

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**219 E. Historic Columbia River Hwy.**  
**Troutdale, OR 97060-2078**

**Tuesday, August 28, 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; Sarah Skroch, Deputy City Recorder; and David Ross, City Attorney.

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** June 26, 2012 Regular Meeting, July 10, 2012 Regular Meeting and August 7, 2012 Special Meeting.

**2.2 RESOLUTION:** A resolution reallocating expenditures among existing local share projects and identifying reconstruction of Imagination Station as a new project for use of the City's local share of Metro Open Space Bond funds.

**2.3 RESOLUTION:** A resolution granting a perpetual easement to Multnomah County adjacent to S. Troutdale Road for slope and drainage purposes.

**2.4 RESOLUTION:** A resolution providing for current Fiscal Year 2012-13 Budget transfers and appropriation changes.

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

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

Karen Schaaf, West Columbia Gorge Chamber of Commerce (WCGCC) Board President, stated the WCGCC has reserved an ex officio position on its Board for the City of Troutdale. It is a new year and we have a new board. It is time to renew the

position for the City. Our primary mission is the enhancement of commercial and industrial vitality in the communities we serve. It is imperative that we have direct and ongoing contact with the Troutdale Economic Development Subcommittee. A member of this subcommittee serving in the ex officio seat on the Board of Directors would promote the flow of information, policy and guidance we need to meet the goals of our mission.

Dan Claussen, Troutdale resident and city employee, stated I am here tonight as President of the AFSCME Local 3132 Union for City of Troutdale employees. I am here before you to request that you provide direction to the City's bargaining team to reach a fair deal with AFSCME members who work for the City. We have made many concessions throughout this contract. We have given in to the City's proposal on every subject so far. We've patiently dealt with the cities hired attorney opening every article in the contract including the preamble. We want to focus on the real issues and not waste time on the distractions. We have been patient in dealing with the regressed proposals the City team has done. Every time we sit down with them they offer more take-backs. We have been patient. The City's team withheld key information from us on decisions they have made regarding our insurance options. Decisions they should have been discussing at the bargaining table. We first met with the City's team in March. They made a key decision in May and didn't tell us about it until late July. We have offered a fair proposal; the City should take it. Even the CIS representative disclosed that she was on the same insurance plan that we are on now. CIS moved to another plan – CoPay Plan A, the same one we are asking for, not the drastic jump to CoPay Plan C with a \$1,000 deductible for an individual and \$3,000 for a family. Later CIS moved them to CoPay Plan B to see the progression so that people could adjust, not to the huge leap the City is proposing. Enough is enough; we'd like a fair contract. Thank you.

Noel Deal, city employee and resident of Gresham, stated I have a great job. I am here to tell you that emergencies do not give us a two week notice. I support Dan and everything that he said. I am looking at the medical and he is correct. Please, give us a fair shake for our families' sake at least.

#### **4. REPORT: A report on 2012 SummerFest.**

Karen Schaaf, President of West Columbia Gorge Chamber of Commerce, stated David Eatwell has put together a video of SummerFest to show to you.

David Eatwell showed the Council a video (copy not submitted into the record).

Councilor Anderson stated I apologize for not being able to attend SummerFest, but I heard from all sorts of folks that the event was one of, if not the best event in recent memory. You are all to be commended. Earlier this year you came and asked us for sponsorship money at the eleventh hour and we said no. I would like to propose to this Council, all things being equal going into next year, if the Chamber is sponsoring SummerFest I would like this City to commit money to the 41<sup>st</sup> SummerFest today so

there is no uncertainty. I would propose, with the blessing of my fellow Councilors, that we start at \$1,500 so they have some certainty going into next year and we can revisit it going forward.

David Ross, City Attorney, stated I don't know that you can commit funds for the next fiscal year.

Councilor Anderson asked what can we do?

Councilor Thomas stated I think we can request that they be considered for the budget.

Councilor Anderson asked can we do that?

David Ross replied during the budget committee hearings, yes.

Councilor Thomas stated I heard the same comments that Councilor Anderson heard. I wish I could have attended, but unfortunately I had preplanned a vacation. It is the first SummerFest that I have missed since I have been on the City Council. Congratulations for a successful event.

#### **5. REPORT: A report on 2012 Cruise-In.**

John Leamy, Kiwanis Club, thanked the City for partnering with them in the 9<sup>th</sup> Annual Troutdale Cruise-In. Participation this year was the best in the nine years that this event has occurred. We had 150 cars lining the street. We had people in our business from the time they opened until after the awards were presented. Mr. Wilson just informed me that we had a car registered in Las Vegas participate. Many of the merchants were very happy with the economic results of the day. One new business owner asked when we would have another event like this, and made a comment about how well the wait staff did in terms of tips for the day. There were some merchants who saw little effect from the day, but they were still supportive of the event and their fellow merchants. I did talk to one merchant about how we could stage the cars next year to potentially bring in more foot traffic. We had visitors at the Cruise-In that commented that they had never been to Troutdale before and that we had a nice town and they would be back. These events have long-range economic effects. This event brought additional business to Tads, Shirley's Tippy Canoe, Skyland Pub, the gas stations and the Outlet Mall. It allowed us to donate about \$1,000 for scholarships at Mt. Hood Kiwanis Camp for special needs kids in the Troutdale area who otherwise would not be able to go to camp next year.

I met with Charlie Warren and other city staff for a debriefing session where we discussed how to make the traffic flow better next year, and ways to improve the communication with the City. I would invite you to consider partnering with us and SummerFest in 2013 to bring events downtown to generate economic vitality to the whole area.

Councilor Anderson stated this is an event that I was privileged to be at. I was absolutely amazed at how many businesses were full all day long. There were folks in the streets and having a good time. If there was a ripple in the planning, or an issue with the city or county, no one on the street knew anything about it because they were all too busy having a good time. You pulled off a magnificent event and you and John are to be commended. I will say the same thing to you that I said to Karen; it is on the radar and I will do everything I can to bring it up during the budget process so that there is not a lingering uncertainty as to what the City will do to make the Cruise-In even better next year than it was this year.

Mayor Kight stated you didn't mention the pancake breakfast John. Do you want to share that with us?

John Leamy state we started the day with a pancake breakfast. The Brass Rail donated space for us in their parking lot.

Councilor Thomas stated I thoroughly enjoyed the event as did my wife.

Councilor Daoust stated I was there all day long and enjoyed the event.

Mayor Kight stated as you can tell from the turnout people really enjoyed the event. It really helps our downtown merchants to have events.

## **6. STAFF COMMUNICATIONS**

Craig Ward, City Manager, stated, I have announced to the Council our intention to go ahead with an article in the next Champion about the City Hall Space Needs Advisory Committee that the Council expressed a desire to have to assist in the decisions relating to a permanent City Hall. We will need some additional direction from the Council as to how many members, etc. which will come forward next month to you.

Tonight the Council Chambers is arranged in the Council's preferred layout. We have East Metro Media ready to install the cameras permanently which will lock us into this arrangement. I need to know if there is any change in the Council's opinion before we start installing cameras permanently.

Council discussed the layout of the Council Chambers for all uses including Council meetings, Planning Commission meetings and Municipal Court. The issues discussed included: staff time to change the room set-up for different uses; flow of the room (ease for folks to move around); ability for the Mayor and Councilors (or others) to see everyone in the audience, Court's desire to have separation between the Judge, Clerk and the defendants that appear before them for security purposes; and the current layout does not work for court or jury trials.

After discussing, Council agreed to go with the linear layout but asked for some minor modifications to allow the councilors on the west side of the room to see the audience.

Craig Ward stated my suggestion today to the contractor is that we look at another camera mount location that we would wire in so that in fact either arrangement is possible. Nevertheless, the direction that I am hearing is that we will go with the linear arrangement as a default and that will work for one camera setup and we will install, unless the price is exorbitant, a fourth camera location that would allow this arrangement should you choose to alter the approach down the road. We will have the flexibility to deal with either approach, but we will go with the linear as the default.

Craig Ward stated I wanted the Council and the public to be aware that for the first time this summer we charged a non-resident fee for our camps. That was discussed at the Budget Committee. I charged Mollie King with seeing how we might expand that approach, which is the direction that I understood from the Budget Committee. There is no reason why the citizens of Troutdale should be subsidizing services for people who live outside the city. My charge back to her was how much of a non-resident fee would work, and how should we do it. She and I discussed it and decided on a percentage fee – we have a bunch of different camps and classes with different fees so establishing a set fee doesn't make a lot of sense. Mollie's recommendation to me, which I am bringing forward to you, is a 20% increase for non-residents. An example of that is that we have the Messy Art Program and that is proposed to be \$27 for a resident and \$33 for a non-resident fee. Mollie did some research and looked at other recreation programs and it is quite common for a non-resident fee to be charged. It is charged at 50% in Lake Oswego, 30% in Portland and 20% in Newberg. I am bringing this to you tonight because we are about to publish the Fall Recreation Guide and we have to put the prices in there. I asked Mollie if we received any complaints this summer regarding the non-resident fee and the answer was none, except for that one person kind of walked out in a huff, they didn't complain they just didn't sign up. None of us are naive enough to believe that this is painless for anybody who might sign up, but I have given my rationale so that is my recommendation to you and if you have any concerns let me know by Friday and I will reconsider. Absent that we are going to proceed with the 20% non-resident fee.

Finally, at the request of Eastwind, the City is preparing a grant proposal in the amount of \$35,000 to the Oregon Department of Fish and Wildlife for a Master Plan for the vegetation corridor in the Urban Renewal area. Eastwind believes that it is very important that we try to reconcile the demands of varying state and federal agencies as it pertains to how the riverfront is used. Eastwind clearly wants to provide public uses there, but of course they are talking about a fairly high intensity development. Some agencies may well prefer a low intensity development. We need to get all of the agencies together and come up with a plan that will work for most of them. We are hopeful that we may be eligible for this grant. The application is due next week. Eastwind has been helping us prepare the grant application, but it will be a grant to the City if we receive it.

## **7. COUNCIL COMMUNICATIONS**

Councilor Daoust stated there is a group of people discussing bringing the USS Ranger down from Bremerton and locating it in Fairview on the Columbia River. Mayor

Weatherby asked me to be on a committee with Fairview City Council to determine what role they should play; how much the City of Fairview should kick in for the riverfront development and tie it with bringing the USS Ranger to Fairview. As a member of that committee we took a trip to Bremerton on the 17<sup>th</sup> to look at the Ranger. Needless to say it is a huge aircraft carrier. We spent most of the day walking around the inside and outside of the carrier. It is very impressive. We went to Bremerton with some of the developers that are talking about developing the riverfront, most of the Fairview City Council and members of the USS Ranger Foundation. It was a good trip and an eye-opener for me having not seen it before. I will continue to serve on this subcommittee as an outside opinion and voice to help them work their way through how they should be involved with that project.

Councilor Ripma stated Karen Schaaf brought up the issue of having someone from our Economic Development Subcommittee serve as the ex officio position on the Chamber Board. Can we make that appointment? Is there a member of that subcommittee willing to serve in that position?

Mayor Kight stated we can and actually the Mayor makes that appointment. I am currently serving in that position. I don't see anybody on the City Council that attends council functions on a regular basis. I will continue to serve in that position.

Councilor Thomas stated I would disagree with you Mayor. When we allowed you to be in that position it was by a Council vote. We set a precedent. I am willing to serve in that position. I would say that in this particular case, since we originally made the appointment by Council vote that it ought to be a Council vote.

Mayor Kight stated I would like to get an opinion from our City Attorney.

David Ross stated the Charter and the Code are both fairly clear. The Charter says that the Mayor appoints councilors and others to represent the City before and on community and intergovernmental organizations. The City Code says that the Mayor shall appoint members to non-city committees, which are those committees that are not created and appointed by the Council. If you are asking for a legal opinion then my legal opinion is that the Charter and the Code give the Mayor the authority to appoint someone to this committee.

Councilor Ripma stated the Chamber would prefer that the City appoint someone from our Economic Development Subcommittee. Acknowledging that you have the power, might it not be better for you to honor the Council's request and appoint someone from the Economic Development Subcommittee instead?

Mayor Kight stated in light of the fact that the mayor has the ability to make that appointment I am going to stay in that position. Secondly, to my knowledge there hasn't been any councilor that has been involved with the WCGCC in any of the events or the Business AM meetings. Frankly I haven't seen any of our councilors at any of those meetings.

Councilor Ripma stated it was the Chamber's request that is driving this. It is certainly my request as well.

Councilor Thomas stated the Chamber is asking you to step down and requesting someone from the Economic Development Subcommittee to be on their Board to have more of a direct relationship with what is going on with economic development in the City as far as communication between that subcommittee and the Chamber. Karen, the Board President indicated that was their preference when we met this afternoon.

Councilor Anderson stated I don't want to read between the lines. Do you want someone from the Economic Development Subcommittee?

Karen Schaaf replied that was my request.

Councilor Anderson asked what is the Chamber going to be doing going forward that would require a member of the Economic Development Subcommittee as opposed to the Mayor?

Karen Schaaf replied we just think that communications would be better because our goal and mission is geared towards the businesses that we serve and we would like more involvement with the Economic Development Subcommittee.

Councilor Anderson asked is it safe to assume that you don't want the Mayor?

Karen Schaaf replied I will stand by statement.

Councilor Anderson stated which says you want a member of the Economic Development Subcommittee.

Karen Schaaf replied yes.

Councilor Anderson asked and Jim you feel that because none of us attend the meetings and you do that you are best suited?

Mayor Kight replied more importantly if there is information that they need from the Economic Development Subcommittee, that doesn't preclude a member of that subcommittee from attending the Board meeting. The Mayor still makes the appointment, and I stand by that.

Councilor White stated I seem to remember that the Council made the appointments for MPACT and JPACT.

Councilor Ripma stated that is different.

Councilor Thomas stated I disagree with your appointment Mr. Mayor.

Councilor Anderson stated there is kind of an elephant in the room regarding the investigation and the full report. I have read a couple of editorials and I have talked to a lot of people and there seems to be quite an argument to release the full report. My question to my fellow councilors is how do we feel about that? Jim, I would be curious as to what you feel about it.

Mayor Kight stated there is a cautionary note there because we met in executive session. That conversation is privy to only that executive session and not outside of the executive session. I would defer to our City Attorney. We had advice from three different attorneys from different venues that argued rather strongly against doing that.

Councilor Anderson stated I know that you have your fingers on the pulse and I am assuming that you have read the editorials, and I am assuming that you have talked to or listened to quite a few people. Yes we have received legal advice, but we can overturn that, and that was my question. In light of what we have read, heard and witnessed in these recent three weeks, what is the feeling of this Council? I know that Councilor Allen wrote a very impassioned letter to the Outlook saying that he thinks that it should come out.

Mayor Kight stated I think the cautionary note on the part of the attorneys, without getting too deep into the information that should stay inside the executive meeting, was the liability issue, an exposure to the City.

David Ross stated Council has received legal advice from more than one source and has acted on that legal advice. I would urge Council not to contravene that advice, at least until the pending public records request appeal is determined, and that you have had an opportunity to hear from counsel for CIS. There are very well-founded reasons that you received the advice that you did.

Councilor Allen stated I am uncomfortable with the newspapers not being able to receive the information.

Councilor Thomas stated I personally think we should release the report. The taxpayers paid for it and they are entitled to know the information that is contained in the report. I understand what our City Attorney is saying, and if we need that additional advice I would ask that we have a special council meeting next week to hear that.

Councilor Ripma stated let's not do anything right now. There is a pending public records request. If that appeal results in us being ordered to release it the issue is settled. I believe we ought to follow our legal advice, at least for now.

Councilor White stated I was comfortable with taking the advice from the attorneys until I heard your statement that it was withholding information that may have vindicated you. And now you are saying that you don't want that released, so I am a little confused with your strategy.



Mayor Kight stated there isn't any strategy Councilor White. The statement that you just made about what I said is inaccurate.

Councilor White stated it was in the paper.

Mayor Kight stated what you need to do instead of taking it out of context, if you are going to quote something is...

Councilor White interrupted and stated you also stated it verbatim in the press conference shortly after the executive session.

Mayor Kight stated you will have to bring that information forward so we can address what it is you are talking about.

Councilor White stated it is simply your comments that were made.

Mayor Kight stated I made a lot of comments.

Councilor White stated that one in particular.

Mayor Kight stated you are making a very general statement, you have to be specific. I would recommend, instead of making general sweeping statements, that you bring the specific statement that you are talking about so we can discuss it.

Councilor White stated your statement is very clear that it was a well concocted version, the redacted version, the abridged report, implying that there was information that would have helped you had the full report been released.

Mayor Kight stated I don't remember saying that, I'm sorry.

Councilor Thomas stated during our press conference I didn't say anything when we issued the report, but after reflecting on that there were some things that were in the report that I totally agree with. I completely agree that Jim utilized the system; I really think that he abused the system to get what he wanted to build that house. Part of the things that he said in his rebuttal to that, I wanted to set the set the record straight. One of the things he complained about was lack of office space for himself. Now the reason that we brought it up in the budget process when we were looking for rental space was there was no reason to rent, at \$1 per foot, space for elected officials. It was as simple as that. The second part that he brought up had to do with economic development. It was purely a budget decision because we were tight on budget. For me personally, shortly after this whole process I got a call from Jim, which I am sure he will deny, asking me if I had plenty of lawyers, which to me is an implication that he was going to file suit against me personally. I spent three years as a drill instructor; it takes a little more than that to scare me off. That is another case for somebody that is really trying to bend the system to their advantage. Whether he remembers saying that or not, I don't

know. You are talking to a man that can tell you exactly how many cents were spent on a project, and he can also tell people what color their front doors are on some of their houses, so I kind of wonder about that. In retrospect, I think he has been a disgrace to the community with what is happening. I really believe he should resign from all committees he is on, and also resign from the City Council. One of the last questions that was really never answered was we had a case of lost documents that is defined in the summary report. The question I have is, we have a mayor that had unlimited access to the City Hall. Makes you wonder.

Mayor Kight stated a lot of innuendo. I will start with the office space. In the old City Hall we had a space for the Mayor so you could work there as the Mayor and you could also meet with people. Every Mayor in East County has an office. Currently there is none. I asked, because office space is tight, that we have a shared office space but certain members of the Council weren't even comfortable with that. The office space I have now is on my property and from time to time we have people meet down there, or I make arrangements to book space at the Administrative Office to meet with people.

On a positive note, we have some really good news from the Oregon Department of Transportation. I just sent out a press release that they are going to do a two-way on Marine Drive so that as you exit on Exit 17 coming off of I-84 onto South Frontage Road, that will be two-way. This will be a great help to economic development to not only our city but also adjoining cities. The design process will start immediately, and construction of the project will cost about \$25 million and will start in 2014.

Councilor White thanked AMR for another successful year at Glenn Otto Park with the Lifeguard program. The lifeguards will no longer be at the park after Labor Day, so please be extremely cautious with the absence of the lifeguards.

Councilor Allen stated we have city employees, most of which work full-time, working in a smaller space. It is more important that they have the space than us.

We received an invitation to the Wallace Foundation, The Wallace Medical Concern. I encourage you to go to that. Doctors and other support people volunteer their time to help those in need; it is a good cause.

Councilor Anderson stated I would like to acknowledge Marcia Chiaudano of the WCGCC. You did a fantastic job (with SummerFest).

Marcia Chiaudano stated without the City employees and the committee we couldn't have done this.

## **8. ADJOURNMENT:**

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

Meeting adjourned at 8:02pm.

**Mayor Jim Kight**

**Approved September 11, 2012**

**ATTEST:**

**Debbie Stickney, City Recorder**