

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

Tuesday, April 24, 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 (7:02pm), Councilor Allen, and Councilor Daoust.

ABSENT: None.

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

GUESTS: Les Perry.

Councilor Thomas stated the Economic Development Subcommittee is looking at forming another committee. Does it make sense to postpone Agenda Item #4 until we are ready to bring forward amendments to add this additional committee rather than having to address it twice?

Councilor Ripma stated I am curious what the proposal is. Does it relate to these committees?

Councilor Thomas stated the idea is to create a transportation lodging tax committee that would process and deal with issues regarding the .95% that is collected from the hoteliers. The committee would evaluate proposals and make recommendations to the Council.

David Ross, City Attorney, stated if it is created it would be a subcommittee of the Council and would not be specifically spelled out in Chapter 2 of the Code, just as the Economic Development Subcommittee is not spelled out in Chapter 2 of the Code.

Mayor Kight stated so that does not preclude us from going forward with Item 4, and at a later date the Council could set up the subcommittee that Councilor Thomas explained.

David Ross stated as I understand it this would not be a standing committee like the Citizens Advisory Committee, Planning Commission, Budget Committee, etc., it would be a subcommittee of this body.

Councilor Thomas stated I will withdraw my request.

2. CONSENT AGENDA:

2.1 ACCEPT OF MINUTES: March 13, 2012 Regular Meeting and March 20, 2012 Work Session.

2.2 RESOLUTION: A resolution approving an Intergovernmental Agreement between Metro Regional Government and the City of Troutdale for funding of the Year Twenty-Two Annual Waste Reduction Program.

MOTION: Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Thomas. Motion Passed Unanimously.

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

None.

4. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Troutdale Municipal Code Chapter 2.20, Committees and Commissions.

Mayor Kight read the ordinance title.

Debbie Stickney, City Recorder, stated tonight I am bringing forward amendments to the committees and commission chapter of the Troutdale Municipal Code (TMC) that were recommended by the Selection Committee at their January 11th meeting. In addition to those amendments, there are a few housekeeping amendments that are being proposed by staff. The Selection Committee's recommended amendments include: 1) reducing the number of members on the Historic Landmarks Commission from 7 to 5 members; 2) changing the composition of the Public Safety Advisory Committee (PSAC) membership from requiring several positions to represent specific interest groups, to having all positions be "residents at large" or "Troutdale business owners", and all positions will have a 4-year term. There was some discussion at the Selection Committee meeting about trying to achieve some level of diversity on the committee but not making it a requirement. We have amended the text in Section 2.20.120 (shown on page 8 of Exhibit B to the staff report) to remove the requirement of having specific interest groups represented, and instead have the council endeavor to recruit members from those specific areas.

The housekeeping amendments that we are proposing consist of the following: 1) A "Definitions" section is being added to the beginning of the Chapter. These are not new definitions, we are merely extracting definitions there were in another area of the Code and moving them to the beginning of the Chapter. This is being done to attempt to

make all chapters in the TMC uniform; **2)** Amends the language in Section 2.20.010(C), regarding appointments by the mayor to non-city committees to conform with the changes made to Section 18 of the City Charter that was approved by the voters in November 2010; **3)** There are also housekeeping amendments proposed for Section 2.20.080(C). Back in October of 2003 the Council made a recommendation to also have business owners serve on some of our committees. One of the committees that change was made to was the budget committee. After that change was made staff discovered that state law prohibited anybody to serve on the budget committee that was not a resident or elector of the City. State law says you have to be an elector and resident of the city to serve on the budget committee. Staff brought forward a correcting ordinance in June of 2004. However, the correcting ordinance only amended Section 2.20.010(A)(1), and did not correct Section 2.20.080(C); and **4)** The last proposed change is to Section 2.20.010(D) which appears to be deleting the entire section, however the text in that section is just being moved to different areas of Chapter 2.20.

Councilor Anderson stated I really appreciate the fact that in the staff report the housekeeping measures were listed and I thought it was well written.

Councilor Thomas stated I would like to see us change the term for the PSAC from a 4-year term to a 3-year term. Part of the reasoning for making the term 4-years, if I recall correctly, is because it was so broken up trying to get various groups involved that we wanted to make the term longer. Since there are 9 members it seems to me a 3 year cycle would be a smarter cycle in that you can rotate them every three years. I know that the existing members would need to finish their terms, but going forward I would like to see that changed.

Debbie Stickney stated if that is the direction of the majority of the Council I can bring that change back to the second public hearing.

Councilor Anderson stated as long as there are no issues from the staff's prospective I am fine with it.

Craig Ward stated if there are we will bring those forward at the second hearing. My only question would be if that would apply to any vacancies that would occur, and it wouldn't apply retroactively to existing positions.

Councilor Thomas stated the existing members would stay with the same terms. It would just apply to anyone who is appointed after this ordinance goes into effect.

Mayor Kight opened the public hearing at 7:11pm.

No testimony received.

Mayor Kight closed the public hearing at 7:11pm.

5. RESOLUTION: A resolution accepting a quitclaim deed for a 2.37 acre parcel on N. Graham Road.

Charlie Warren, Public Works Director, stated this is a 2.37 acre parcel that we will own by quitclaim if you approve this resolution. Back in June of 2010 Ron Garzini, our Interim City Administrator, met with a representative of GSA at the old Army Corp of Engineers building and they discussed some problems that we have had with permitting at that building. In the course of that discussion Mr. Garzini talked about the possibility of applying through Health and Human Services for possession of the 4 acre parcel (parcel 1) to the south and the 2.37 acre parcel (parcel 3) to the north. We proceeded with submitting an application for parcels 1 and 3, but we were denied. We had applied for a combination of a private lease for the Army Corps of Engineers building for a firm called Summit Biofuels and they were going to take some of our product from our treatment plant. The provision of this Health and Human Services Application does not allow a lease. When Mr. Ward started here I asked him if he wanted to apply for parcel 3 alone, and he said yes. We did apply for parcel 3 and eleven months after submitting the application we were approved.

Charlie Warren showed the Council a PowerPoint Presentation that provided information about the 2.37 acre parcel (attached as Exhibit A). This is a largely flat piece of ground. This parcel was used for the waste products that were dumped from the Army Corps of Engineers building. They tested lab material from different dams that they were building throughout the northwest. There was significant clean-up done and a “no further action” was issued for the parcel to the north in 2005. We had to be very specific in what we applied for and the conditions that we were going to have to conform to. We must utilize the property according to their regulations (Health and Human Services) for a 30 year period. The property must be placed into use within 12 months. We can't sell, lease or sublease it without their prior written consent, and we have to submit annual reports.

The immediate plan for the property was put together because of a problem that we are having in our lagoons. We are going to place geotextile dewatering bags on that property. We have to have a minimum of three bags the first year and another three the second year. Biosolids from our existing lagoon will be pumped into the large bags until they are full and then they will sit for a year. After that year you rip them open and then you can apply that material to farmland the same way that we do our current land application, except instead of a 5% solution it is a 25% solution so it is easier and more efficient to apply.

The future uses for that property could include an expansion of our treatment plant if we want/need to, which could include the aeration, clarifiers and UV facilities. At the time we started looking at this property we were considering alternative energy such as solar and wind energy. It could also be used for a shop and office expansion if needed. These are all of the approved activities and uses for this property unless we submit an amendment.

I want to touch on why our application was successful and what problem we are going to solve by acquiring this property (see diagram on Slide #5). This is a diagram of a generic waste water treatment plant. The biosolids winter storage is basically our lagoon. It is filled with mostly water; it is only 5% solid solution. It is inert material that has been through the digesters and it is then hauled by truck to local farmers who use it as fertilizer. What we are looking for is to be able to do something along the lines of using a tractor and spreader for the biobags. Our current lagoon (shown on Slide #6) still has a lot of biosolids that are built up, and there is an excess of biosolids. There was nearly 1 million tons of material brought over from the old sewer treatment plant which nearly filled up the lagoon before it even started. We have always been playing catch-up and we have never been able to successfully get it down to the level it was designed for. We have installed six bags (see Slide #7) for a small pilot project next to the lagoons. They are all full. Each bag has been filled two to three times over again with solution. As it leaches out the sides it goes back into the lagoon. We are going to do a similar project on this 2.37 acre parcel. This will solve several problems for us. It will assist us in our land application and it also got us this property.

Craig Ward stated it should save us money down the road in that we can transport more of the solid material from the bags then we would have been able to transport for the same amount of money if it was the heavier water solution.

Charlie Warren showed a video on the process of how the bag is filled, what happens over the first few days after the bag is filled, and how the bag is emptied after it has sat for a year.

We already have one farmer lined up who has a spreader machine. We will just need to take our frontend loader and put the material into our dump truck and haul it out to his farm and he will spread it. This all has to be monitored by DEQ. We have to complete forms on how much material we put on each farm and we have to rotate those farms. In our annual report we will have to show Health and Human Services that we have complied with their requirements. We have incorporated into the proposed 2012-13 budget enough money to clear off that land. The total amount of money that we have spent on this so far to get this property is about \$20,000 in studies (not including staff time).

Councilor Anderson asked we don't sell the solid material, we just give it away correct?

Charlie Warren replied yes, we give it away.

Craig Ward stated one of the purposes of bringing this to you is that yes we have to execute the transfer, but we also wanted to be abundantly clear that just because we have acquired this property we are not free to use it for whatever we want to. It is really not our property for 30 years until we have complied with the requirements, but it is perfectly situated for an expansion and use of the waste water treatment plant site.

Councilor White asked who owns the property directly north of that lot?

Charlie Warren replied the Port of Portland.

Councilor White asked do we have to do any clean-up on that site?

Charlie Warren replied we do not. There is a “no further action”. The only clean-up we have to do is in conjunction with doing the biobag project.

Mayor Kight asked who owns the property to the west?

Charlie Warren replied I think that is also the Port of Portland.

MOTION: Councilor Anderson moved that we adopt a resolution accepting a quitclaim deed for a 2.37 acre parcel on N. Graham Road. Seconded by Councilor Thomas. Motion Passed Unanimously.

Charlie Warren stated we still have a little paperwork to do on this. We have one small change in the quitclaim deed which they have accepted and it was reflected in your report. We also have to get an updated Title Report.

6. MOTION: A motion to adopt the 2012-2013 City Council Goals.

Councilor Anderson stated I was going over the goals and I was thinking about our fiscal solvency goal, and specifically one that I introduced. I really felt that reducing general fund expenditures 5% to 10% via outsourcing or pooling of resources with neighboring jurisdictions fell short of my goal. It is reflective of what I want but I think it hamstrings staff and I think it hamstrings us for two important reasons. One, outsourcing may not be a feasible way to achieve 5% to 10%. Two, it focuses on expense mitigation but it doesn't focus on revenue growth. We do things well in Troutdale and part of that is a two-way street. We can offer services to neighboring jurisdictions and boost our revenue line as well as mitigate our expense line. To put a number on it for just that, I think it is a tall order. I think we are going to be answering a lot of questions about why we didn't get this done more often than we get the atta-boys for saying way-to-go. I am proposing to rephrase that measure to read, “Increase general fund revenue and reduce general fund expenditures via outsourcing and/or pooling of resources with neighboring jurisdictions.”

Furthermore, I think there was a desire to have a companion measure that could be necessary for a monetary target. I would say that effective for the fiscal year 2012-13 budget that we adopt a measure that reads, “Strive to maintain or grow reserve funds throughout the budget process.” The way that we could accomplish that is in our November 2012 budget meeting or a council work session we would have staff tell us where they think we are going to end up, and they would tell us if they think we are going to have to use reserves. At that point we could look at it and say to them to use some reserves or absolutely do not use reserves and live within our means and then we can send them on their way with the budget without going through what we are going through right now, which is shifting gears in the middle of the process.

MOTION: Councilor Anderson moved that we phrase Council Goal #3, Objective B, Measure #1 to read, "Increase general fund revenue and reduce general fund expenditures via outsourcing and/or pooling of resources with neighboring jurisdictions", and I would move that we add to that Goal a Measure #4 which would read, "Strive to maintain or grow reserve funds throughout the budget process". Seconded by Councilor Thomas. Motion Passed Unanimously.

MOTION: Councilor Anderson moved that we accept the Council Goals for 2012-2013 as amended. Seconded by Councilor White. Motion Passed Unanimously.

7. STAFF COMMUNICATIONS

Craig Ward updated the Council on the following:

- I have provided you with a handout – Are You Ready, Disaster Preparedness Workshop. This is being held in Wood Village this Saturday. There are still seats available so if there is anyone that you know that may be interested in better understanding how to prepare for a disaster this is a free opportunity, but they do need to register.
- This weekend is our Annual Spring Clean-up at the Troutdale Transfer Station which begins Saturday morning from 9am to 1pm. This is available only to Troutdale residents. Unlike what we have done in the past it is bulk waste only. Charlie Warren stated that we will provide vouchers to those who show up with yard debris.
- May 2nd is our third Budget Committee meeting which starts at 7pm.

8. COUNCIL COMMUNICATIONS

Councilor Daoust stated I have a concern regarding some newspaper articles that I have read recently. There is no editing, no scrutiny and no oversight by anyone at City Hall or the Council for the newspaper articles that Mayor Kight submits to the paper. When I read in the Portland Tribune that you were "brokering a deal with McMenamins for the 77 acres of County land to build a hotel", it raised my concern level upon reading that. Just a reminder the Mayor or the Council cannot broker a real estate deal with anyone at any time without the consent of the Council, otherwise you are going against Council rules and the censure resolution. This is just a reminder. We have not discussed at all the development of the County land with McMenamins. That is why I am reminding everybody, including the Mayor, when you write an article like that or are involved with an interview with a reporter you have to be clear how you are speaking because we have seven policy makers here, not just one.

Mayor Kight stated I understand that. A lot of times when you are doing an interview with a reporter they take things out of context. Obviously they don't give the entire

conversation otherwise the article would be several hundred words. Brokering wasn't necessarily my term, but it could be misconstrued. I am not brokering the deal; as you point out that is something that has to be determined on the part of the Council as to whether or not that project goes forward because it is County property. Not every time that you have an interview are you quoted accurately, and I am sure that you have all experienced that when talking to the media.

Councilor Ripma asked are you saying that you didn't tell the reporter that you were brokering a deal?

Mayor Kight replied that is correct.

Councilor Ripma stated so they just made up that word. Alright, I know what you mean.

Councilor Anderson stated I understand that there was a tight vote to hold this third budget committee meeting next week. While I understand both sides, I decided to take the opportunity to find out a little bit more about what we do as a City. I am charged with making a decision on a budget so I spent a good hour with Charlie Warren on Monday finding out about public works operations and took a tour. I was very impressed and it was very informative for me.

Craig Ward stated I appreciate the fact that you came to me first and asked, and I plan on attending the meeting with you and Erich Mueller to follow-up on some more questions that you have. The process couldn't have worked any better.

Councilor Anderson stated our schools are literally frail; the relationship between administration, the Board and the teachers. As we all know sitting in this room, without a solid school system in place we are not going to grow economically. Even though some of us have dogs in the fight, Councilor Daoust and myself, I think it is incumbent upon us as City leaders to reach out to both sides and encourage them to settle their differences and let them know the bigger picture as to what is at stake for the community in which we live.

Councilor Thomas stated the Economic Development Subcommittee was asked to look at the amusement device fees. At one of our last meetings the Subcommittee voted to have these fees essentially removed and what I want to do is bring that statement back to the City Council so that we can give the appropriate direction to staff. Our vote was to eliminate the amusement device fees and lottery device fees from the City's fee schedule, and also to amend the Troutdale Municipal Code, Chapter 5, that established these fee requirements. It was a unanimous vote by the Subcommittee. I am asking that the Council put this in the form of direction to staff.

Councilor Daoust stated staff could bring this back as an agenda item for the Council to vote on. Is that what you mean?

Councilor Thomas stated staff needs direction from the Council because the Subcommittee doesn't approve things, we just make recommendations back to the Council.

Mayor Kight asked haven't we addressed this subject before?

Craig Ward replied yes.

Mayor Kight asked how many times?

Craig Ward replied at least twice in the time that I have been here.

Mayor Kight asked and each time it was?

Craig Ward replied each time the Council decided to stay with the current amusement device fee.

Mayor Kight asked Councilor Thomas, what has changed since we last voted on this issue?

Councilor Thomas stated the change in this case is that you have a unanimous vote by the Economic Development Subcommittee.

Councilor Daoust stated we have additional information.

Mayor Kight stated I am fine with doing it but it is kind of like Groundhog Day; this thing keeps resurfacing and I am thinking how many times do we cycle this through. Mr. Ross, how does this work when we have already addressed this issue at least twice before? What was the vote on this?

Councilor Anderson replied it was 4-3.

David Ross replied I believe what is on the table now is to have staff bring it forward as an agenda item where presumably it will be discussed yet another time.

Councilor Ripma stated currently we impose a fee on the amusement devices and we don't on the lottery devices.

Councilor Thomas replied correct, but the ordinance still has it in there.

Councilor Ripma stated and you are proposing to correct the ordinance on the lottery device. As I recall there was some legal question about that.

Craig Ward stated we removed the lottery device fee based on legal counsel, but we still have the amusement device fee in place.

Councilor Ripma asked and the legal question about the lottery devices hasn't changed?

David Ross replied that has not changed.

Councilor Thomas stated it has been requested by a few business owners for us to look at eliminating the amusement device fee.

Councilor Ripma stated this is a difficult question because there are a few people who stand to gain by repealing this fee and the vast public that pays for the taxes that run the City aren't the ones who show up. We only have the people who would benefit from changing it. So it is a difficult vote every time we get into it. I don't know how often we should revisit it. I would leave it alone. If there is new information maybe you could share that.

Councilor Daoust stated last time when we voted on it we basically just had one business come forward and speak. The Economic Development Subcommittee had numerous businesses who now have come forward and spoke and they presented information during their testimony that was convincing. It is additional information plus more businesses coming forward. We were discussing the topic of how business friendly Troutdale wants to be and they pointed out again that this is one more thing that Troutdale can do to make it more business friendly. Along with additional information and more businesses showing up, we felt that maybe we should bring this back to the Council for one more discussion to see if we want to do this or not. At the same time I think Councilor Thomas had some other ideas on gaining revenue from hotel/motel taxes.

Councilor Thomas stated we are still investigating that.

Councilor Allen stated the Economic Development Subcommittee wanting to bring this forward again is enough for me to want to hear what they have to say.

Mayor Kight stated it sounds like we are going to give direction to staff to bring this forward to the City Council.

Councilor Daoust stated I think staff will probably need some help in getting the information that the Subcommittee has.

Mayor Kight stated last Friday the Law Firm of Todd and Shannon had their grand opening on main street. That leaves one storefront available that has yet to be rented out in downtown. I have it on good information that it may have just been leased out; the signs have disappeared off of the windows. That will be the last remaining storefront at grade level on the north side of downtown that was empty, and we look forward to another new tenant. In the last 90 days we have had four new stores open up. A certain level of credit can be given to our economic development group and

Troutdale's Open for Business Plan. With the advent of the Alamo Group buying the Troutdale Market Center, that will make a real change for our community as well.

Councilor White stated last weekend we had some good weather and I noticed teenagers were swimming in the river and I get really concerned about that due to the temperature of the water and the fact that the lifeguards don't start until the end of May. Just a word of caution to be very careful; the high water levels and the extreme cold temperatures combine to make for a very dangerous situation.

Councilor Allen asked Charlie Warren to come forward. I just wanted to make sure that as we are going through the budgetary process that we are not putting Well #5 in any danger.

Charlie Warren stated we are operating under the 2011-12 budget and I believe we have the funds in the budget this year to be able to do the necessary repairs. However, if we get into a large repair it will affect our ability to be able to do projects next year. So the jury is out, and we will find out more once we pull out that pump and find out what the damage is.

Craig Ward stated we plan on spending the money to repair Well #5, that is the bottom line. We may not have any more money when we are done, but we will repair Well #5.

Councilor Anderson stated I want to go back to Councilor Daoust's comments about the media. They do have a propensity to misquote; you hear a lot about that in sports. One of the things that I advise my teams to do is always get the questions in writing and respond to them in writing, and that way you can't be misquoted.

Mayor Kight stated they are not going to do that.

9. ADJOURNMENT:

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

Meeting adjourned at 7:53pm.

Mayor Jim Kight

Approved May 22, 2012

Exhibit A can be viewed with the meeting packet or on microfilm.

ATTEST:

Debbie Stickney, City Recorder