

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Conference Building
223 Buxton Avenue
Troutdale, OR 97060-2099

Tuesday, March 13, 2012

1. ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Kight, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen, and Councilor Daoust.

ABSENT: None.

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; David Ross, City Attorney; Charlie Warren, Public Works Director, and Amy Pepper, Civil Engineer.

GUESTS: See Attached

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: January 12, 2012 ~~Regular Meeting~~ Work Session
(corrected at the meeting prior to adoption of the Consent Agenda).

2.2 RESOLUTION: A resolution authorizing the City Manager to sign an Intergovernmental Agreement with the State of Oregon Department of Energy regarding energy facility siting cost reimbursement and coordination.

2.3 RESOLUTION: A resolution authorizing the City Manager to sign an Intergovernmental Agreement with the City of Portland for IRNE Telecommunications Services.

2.4 RESOLUTION: A resolution authorizing the Mayor to sign a contract with the Oregon Department of Land Conservation and Development accepting a grant to assist with the City's periodic review tasks.

Debbie Stickney stated Item 2.1 should read, "January 12, 2012 Work Session minutes", not regular meeting.

MOTION: Councilor Thomas moved to adopt the consent agenda with the correction to Item #2.1. Seconded by Councilor Anderson. Motion Passed Unanimously.

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

John Wilson, resident, stated last week we talked about repairs and maintaining our buildings, and whether or not buildings were going to get repaired and brought up to date. It is really too late to do anything about City Hall. Repairs were needed back in 1984 when the building was starting to slide to the north side of the retaining wall, but those repairs were never made. Maybe it could be fixed at a greater cost. If we had maintained and repaired the building at that time we may not be moving out of it today. I did some research on the current building that we are in (City Conference Building). Back when the church purchased this building they were supposed to make ADA updates to these restrooms and to the building. The City gave them a year to make the changes, but the changes did not happen and the City did not pursue getting them made. The City purchased the building and because of how it is generally used it is a public building, and those repairs are still needed. So whether or not we use this building for the council chambers, planning or court, the building still requires those updates.

Councilor Ripma talked about this building eventually being sold or something happening to it, but it may be 30-40 years before that happens. Councilor Daoust said that possibly it could cost \$50,000 to make repairs to this building. So if we look at 30 years at \$50,000, you are looking at \$2,000 a year. Would we make that investment into our own homes, our own buildings, unless we were going to get rid of them right away? I think that we would. I really believe, even though you have decided not to make this building your council chambers, the repairs for the ADA requirements and any other updates are still required. If we don't make them how are you going to go to the citizens that are constructing buildings or buying properties and tell them that they need to make repairs when we don't even do it for our own assets. I believe, in the future, as we get into the budget process that all of our building assets should be reviewed and brought to public comment where the regular citizens can hear about the conditions of each one of the buildings, the repairs necessary and an estimate to make the repairs. From there the budget committee should be involved in part of the process, or another committee, to decide what repairs need to be done right away and which ones can slide for a year. We need to protect our assets. We have a brand new building going up, and most of us probably won't be around by the time it needs repairs, but if we are going to build new buildings and not maintain them what is the sense of having new properties built or buying properties if we are not going to take care of the buildings that are on them.

Mayor Kight stated Mr. Wilson makes some very cogent points. One was a reference to upgrading this building for ADA requirements and the cost to do that, and secondly a general assessment of all of the public buildings that we own. Would the Council like to look into this during the budget process and involve the public in that conversation?

Councilor Ripma stated I would certainly rather not decide it now.

Councilor Thomas stated I think we really need to look at this. I don't think it could be done for this budget cycle, but we should try to address it next year as part of the process.

Mayor Kight asked would you entertain the idea of having a work session on this topic?

Council agreed.

4. DISCUSSION: A discussion regarding the proposed new MC3 committee.

Councilor Thomas stated I believe that Fairview, Gresham and Wood Village have already adopted the MC3 concept, and I really think that we should also adopt it and become a part of that process. I don't really think that the East Multnomah County Transportation Committee (EMCTC) is the right vehicle to handle some of the components that this needs to do. I think moving forward with the MC3 is a good idea.

Councilor White asked in lieu of EMCTC?

Councilor Thomas replied I think the jury is still out on whether EMCTC would go away or not. It could possibly go away. This committee is set up in a way that it doesn't necessarily have any voting authority.

Councilor Ripma stated I thought that EMCTC was expanding its role or changing its role in some way. My understanding was that EMCTC was evolving, is that right?

Mayor Kight stated there was a meeting of the Mayors after the last East Metro Economic Alliance (EMEA) meeting and we all agreed that we would set up MC3 as a separate stand-alone committee. EMCTC would remain whole; it wouldn't change to MC3. I thought we might go that direction to reduce the amount of meetings that we have, but all four Mayors have agreed. At this point it is up to the City of Fairview to contact all of the entities and find a time that might work for everybody. One of the times suggested was 9am, 1 hour prior to the EMEA Board meeting. As Councilor Thomas pointed out, this will be a committee that will look at a variety of different things such as transportation and land use, but they will not have any voting rights at this time; the City of Gresham was opposed to that. At least we are getting together and having conversations about a plethora of different issues that affect all four of our cities.

Councilor Ripma stated so it is going to be the Mayors?

Mayor Kight replied it appears so, at least at this time.

Councilor Ripma asked is that what Wood Village, Fairview and Gresham adopted?

Councilor Thomas and Mayor Kight replied yes.

Councilor Ripma asked is Mayor Weatherby going to send us something to adopt?

Mayor Kight replied there are some bylaws that he has. I think that was sent to Mr. Ward and I am sure they could be shared with the rest of the Council.

Debbie Stickney stated Mayor Kight has scheduled this for the April 10th meeting.

Councilor Daoust stated so we will discuss it then, or adopt it or whatever is required.

Mayor Kight stated I am not sure that we need to have a formal adoption since there are no voting rights; it is just a meeting of the different cities coming together. Could you speak to that Mr. Ross?

David Ross replied not without more information.

Mayor Kight stated and would that be the bylaws? What are you looking for?

David Ross replied some explanation of what the committee's function is, who is on it and what the City's role would be.

Councilor Ripma stated it is absolutely fine and appropriate for the Mayors to get together, and if they want to get together with ODOT and others, all the better. The question that I will want answered is if the Mayors get together and decide that the cities are going to be on the same page promoting something, will the council have a chance to weigh in on that before we take that formal position. That is my main concern.

Mayor Kight stated that is a great question. Since we haven't had a meeting yet I don't know what the parameters are.

Councilor Thomas stated in talking to Mayor Weatherby it sounded like he was looking for more of a formal approach where it was actually adopted by the cities and there was some structure to it.

5. RESOLUTION: A resolution adopting a South Troutdale Storm Drainage Master Plan.

Amy Pepper, Civil Engineer, stated Troutdale is comprised mainly of two watersheds, the Columbia River and the Sandy River. The Columbia River watershed, known locally as the North Troutdale basin, was studied back in 2007 and Council adopted a Master Plan. That drainage basin includes the portions of Troutdale that generally lie north and west of Stella Way and 257th. Tonight I am talking about the South Troutdale drainage basin which includes all of the lands within the incorporated limits and the urban planning area of Troutdale that drains to both Beaver Creek and the Sandy River, and a small area that discharges to Underground Injection Control Facilities (UICs).

In 1996 the original South Troutdale Master Plan was adopted by Council. Since that time most of the capital improvements in that plan have been implemented. Also since that time the regulatory framework has changed. In 2001 the Oregon Department of Environmental Quality (DEQ) passed new rules regulating injection into the ground through UICs. In March of 2005 DEQ completed the Sandy River Total Maximum Daily Load (TMDL) that listed the Sandy River as water quality limited for temperature, and Beaver Creek for bacteria. In 2007 the City was issued a stormwater permit that regulates the discharge of stormwater to waters of the state. In early 2009, in relation to a proposed development between Troutdale Road and Beaver Creek just south of Stark

Street, the City completed a supplemental master planning study called the South Troutdale Road Storm Drainage Plan.

Early this fall the City retained the services of Brown and Caldwell, an engineering firm located in Portland, to prepare a new master plan to provide the orderly provision of stormwater quality and quantity for the next twenty years for the South Troutdale basin. Specifically, the plan evaluated the hydraulic capacity. As a result of this master plan we have a computer model that simulates the stormwater system. It accounts for current and future projected development patterns. In addition, the plan developed benchmarks related to the TMDL that was passed for the Sandy River for the City's future compliance with our stormwater permit and bacteria loading that we received. It also addresses some drainage options for potential decommissioning of six drywells that do not meet the Rule Authorization for DEQ, and developed some water quality capital improvement projects to better position the City to comply with future projected stormwater regulations. It provides some planning level cost estimates to allow the City to further evaluate the stormwater user fee, the rate structure and system development charges.

Analysis of the storm drainage system for South Troutdale identified sixteen different potential projects. Four of those are flood control related projects, eleven are water quality related projects and one would be a project that would integrate both the water quality and the quantity. The projects range from a cost of \$2,500 to \$1.5 million. We held an open house on the Master Plan on December 8th and no members of the public attended. The Master Plan does not look at the storm water user fee or rate structure as there are two master plans that have projects projected that affect the rate structure that would have to be further evaluated.

I recommend that the Council adopt the South Troutdale Storm Drainage Master Plan. At your desk this evening you received an amendment to the Master Plan. Section 4.2 of the Plan references Appendix B, which is the Pollutant Load Reductions Benchmark 2011 for the Sandy River TMDL. This was errantly not included in the Master Plan provided to you with your packet, and has now been provided separately.

Councilor Thomas stated I am not sure what you mean by the bacterial load.

Amy Pepper stated the Department of Environmental Quality (DEQ) collects water samples of our open rivers and creeks. Sampling from Beaver Creek indicated that the bacterial levels did not meet the water quality standards. When that happens DEQ does an analysis of how we can meet those standards, and what the folks who are discharging to that body of water can do to change it. For Beaver Creek the City is listed as the Designated Management Agency. We are required to develop plans to reduce the bacteria in the creek not only for our direct discharge from our stormwater outfalls, but also for the non-point discharges like pet waste.

Councilor Thomas asked how do they know that our stormwater is contributing to that?

Amy Pepper replied they make assumptions. There is stormwater quality data from Oregon and nationwide that shows that urban stormwater does have bacteria. They don't

have information on whether or not that caused Beaver Creek to exceed the water quality standard. They never did further analysis of the bacteria identifying where it was from, whether it was from animals, birds, humans, etc. That kind of analysis is costly. So we don't really know the source. We know that urban stormwater does have bacteria in it so the City is expected to reduce that. Most of the stormwater that goes to Beaver Creek is not treated right now. We do have some detention facilities that detain that water so it doesn't rush to the creek. The Master Plan goes and looks at the areas that do drain to Beaver Creek and evaluates projects that will reduce that loading.

Mayor Kight stated Gresham has Burlingame Creek which feeds into Kelly Creek which feeds into Beaver Creek. We are kind of at the end of the line. Is there any responsibility on the part of those jurisdictions that feed into Beaver Creek?

Amy Pepper replied yes. Gresham is also listed as a Designated Management Agency to reduce the bacteria loading to Beaver Creek. There are two different levels of stormwater permits issued in the state. Gresham was issued what they call a Phase I Stormwater permit, which has more stringent regulatory requirements, so they are probably 5 to 10 years ahead of time in looking at water quality improvements to reduce their loading to the creeks and rivers in Gresham.

Mayor Kight stated you mentioned that you don't know the source of the bacteria. You don't know if it is birds, animals or human waste. If you don't know the source how can you change the bacteria level?

Amy Pepper replied bacteria is directly correlated to the quantity of stormwater that is discharged to our creeks. The way you reduce the bacteria loading is you reduce how much stormwater goes into the creeks. The water quality capital improvement projects, specifically the retrofits and then some of the new improvements, are proposed to infiltrate the water at that facility so that less water goes to the creeks so there is less loading.

Mayor Kight stated there is quite a range on the cost, from \$2,500 to \$1.5 million with a total cap of approximately \$4.9 million. How is this going to be paid for?

Amy Pepper replied these projects would have to be adopted in the Capital Improvement Plan (CIP). There is a range of projects, but the most expensive projects identified in the Master Plan are related to the 6 UICs that potentially need to be decommissioned. When we started working on this Master Plan the staff at DEQ indicated that due to the UICs proximity to our drinking water wells the UICs would have to be decommissioned. In the last month or so that thought has changed. If they allow us to keep those drywells that would remove approximately \$2 million worth of projects. This Plan provides us with a framework to move forward with capital improvements projects, but the projects still have to be adopted by you in the CIP.

Mayor Kight stated at this point it seems to be a moving target and there are too many variables in order to nail down the direct cost to the individual property owner as far as stormwater drainage fees. Would that be an accurate statement?

Charlie Warren, Public Works Director, stated as Amy mentioned, this is a step toward what we are intending to do, which is to put together both the north and south master plans and prioritize the projects. Some of the projects on the capital improvement list are improvement projects that will be paid for with system development funds. The other projects are paid for with user fees. We need a report that puts both lists of projects together and then we will do an analysis of our current rate and decide what needs to be done and how much the rate needs to be increased to pay for those projects, and whether or not they truly are priority projects. We will have to do some analysis on these projects to see whether or not we can afford them. Just like the discussion about maintenance of our buildings, utilities need the same maintenance. We try to look at how we can sustain our system, and even improve it, over the years and not allow it to go into disrepair. During the budgeting process I will be doing that analysis on a preliminary basis. It will probably be next year before we have the full analysis on those rates.

Mayor Kight stated so at this point we just don't know.

Charlie Warren stated we do know that our current rate is inadequate. By identifying new projects I can tell you that the rate is going to need to be increased.

Councilor Allen stated so we have yet to determine what the priorities should be. Are all of these projects necessary in order to reduce our limits a sufficient amount, or is there a section of them that would give us...

Amy Pepper interrupted and stated the stormwater regulations are not that clear. It doesn't say you have to do x, y and z. This positions us to have a menu of capital improvement projects from which we can choose the less expensive projects of retrofitting our existing facilities to provide treatment. It also allows us to look at our entire stormwater program, and in the regulations it is determined by maximum extent practical and now that we have this Master Plan that outlines the projects that would reduce the loads, now we can do an analysis of can we afford to reduce the loads, and if so how much can we afford.

Councilor Allen stated and which ones give us the most improvement for the dollar.

Amy Pepper replied correct.

Councilor Anderson asked how many measurements did DEQ do?

Amy Pepper replied it wasn't a lot, but it is what we have.

Councilor Anderson asked is there a benchmark for measuring bacteria? For instance if 1 is the number, anything below 1 is good and anything over 1 is bad.

Amy Pepper replied they do have a standard.

Councilor Anderson asked how far are we above the standard?

Amy Pepper replied I believe that the sampling that they did take was significantly over.

Councilor Anderson asked so the significance of the projects in the Plan matches the data that DEQ provided us as to how far above the benchmark we are?

Amy Pepper replied I don't know that I can say there is a direct correlation.

Councilor Anderson stated your staff report says that it increase the size, expense of the CIP. What is the current size?

Charlie Warren stated the CIP is very dated; we have done most of the projects in it. It was time to update it. We need to prioritize these projects against the north plan. There were substantially more projects identified than what appears in the final report, so we have already pared it down significantly.

Councilor Thomas stated my biggest concern when you talk about the assumptions is that by not knowing necessarily where the pollutants are coming from we are being asked to define the projects that may not actually have any impact. That is something that we ought to try and find out if we can. If it is coming from outside of us then what we may have to look at is substantially less than doing the \$5 million worth of projects. My concern is by doing what they say we should do, does that really meet what their requirements are? If it doesn't than we have other issues outside of Troutdale that need to be addressed. We may not be that big of a contributor.

Amy Pepper stated bacteria is found in urban stormwater.

Councilor Thomas replied I understand that.

Amy Pepper stated the other populations that contribute to bacteria loadings in creeks are the wildlife that live in the riparian areas that we provide around the creeks. I am not sure that the City is willing to limit the wildlife in that riparian area, but we are required to do something to reduce the bacteria loading. We have control of our stormwater system and we can reduce the amount of stormwater that gets to our creeks.

Charlie Warren stated your point is well taken in that we need to examine each project to see whether or not there is some additional analysis necessary that might save us from having to do that project if we can identify what the source is and cure it in some other way.

Mayor Kight asked have they considered looking at where Kelly Creek feeds into Beaver Creek behind the college, because that is obviously in the City of Gresham? In other words, have they looked at the bacteria as it enters into Beaver Creek from Kelly Creek from Gresham?

Amy Pepper replied no they have not. The budget at DEQ to do sampling is severely limited. They have a new plan to do basin or watershed sampling to start looking at

these issues, but the Sandy River is not on their radar right now. If we wanted that we would have to go out and collect the samples and come up with a sampling plan and provide that data to DEQ.

Charlie Warren stated what is being presented here today is just a step toward a plan that you will get another chance to look at when we come up with our capital improvements list. You will get another look at it when we put both of these together, and again when we take a look at the rates and whether or not those projects are warranted.

Mayor Kight asked would it be cost effective for the City to actually take our own water measurements?

Amy Pepper replied we could look into that and come up with the cost. I am not sure what the end result would be and how it would change where we are today.

Councilor White stated we have been talking about a facility that may be coming to Troutdale that is going to require a large quantity of water. Would there be any possibility of directing that water towards that facility and let them deal with the treatment of it?

Charlie Warren replied they have already considered the sources of water that there are and most of the surface water that is available you have to have rights for. The cheapest, most convenient water is the outflow from our sewer plant. They have already looked at that. They are also considering wells to supplement that because of the quality that they need.

MOTION: Councilor Daoust moved to adopt a resolution adopting the South Troutdale Storm Drainage Master Plan. Seconded by Councilor Ripma.

VOTE: Councilor White – Yes; Councilor Allen – Yes; Councilor Daoust – Yes; Councilor Ripma – Yes; Councilor Anderson – Yes; Councilor Thomas – Yes; Mayor Kight – Yes.

Motion Passed 7 – 0.

6. PUBLIC HEARING/ORDINANCE (Introduction): An ordinance amending the Troutdale Code, Sections 2.52.050 and 2.52.060, disposition of personal property.

Mayor Kight read the ordinance title and opened the public hearing at 7:38pm.

Charlie Warren, Public Works Director, stated this ordinance will update our current ordinances for disposition of personal property. The primary component of this is in recognition of the charter change to allow the declaration of surplus property to be made by the City Manager or his designee rather than the mayor and council. This isn't for real property; it is for personal property (vehicles or equipment). Right now we have a rather

cumbersome process where we go through and try to identify all of the pieces of equipment and we take it before the council where it is declared surplus.

There is also a trade-in section which recognizes that sometimes we recycle because there is no value. We were allowed to do trade-ins, but this clarifies that portion. We can trade-in or we can also trade with other government agencies. Another component is that we are raising the value of unclaimed property before we are allowed to recycle or resale from \$100 to \$1,000.

Councilor Anderson stated so we would require a public notice for unclaimed property worth \$100, and the City Council would have to authorize disposal if no one claimed it. Now we won't have to authorize the disposal and we are going to up the amount to \$1,000?

Charlie Warren replied correct.

Councilor Allen asked what do we do with electronic devices?

Charlie Warren replied electronic devices are difficult because they change so rapidly. In some cases, like with some of our hand-held radios, another agency may be able to utilize those. However, most of the time they are only good for some spare parts and basically recycling.

Councilor Allen stated my concern is security. People like to hack into banking applications and that sort of thing that are popular on electronic devices. To think that we are taking these devices and not controlling where they go or what happens to them.

Charlie Warren stated this process doesn't eliminate an oversight, it simply says that the city manager or designee will authorize that. If we are getting rid of an old computer, even though it is not worth anything you don't just hand something with a hard drive in it to the garbage man, you have a process to go through. Our IT Department would have to take care of that first.

Mayor Kight asked is there anyone here that would like to comment on this issue?

No testimony received.

Mayor Kight closed the public hearing at 7:44pm.

7. STAFF COMMUNICATIONS

Craig Ward, City Manager, updated the Council on the following:

- ➔ You should have received a memo regarding the March 20th work session and a draft agenda. We are proposing a 6:30pm start time for the meeting. If that doesn't work for you we need to know that. **No objection voiced by Council.**
- ➔ The March 27th meeting has been cancelled.
- ➔ A work session regarding Title 13 has been scheduled for April 3rd at 6:30pm.

- Budget Committee meetings are scheduled for April 16th and April 18th.
- We may need to have an Urban Renewal Agency work session on April 24th to update you on the conversations that we are having with Eastwind, and potentially request authorization to conduct an appraisal.
- We still want to schedule a tour for the Council and the members of the Public Safety Advisory Committee of the new police facility.

8. COUNCIL COMMUNICATIONS

Councilor White stated I would like to ask for Council's approval of an independent land use attorney regarding Title 13 prior to us voting on it. I am just thinking as a cautionary note, given the amount of money that is at risk and land, and how sensitive this subject is, I think it would be prudent to do that. With such a specialized item like Title 13, I think it would be appropriate to hire an outside independent land use attorney to perform that review.

Councilor Ripma asked when would this be?

Councilor White stated I saw in Craig's last update that we should see something by the 3rd of April. We could send it as soon as the report is finished by the planning department. It would probably be wise to line somebody up ahead of time.

Mayor Kight asked do we have an idea of the cost?

Councilor White replied I think it would be minimal. To me the cost in not doing it far outweighs the cost of having it done. I don't imagine it would be too costly. The plan is to provide a simple version of Title 13. I just think it would be appropriate to do it.

Councilor Ripma asked would this be before we make a submission to Metro?

Councilor White stated I am less concerned about that date; we may not be able to reach that date. We definitely have time, in my opinion, to do it prior to the final vote. I think it would be a good cautionary tool.

Councilor Ripma stated just so I understand the order, we might make a proposal to Metro, or Metro will make a proposal to us, then we will have something to vote on but before we do that you are thinking we should do this.

Councilor White stated yes.

Councilor Ripma stated it is okay with me.

Councilor Thomas stated by the time you get them ramped up I don't know if you have a shot at meeting the timeline.

Mayor Kight asked we are meeting on April 3rd, is our expectation that we will have a response from Metro?

Craig Ward stated we have spoken with the delegation from Metro and we came to a general agreement on an approach. Staff has drafted the first cut at a trimmed down version of the code, which neither David or I have yet reviewed. I would like to meet with our delegation and discuss what we have proposed and make sure that it conforms to their understanding and desires. It hadn't occurred to me that we would get concurrence from the Metro delegation on that proposal before we brought it to you. If that is something that the delegation feels is appropriate, I don't have strong feelings one way or another. I think after our delegation reviews it we could certainly send it to an outside attorney, if that is what the Council chooses to do, and have that review completed in time for our April 3rd meeting. That is a tight schedule. I can't speak for an attorney's willingness to do that within that time schedule, but I don't think it is impossible. We do have money budgeted, I believe, for legal advice so I don't think it requires a budget amendment. We would have to select an attorney quite quickly, and I think we can probably do that. I am prepared to perform that if that is what the Council's desire is.

Mayor Kight stated I am trying to think of the efficacy of doing it. I don't care one way or the other. Whatever comes out with the best product, and if we can get Metro to agree then we can move off of this subject. If you think, and Councilor White thinks, that having an attorney review it will get us closer to the mark I am good with that.

Councilor Daoust stated based on what Craig Ward just said, that it is possible to do before April 3rd, then it is probably a good idea. Metro wanted a copy of our ordinance by the first part of April so that they could look at it, and then Martha Bennett and Shirley Craddick could go to the Metro Council and postpone the hearing that they have scheduled for April 12th.

Mayor Kight asked what is it we expect out of the attorney?

Councilor Daoust stated a review of what staff has come up with to see that we got what we should have before Metro votes on it and before we vote on it.

Councilor Allen stated I would see the attorney as just ensuring that we are getting what we think we are getting prior to the Council voting on it.

Mayor Kight stated it could change when Metro feeds their information into our information.

Councilor Allen stated it just needs to be prior to us voting on it.

Councilor White stated the emphasis is on getting it right before we finalize it.

Mayor Kight asked would it be better to wait until we come up with our product and Metro looks at it and makes a final determination and then we can make all of the final changes and then have an attorney look at it?

Councilor Ripma stated it would be better to do it before we submit it.

Councilor Thomas stated we need to define what we mean by “what is right” before it goes to an attorney. If somebody just handed me something and said determine what is right, right can be in the eyes of the beholder. There has to be some definition that goes with it that says this is what we want it to do and what we expect it to do, does it do that. If we can’t provide those kinds of expectations to the contractor then it is just another opinion. There has to be something clear and concise when it goes forward that says I want you to look at this and evaluate it to some standard and tell us if we met that standard, otherwise it is just a waste of money.

Councilor Ripma stated I think we as a council are on record as believing that we are generally in compliance with Metro’s wishes, but some negotiation has taken place. In general what we want to do is satisfy Metro with as little change to our code as possible. I think that is clear from the record, and I think that would be the direction that I would be comfortable giving to an attorney. Just making sure that we are doing what we need to do to satisfy Metro, and whatever compromises have been made, but basically keeping things the way they are as much as possible.

Councilor Thomas stated what I wasn’t hearing in the discussion was what that definition is. You clarified it more than it has been clarified so far.

Mayor Kight asked am I hearing that there is general consensus to have an attorney look at the final work that the delegation has put together, with the support of staff, before it goes to Metro?

Councilor Daoust stated I think the delegation could help with defining what the land use attorney is going to look for since we did the initial negotiation with Metro staff and we know what has already been agreed to by the Metro staff. I don’t think it will cost a lot of money.

Mayor Kight stated just as a suggestion we might want to ask the land use attorney, after we give him the background on what is going on, where he thinks he can provide the best level of service so that we get the final product; is that after we complete our product, before Metro feeds their information in, or after that.

Councilor Allen stated I read what has transpired so far and I am very pleased with what has been discussed. What I would like to know from the attorney is just the knowledge of what is above and beyond what is required. We may decide to still do things that are above and beyond what is required, but it is nice to know what that is.

Mayor Kight stated I would engage the attorney sooner rather than later. I hear consensus on the part of the Council to go forward and do that.

No objections raised by council.

Councilor White stated in Craig’s latest update he mentioned that you may see people out netting or checking for smelt. I noticed folks doing that at the Lewis and Clark boat

ramps. I drove down there and met with a member of the Cowlitz Indian Tribe who is a smelt biologist. He is having trouble gaining access to the river in key spots. As a public service announcement, if you live on the river and would like to allow them the opportunity to access the river through your private property that is what they are looking for. I have his cell phone number that he said I could give out – 306-515-5793. I will leave further contact information with Craig Ward. They have some heavy equipment and they are taking samples. They want to determine how far up the river that the smelt are making it. They are doing this so that we can re-open smelt fishing again. Anyone who has lived in Troutdale for any time knows how important the smelt are to our history and culture.

Councilor Allen read an excerpt from an article that appeared in the February 29th Gresham Outlook: “Also ironic is the fate of perhaps thousands of expensive native shrubs and trees that were planted in parks and greenspaces, likely using grant money and volunteer labor. They had just started to mature beautifully when city workers began systematically hacking them down and spraying heavily with herbicides. They have been replaced by bare earth, noxious weeds and trash, which flow down drains to Beaver Creek.” This was a letter to the editor from a Troutdale citizen. I realize that it is embellished to sell a point to the reader. However, to a much smaller extent I have seen damage to plants in city parks that should not have been damaged. I wonder if I can work with our Public Works Department to take a look at what we can do to not damage our assets.

Craig Ward stated you are welcome to meet with Charlie Warren and talk to him about this issue and what we do to preserve plants. We are certainly not in the business of wasting precious staff time removing valuable plantings.

Charlie Warren stated I am more than willing to give tours to any and all council members that want a tour of the parks. If you have specific sites that you want to go take a look at I would be happy to do that. If we are cutting down trees that we spent money planting I would want to know about that.

Councilor Daoust stated I mentioned that tonight I would go over what transpired when our delegation met with Metro just so everyone knows how that went and what actually happened. On March 1st the Troutdale delegation (Councilor Thomas, Councilor White and I along with Craig Ward and Rich Faith) met with two Metro staff (Martha Bennett and Councilor Shirley Craddick). We prepared a three page proposal that we went through with Metro. We started out by putting in perspective how valuable this Council sees our waterways (the Sandy River and Beaver Creek) and the greenspaces, and how precious they are to our city and residents.

There was some give and take on both sides. Metro staff did accept our reduced tree planting mitigation rules. The table they were proposing had twice as many trees as we were proposing. They did take that back to their biologist and they have said that they will accept our table but they would like us to add some tree monitoring and maintenance standards.

Metro also agreed to the fact that our riparian zones can count towards our percent landscaping without mitigation. That is another thing that they let go of and agreed to.

We proposed, and we both agreed to have a district plan for urban renewal area. We can treat the urban renewal area with a separate plan where we can propose what we want to do within the urban renewal area and the proposed mitigation standards along the Sandy River and deal with that ourselves.

We agreed to adopt the Title 13 Habitat Conservation Area (HCA) maps for all public lands. That took a 15 minute closed door heavy discussion between the delegation as to whether we wanted to do that or not. We sent them out of the room and talked it over, but we did agree to it and it was because Metro kind of opened the door for us to make it easier to agree to. If we were to adopt the HCA map for all public lands, that would mean that our city parks would be included if they fell within an HCA area. Our main concern was Glenn Otto Park because it is totally covered by the HCA map. In our Parks Master Plan we want to develop the park further, and we may want to add a caretaker residence in part of the park in a HCA. We were concerned about that but Metro opened the door more to us by explaining the fact that as part of what we agreed to was that any development would be according to the Parks Master Plan, that would also include the mitigation. If we took trees out we would mitigate that just like any other property. We determine what improvements we want to make based on the Parks Master Plan. Really the impact was pretty soft on Glenn Otto Park. It was explained to us that an HCA map doesn't mean that you can't do anything within that riparian zone. After a discussion we agreed to that and they were happy with that because I think that was one of their main sticking points, that we adopt it on all public lands, and the fact that the City gets to hire a professional to interpret where the boundary of the HCA is, because some of those maps are vague as to where those lines are.

In addition to the clear standards like the tree and shrub table, there is also other mitigation standards that we proposed that they agreed to that could be proposed by a developer. In other words if somebody came in and said that they wanted to mitigate in this proposed way that is different from what our clear standards say, they would have to write up a justification comparing what is required of them to do, what they propose to do that is different and the benefits of what they are proposing to do.

I would say that both Metro and Troutdale came into the meeting open to negotiation. I would also say that each side listened really well. No one got defensive and the conversation was good. Both sides wanted a win-win coming out of this. We realize that this still has to go to both councils. Martha Bennett and Shirley Craddick agreed to go to the Metro Council after they get a copy of our Title 13 and ask the Metro Council to postpone their public hearing. We are going to hold a work session on April 3rd and we will see what we end up with. I think it is progressing very well and I think we can come out of this with a win-win on both sides.

Councilor Thomas stated I want to commend Councilor Daoust on laying out our side. When I initially came in it felt a little cold and Councilor Daoust was able to lay it out and

change the attitude in the room that we were here to try to find a solution and not to defend a position.

Councilor Allen stated I like that it logically makes sense; I can understand it.

Councilor Ripma stated good job Councilor Daoust, Councilor Thomas, Councilor White, Craig and Rich.

This Sunday, the 18th, at 2pm in the CCB Building (223 Buxton Ave.) the Troutdale Historical Society has a presentation on the Historic Columbia River Highway. This will be put on by Len Otto.

I want to ask the Council to consider directing staff not to include or publish in the Champion any articles written by elected officials. I feel it is not appropriate. It has been abused. Elected officials should not be using a taxpayer funded publication to promote their ideas or themselves. Also, this is an election year and it is particularly inappropriate for incumbents to have this taxpayer funded advantage over other citizens. I would like us to direct staff to not include or publish articles written by elected officials.

Mayor Kight stated you have brought this up on numerous occasions. I think Councilor Daoust came up with a good idea last time we had this discussion to open it up to everyone. It has always been open to the Council to write about yourselves so that people in the community get a better idea of who you are, how long you have served on the council, and what your objectives are. It has always been open to the entire city council.

Councilor Ripma stated I know that. I am advocating that we stop publishing articles by elected officials. I have felt strongly about this for years. The subject was brought up by a citizen that this would be a good time to stop.

Councilor Thomas stated I think you are absolutely right, at least for now. I completely agree with Councilor Ripma's request.

Councilor Ripma asked does anyone else agree?

Councilor Daoust replied I do. I came up with that other proposal, but we are not doing it and it just ends up that in an election year Jim is the only one that puts anything in writing and his picture. Your point is well taken. If all of us just didn't do it that would level the playing field in an election year, which is totally appropriate.

Councilor Anderson stated the one thing that I heard that makes sense is the unfair advantage as incumbents. That does make sense. My seat is open and if I decide to start putting things in the Champion it does give me an unfair advantage. As an elected official I need to go out and meet with people individually on my own time to let them know that rather than in their mail box or online, especially in an election year. To me that part resonated.

Councilor White stated perhaps we could discuss this further at the goal setting work session.

Councilor Ripma stated I am happy to do that if that is the preference. I just thought that if we happened to be in agreement on this.

Councilor White stated it looks like there is a consensus.

Councilor Daoust stated it does look like we have a consensus.

Mayor Kight stated we have opened it up to the council for years and unfortunately for whatever reason councilors haven't taken advantage of that. I don't know the reason for that. If you feel that as elected officials we shouldn't be communicating with the public then I guess we will eliminate it.

Councilor Thomas stated there is a little bit of a misstatement there.

Councilor Ripma stated I don't mean the city is communicating, but as individuals, elected officials, I agree we shouldn't be using a taxpayer funded...

Mayor Kight interrupted and stated if you look at other city newsletters it is pretty common to have a mayor's column, I know that Fairview has one and I think Gresham does something very similar. Often times councilors, I know that Fairview's councilors write articles.

Councilor Ripma stated that doesn't make it right. I still don't think it is right.

Councilor Daoust stated I think we have consensus.

Councilor Anderson stated I really want to commend Councilor Daoust, Councilor White and Councilor Thomas for going into a hostile environment given where this Title 13 had gone and defusing the room and negotiating an agreement. I was happy about it and then I got a little perturbed because we have spent countless hours in our own homes going over this; thousands of pages. The question I need an answer to and that I will ask at a future point once this is all put to bed, is why did this happen? The answer I am getting tonight is that if we have a problem with Metro we just go down to Metro and they will tell us, because that is what we did and it seemed to work. I now wonder about the business recycling, I wonder about the food recycling and I wonder if we go down there what they are going to tell us because we did vote down business recycling, and we didn't like the food recycling either. I don't want to position myself as an anti-Metro person, but you can see certainly where that was going. The brevity of this meeting and the cooperation from that body, coupled with the preparedness of our folks, got something done. Again, congratulations. We should all be proud of the three of you; you all worked really hard on this.

Mayor Kight stated we are going to have an Auto Show this summer on August 12th. The Kiwanis will be involved with this event.

There will be a Sunrise Service on April 8th at 7am at Mayors Square.

At Sunrise Park we have the new vegetable garden beds. I want to give a shout-out to Myron Ryan who is an instructor at Reynolds High School. He and his students built those garden beds.

9. ADJOURNMENT:

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

Meeting adjourned at 8:27pm.

Mayor Jim Kight

Approved April 25, 2012

ATTEST:

Debbie Stickney, City Recorder