent certified public accountants recommendations on the financial statements. Seconded by Councilor Lauer.

VOTE: Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Councilor Morgan – Yes, Mayor Ryan – Yes; Councilor White – Yes; Councilor Allen – Yes; and Councilor Hudson - Yes.

Motion passed 7 – 0.

10. STAFF COMMUNICATIONS

Ray Young, City Manager, stated there are a couple of items that I want to cover with Council. Next Monday is Martin Luther King, Jr. Day and City offices will be closed. Second, after the last meeting the Council directed me to contact Mark at Mark's Snack & Tackle because as you recall he has not made his lease payments of \$300 per month in about 6 months and he has not paid the property taxes which is required through his lease with the City for the last 2 years. He came to the Council Meeting under public comment and apologized for not being able to make those payments and wanted to know if there was some way to figure out some resolution. I've met with him and I've explained that the City's position is that while we're not so concerned about getting the \$300 per month in rental payments, we are very concerned about having a debt of \$9,000 on the property. If he were to leave the agreement and close the business, the City would be liable for that. I'm working with him and he's being as cooperative as best he can to try to come up with a plan to get back positive with Multnomah County. I'm working with him now to figure out how he can make those payments enough so the debt to the County goes down on a regular basis. His lease ends in June. It's one of those things that we'll need to look at in the next couple of months because one of the things we run into is that we tell the County that it's back on the tax rolls when we lease it to a private business and if we don't tell them by a certain deadline then it'll go back on the rolls for July 1, 2017 to 2018 and then we have another \$5,000 tax bill. I'll continue to work with Mark to figure that out. Thirdly, remember that next Tuesday you will all be back here for Committee Interviews at 6:00pm. As the gentleman discussed in public comment talked about the Troutdale to Gresham Trail, there has been some news going around that the last meeting is on January 19th in Gresham and that is not true. There will be a Troutdale meeting in February at a date that is unknown at this time. As soon as we know when that will be, I will get that information out to Council and we'll make sure to do what we can to make sure the citizens are aware of that so they can express their opinions on the Troutdale to Gresham portion of that loop. I need to remind you to read the Development Code that is being proposed at the end of February. I'm telling you now because it is a large document. I also wanted to let you know that we did close the City offices on Monday. I initially decided to open at noon but decided that the thawing was so slow and closed it all day. Understand that I do not take that decision lightly at all because I understand that under our contract we pay employees whether they come or not if we close City Hall. I have to weigh that by opening City offices we are attracting citizens and people to come to the City offices and when the conditions are like they were on Monday that was a concern. Also it's the City employees that have to come down and park in places where there is ice and get into City Hall and it's a concern for the safety for employees. I also considered what the Reynolds School District did and they had closed it. To make this decision I get a text message from the Sheriff's Office and from Public Works giving me their opinion as to the actual road conditions in Troutdale and I take that into consideration

and we make a decision by 6:00am so we can get the message onto our answering machine by 6:30am. Personally I'm somebody who comes to work regardless but I also understand that people have issues with cars that don't work as well, they may not walk as well in icy conditions, and they have kids to deal with if the schools close. It's not done lightly but it's for the safety of the citizens and employees. Finally, February 8th is the City at the Legislature Day which is an event that is put on by the League of Oregon Cities (LOC), it's an all-day event that begins in the morning with presentations by the LOC to senior staff and councilmembers. I understand that Councilor Morgan is going to have a large lunch for everyone that comes down that day. I wanted to let you know that is an option for any Councilmember and the Mayor. If you'd like to go down for the day, let me know. In the afternoon we usually schedule time with our Legislators to discuss any agenda items in terms of legislative agendas that we may have.

11. COUNCIL COMMUNICATIONS

Councilor Ripma stated I think we're off to a very good start. I think we have a series of unanimous votes and it bodes well. Best wishes to everyone for the New Year.

Councilor Lauer stated the same. Congratulations to Councilor Hudson, Councilor White, and Mayor Ryan.

Councilor Morgan stated congratulations to Council President Ripma. I think Mayor Daoust had years where he was the Council President so I hope we continue that tradition and respect all the years that you've served. Congratulations to the new Council members and the folks that got reelected. I'm excited for the New Year and new opportunities and there's a lot on the agenda.

Mayor Ryan stated last year the Council made January Human Trafficking Awareness Month and I wanted to bring that to your attention and we are one of the few cities that have done that. Second, Ray and I talked about Public Works and all the work they do during this weather we've been having. Ray compiled some numbers for and the total number of man hours over the weekend was 108. That's between plowing, sanding, and 5 calls for broken pipes. They had a crew on 24 hours all weekend plus the Wastewater crew got called in Saturday morning due to a power outage at the Marine Drive lift station. If we get an opportunity to thank them for their hard work. When many people can't get out and drive, they have to get out no matter what. The final thing is I want to thank Ray, Sarah and Kenda and anyone else that was involved in the Swearing In Ceremony. We got really good feedback that Ray shared with me from Councilor Craddick. We're one of the few cities that she's aware of that does something that nice. I think it's great and look at how many people came even though the weather was horrible. It was a great turn out and a great way to start out our 2017. You don't know that other cities don't do that and you take it for granted.

Councilor White stated welcome to everyone. I think 2017 is going to be a good year. In regard to public comment tonight on Resolution 1901, I know there was a lot of people absent and there's new people now, if anyone is willing to relook at that then I am as well. Thanks again for the Swearing In Ceremony, I did hear lots of compliments on it.

Councilor Allen stated I want to welcome the new members to the Council. I look forward to 2017. I do notice that we were given a letter from the Troutdale Historical Society (THS) addressed to our Mayor and Council. I must point out that I'm on the Board for the THS but I would like to encourage Mayor Ryan to take a look at it and talk to Sharon Nesbit with the THS and also with our Chamber of Commerce and put this on a future agenda for discussion.


Councilor Hudson stated thank you for the warm welcome. Welcome to all the new people joining us here and I'm looking forward to a great year.

Ray Young stated I have one more thing. I'm proud to present to Councilor Hudson, Mayor Ryan, and Councilor Lauer your first Troutdale lapel pin.

12. ADJOURNMENT

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

Meeting adjourned at 8:32pm.



Casey Ryan, Mayor
Dated: 4/14/2017

ATTEST:



Sarah Skroch, City Recorder

CITY OF TROUTDALE

City Council – Executive Session & Regular Meeting
7:00PM

Tuesday, January 10, 2017

PLEASE SIGN IN

Name – Please Print	Address	Phone #
Bob AKERS (40 mile LAND Trust	1038 SE 224th WASHAM, OR 97030	503-665-5519
PAUL WILCOX Sarah Jewell	TROUTDALE 979 SW 15th Ct Troutdale 97060	623-229-8143
GIANNA JACCONO	991 McClellan Rd Vancouver WA	360-891-5236
LISA WORTHUP	16400 Champion Wy Sandy	503 668 1749
Bill Westbrook Robert Canfield	70220 E. Hwy 26, Zigzag Troutdale	503-622-2001
Skye Tray	1221 SE Chapman Ave	503-705-8800
Carol Allen	T Troutdale	503-701-8479
Doug Daoust	"	
WILL KNIGHT	Troutdale	503-888-9455
W. BRUCE WASSON	TROUTDALE	503-661-1042
Diane		