

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

**Tuesday, January 11, 2011**

**1. ROLL CALL, AGENDA UPDATE**

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

**PRESENT:** Mayor Kight, Councilor Ripma, Councilor Thomas (via phone), Councilor White, Councilor Allen, and Councilor Daoust (7:05pm).

**ABSENT:** None.

**STAFF:** Craig Ward, City Administrator; Debbie Stickney, City Recorder; David Ross, City Attorney; and Erich Mueller Finance Director.

**GUESTS:** Louise Litzenberg.

Mayor Kight stated I would like to make a presentation to former Councilor Matt Wand who is now our State Representative.

Mayor Kight presented Matt Wand with a certificate that read: The City of Troutdale wants to express its sincere gratitude for your investment in time and talent to better our city. It is because of volunteers and leaders like you that we live in such a wonderful city and a city that we can all be proud of. Councilor Wand, it is with regret that we see you leave our city council but we know you will go on to serve our community in a different capacity as our state representative, and I'm certain you will remain a champion for our great City of Troutdale. We wish you all the success in the future.

Matt Wand stated Troutdale is a wonderful place to serve. I began serving in 2005 on the budget committee before I was elected as a councilor in 2009. The staff here is excellent. Troutdale needs our residents to step up; we have excellent people in our city and we have a wonderful opportunity here to serve our neighbors. If you have ever thought about joining in, or thought about how wonderful Troutdale is, now is a good time to make contact with the city and find a place where you fit in to help out because you will enjoy it very much.

Mayor Kight also presented Matt Wand with a Rainbow Splendor sculpture from Caswell Gallery.

**2. MOTION:** A motion to appoint a citizen to fill City Council Position #2 (term expires on December 31, 2012).

Mayor Kight asked Craig Ward to read the names of the candidates for the position.

Craig Ward, City Manager, stated the three candidates for the position were Eric Anderson, Jim Jensen and Lora Lawrence.

**MOTION: Councilor Ripma moved to appoint Eric Anderson. Seconded by Councilor White. Motion Passed Unanimously.**

**3. OATH OF OFFICE:** Judge Raymond Young will administer the Oath of Office to the appointed City Councilor to fill Position #2.

Judge Raymond Young administered the Oath of Office to Eric Anderson for the office of City Councilor.

**4. ELECTION:** Election of the 2011 Council President.

**MOTION: Councilor Thomas moved to nominate Councilor Daoust as Council President. Seconded by Councilor White. Motion Passed Unanimously.**

Councilor Daoust stated this will be my 9<sup>th</sup> year as Council President. I appreciate the vote of confidence.

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

None.

**6. PUBLIC HEARING/ORDINANCE (Introduced December 14, 2010):** An ordinance amending the Troutdale Municipal Code by changing all references to City Administrator to City Manager.

Mayor Kight read the ordinance title and opened the public hearing at 7:11pm.

David Ross, City Attorney, stated this is the second reading of the ordinance for the code change. As you recall at the November election the voters of Troutdale voted to amend the Charter and amongst the Charter amendments was a change in the name of the office from city administrator to city manager. The Code has many references to city administrator. The purpose of this ordinance would be to change those references from city administrator to city manager.

Mayor Kight asked are there any questions?

The Council and the public had no questions or comments.

Mayor Kight closed the public hearing at 7:13pm.

**MOTION: Councilor Ripma moved to adopt an ordinance amending the Troutdale Municipal Code by changing all references to City Administrator to City Manager. Seconded by Councilor Daoust. Motion Passed Unanimously.**

**7. PUBLIC HEARING/ORDINANCE (Introduction):** An ordinance amending Troutdale Municipal Code Title 5, Business Licenses and Regulations, by adopting a new Chapter 5.10, Liquor Licenses.

Mayor Kight read the ordinance title.

David Ross stated the Oregon statutes set out that the Oregon Liquor Control Commission (OLCC) may require the city council in the city in which an applicant or a renewal for a liquor license is being requested to make a recommendation to the OLCC for that license. Apparently several years ago the power to do that was delegated from the city council to the city administrator, although that delegation was never formalized. This ordinance would do three things: 1) make that delegation express; 2) it sets out, based upon the statute and administrative rules, the criteria which will be applied to the renewals and the license applications; and 3) it will establish an appeal process in front of this council by an applicant if the recommendation to the OLCC is to deny the application.

Councilor White asked in repealing a liquor license would the council than play a role in the appeal?

David Ross stated only the OLCC can grant or repeal a license. The City's requirement is to make a recommendation that the license either be granted or renewed, or would not recommend that the license be granted or renewed and this sets forth the criteria that will be applied. For the last several years that has been done by the city administrator, police chief and the community development director. We anticipate that will still be the way it is done. This ordinance brings us into compliance with both the letter and the spirit of the law by making that delegation formal.

Mayor Kight opened the public hearing at 7:15pm and asked is there anyone here that would like to speak to us regarding this issue.

No testimony received.

Mayor Kight closed the public hearing at 7:15pm and stated that this ordinance will come back to us for a second hearing at our next meeting.

**8. RESOLUTION:** A resolution revising the Business Incentive Program Affected Fees and Charges.

Erich Mueller, Finance Director, stated this is primarily an adjustment to the text of the Business Incentive Program; there is no change in the program. The resolution before you does two things: 1) changes where the cost incurred under this program is allocated; and 2) changes some wording that was less than clear that created some confusion. The wording now reflects better what the original intent was both from the discussions with the subcommittee as well as with the council when it was adopted. We had originally modeled much of our program after Gresham's program. We made a considerable number of changes to the program that Gresham had in terms of expanding it. One of the things that we didn't catch at the time was that Gresham had chosen to charge the cost associated with this program to the various utility funds. That is something that we want to change. It is not a change to the cost of the program; it is just changing where the cost is incurred. Currently these costs would be charged to the utility fund. The proposed changes would have the General Fund incur these economic development costs rather than having the utility funds incur the costs. Exhibit B to my staff report shows the changes to the text in redline format.

Councilor Daoust stated under the current year budget impacts it appears that eight properties have taken advantage of the program so far.

Erich Mueller replied that information, other than the second line that refers to the one pending charge, is from the original staff report when the program was originally crafted. It was the analysis of the tenant improvements that had occurred in spaces above and below 5,000 square feet in the prior period as a basis for us to attempt to estimate what the financial impact may be for this program.

Councilor Daoust asked so we only have one property that we are talking about currently that has a system development charge (SDC) of \$48,000?

Erich Mueller replied there is one potential property at that magnitude that currently is in the permit process. My understanding is that primarily the use under the program so far has been the waiver of the business license fee, so the dollar amount has been fairly minimal to date.

Councilor Ripma asked under this change the sewer and water funds will get paid out of the General Fund?

Erich Mueller replied what is currently in the program is that the utility operating funds are going to be charged. Those are the funds that the monthly rate-payers pay into. That is where the costs will come from without this proposed change. The funds that receive the fee that we are talking about subsidizing are the improvement funds (SDC's). Each of the utilities has two funds, an operating fund, which is the day to day, and the improvement fund which is funded by SDCs. It is the operating fund that would have borne the expense under the program as it is currently crafted, which would undermine the purpose of the rate increases that we have discussed over the last two

years in the budget meetings. Either way the SDC funds will continue to receive the funds they are due based on the existing code. It is just a question of where that subsidy is going to be charged.

Councilor Ripma stated the city general fund is subsidizing these fees instead of the applicant. The SDC fund gets paid. The information shown under the budget impact, this large \$48,000 SDC, is that a property...

Erich Mueller interrupted and stated that is one individual applicant under the program.

Councilor Ripma stated it could be more or less than 5,000 square feet, but it will be one or the other.

Erich Mueller stated my current understanding is that it is under 5,000.

**MOTION: Councilor Thomas moved to adopt the resolution revising the Business Incentive Program Affected Fees and Charges. Seconded by Councilor Daoust. Motion Passed Unanimously.**

**9. MOTION: Revisions to Council Committees and Subcommittees for 2011**

Erich Mueller, Finance Director, stated over time there has been a number of committees or subcommittees that the council has created for topics that have occurred along the way. Some have run their course and have not been dissolved, and some have never been pursued. As staff was looking at meeting schedules for the coming year, and the significant change in the makeup of the constituency of the council, it became clear that we had three different subcommittees that only had one member because of the change in the council. There were other subcommittees where the activity had been pursued and already had been addressed, or there was another approach that was being taken on that topic. The Economic Development Subcommittee's current members (Councilor Daoust, Councilor Thomas and Councilor White) have expressed their desire to continue in that role and activity. The Budget Oversight Subcommittee has only had one meeting and has a lot to address as the police facility project continues. Staff is recommending that the remaining committees and subcommittees be dissolved.

Councilor Thomas stated I think we should keep the Business Income Tax Shared Revenue and the Fire Service Cost Containment Subcommittees because those items could become an issue over the next year. Having the subcommittees already established, and not having to go through the process to re-establish them would be an advantage to the council.

Councilor Ripma stated I am prepared to support what the staff is recommending. The two subcommittees that are left seem to be the most active. In general I am not sure of the wisdom of having these subcommittees. The council has tried them for less than a

year. It involves requiring citizens who want to address the council on issues, and the staff, to attend two meetings to get to the council which in the end is the final deciding body. I have always felt that our council should act as its own committee on all issues that we can handle. These other meetings were inconvenient for people and took staff time and I wonder what they really accomplished because the decision ended up having to be made by the council. That being said, having not been on the council when you established these subcommittees, I am willing to try the two subcommittees and see how it works if it doesn't end up involving a lot of extra time for people and the staff. I think the staff recommendation to eliminate the other subcommittees is a good one.

Councilor Anderson stated I tend to agree with Councilor Ripma. Councilor Thomas, on the Business Income Tax Shared Revenue and the Fire Service Cost Containment Subcommittees, if we keep the committees and just render them as inactive because there is no agenda is that something that we can consider?

Councilor Thomas replied I was asking to allow for those subcommittees to remain standing. If you are not holding any meetings for those subcommittees there is no staff time required. We don't know what the City of Gresham is going to do in the near future regarding fire rates, and we are not sure what may happen with the business income tax. Both of those are big issues for the city.

Mayor Kight stated I concur with Councilor Ripma. I think the city council should look at these issues as a whole in a work session. We have done that in the past. It ends up being a duplication of duties on the part of the city council and staff. As Councilor Ripma stated it comes before the city council anyway so there is a little bit of redundancy here. I like the idea of the entire council looking at the fire cost containment and business income tax issues because it is going to come before the council and we are going to have to discuss it and vote on it anyway. These subcommittees were established by a previous city administrator. Mr. Ward, could you please comment on how you feel these issues should be handled – by the council as a whole or by the subcommittees.

Craig Ward, City Manager, replied it is strictly the council's judgment. If I didn't endorse the staff recommendation it wouldn't be before you today. I think the points raised on both sides are valid. It is helpful to have council members develop a particular base of information so that they have informed input. Should we need these committees in the future I wouldn't hesitate to ask that they be formed. In the time that I have been here most of these committees have not met and so we really haven't developed that depth of information. There can be some confusion that is built in by having committees that aren't active because then when issues come forward staff wonders about who we are supposed to speak to about the issue(s). Really all of you want to be informed on those subjects. I will stand behind the staff recommendation, but it is strictly your call.

Councilor Daoust stated the Economic Development Subcommittee still has a fairly active agenda with issues related to the Chamber, economic development director and the proposal of the three-year tax rebate that we are in discussions with Reynolds

School District, Mt. Hood Community College and Multnomah County. The Budget Oversight Subcommittee is also active so it makes sense to keep those two subcommittees. I think Mr. Garzini set up all of these subcommittees because there were so many issues on the table that we were scrambling to address. I think he felt it was more efficient to have a smaller group work on these issues and report back to the council so I understand why he did it. I also support the staff's recommendation.

Councilor White stated I feel like it has really increased our productivity. I know that it is probably an added load on the staff but I appreciate all of their extra effort because we did get a lot accomplished. As far as the Economic Development Subcommittee, since we are dealing with other agencies I think it would be good to keep some continuity there and keep that one live.

**MOTION: Councilor Ripma moved to dissolve the Organization Improvement Study Group, Business Income Tax Shared Revenue, Council Meeting Rules and the Fire Service Cost Containment Subcommittees, and also to dissolve the Committee on Mayor and Council Expenses and the Renewable Energy Committee. Seconded by Councilor Allen. Motion Passed 6-1 (Councilor Thomas)**

## **10. STAFF COMMUNICATIONS**

Craig Ward provided the following updates to the Council:

- We have completed the installation of the time capsule and the plaque in the Arch, so that project is completed.
- We are working with a structural engineer to address the most important issue relating to the stability of City Hall, which is the space behind where the Council is currently sitting. We will be coming up with a design and cost estimate on that. We are focused specifically on that area, but there are other structural problems with the building that may need subsequent expertise that are not currently contracted. We will bring the budget estimates to you and inform you of the plan to stabilize the roof behind where the council sits and hopefully be able to move you back to the dais.
- The Chief wanted to remind folks that they can remain informed and get their questions answered about the police facility project through the Public Safety Advisory Committee that meets at 7pm on the first Thursdays of the month. This will be a standing item on their agenda. We are finalizing the task necessary to get the bond issued for the police facility and we are continuing to work on the process of selecting a project manager.
- We had applied for two grants through ODOT's Flex Grants – one for the cage for Drover's Trail and one for the layover of the Tri-Met buses at Glenn Otto Park. We received information yesterday that ODOT staff is not supporting our grants, so we do not expect either of those grant applications to be funded.

Mayor Kight suggested adding Frequently Asked Questions (FAQ) to the website regarding the police facility.

Craig Ward replied we do have a link on our web site now for the police facility.

Chief Anderson stated we can incorporate that feature.

## **11. COUNCIL COMMUNICATIONS**

Councilor Ripma wished everyone a Happy New Year.

Councilor Anderson thanked the Council for appointing him to council. It is an honor to sit here in a chair that was formerly occupied by State Representative Matt Wand. I look forward to being here for the next two years and continuing the good work that Matt Wand started.

Councilor Thomas congratulated Eric Anderson on his appointment to the Council and wished everyone a Happy New Year.

Councilor White welcomed the new members to the council and thanked all of the volunteers who helped out with the toy drive this year. They collected 83 bins of toys last year and this year they collected 173 bins.

Mayor Kight thanked the Chief and Jordan Shaw for volunteering their time to help with the toy drive.

Chief Anderson thanked Wal-Mart for their participation. The toy drive would not have happened had it not been for the management of Wal-Mart. And let's not forget the good people of East Multnomah County who purchased the toys, which made a lot of families happy during Christmas.

Councilor Allen thanked the volunteers that the city has, and thanked the West Columbia Gorge Chamber of Commerce for the excellent holiday events that they promoted. It was a good holiday season.

Councilor Daoust stated the reason I was late getting here tonight is because I was rescuing teenagers from Reynolds High School because the roads are really icy tonight. I want to caution us all as we go home tonight.

Mayor Kight stated there is the issue of making the appointment to the Metro Policy Advisory Committee (MPAC) for the representative and the alternate. The alternate still is unknown at this time. There are some potential changes going on with the Wood Village City Council. Mayor Weatherby is not going to be the primary and he has asked that I take that position. Usually the three mayors make that decision as to who represents them at MPAC, but it requires a letter from the City Council. I am asking for your approval to represent the City at Metro on MPAC.

Councilor Ripma asked shouldn't that be an agenda item?



Mayor Kight stated no. It can be done by consensus of the council. The first meeting is this Wednesday. If we don't take action I would have a non-voting position.

Councilor Daoust asked what is the make-up of this appointment? You said it was the mayors.

Mayor Kight stated yes the mayors of the three cities. Gresham has their own representative.

Councilor Daoust asked so you would be representing Fairview, Wood Village and Troutdale?

Mayor Kight replied yes.

**MOTION: Councilor Daoust moved that Mayor Kight be appointed to MPAC to represent the cities of Fairview, Wood Village and Troutdale. Seconded by Councilor White. Motion Passed Unanimously.**

Councilor Ripma stated I can't help but point out that it wasn't always the mayors. I was the representative for the three cities for ten years. I very much favor the motion and I know that you will do a good job, but it isn't always the mayors.

## **12. ADJOURNMENT:**

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

Meeting adjourned at 7:53pm.

**Mayor Jim Kight**

**Approved February 8, 2011**

**ATTEST:**

**Debbie Stickney, City Recorder**