

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

Tuesday, May 24, 2011

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; Rich Faith, Community Development Director; Scott Anderson, Chief of Police; Dick Bohlmann, Building Official; Elizabeth McCallum, Senior Planner.

GUESTS: See Attached.

Mayor Kight asked are there any agenda updates?

Craig Ward replied staff is proposing that item #7, a discussion on the biosolids lagoon pilot project, be moved to June 14th.

MOTION: Councilor Anderson moved that item #11 be moved up between items #5 and #6. Seconded by Councilor White.

VOTE: Councilor Anderson – Yes; Councilor Thomas – No; Mayor Kight – Yes; Councilor White – Yes; Councilor Allen – No; Councilor Daoust – Yes; Councilor Ripma – Yes.

Motion Passed 5 – 2.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: May 10, 2011 Regular Meeting.

MOTION: Councilor White 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. PRESENTATION: 2010 Phoenix Award Grand Prize for the Troutdale Reynolds Industrial Park Redevelopment Project.

Joe Mollusky, Port of Portland, stated we are here to share an award that we received with our partners from Alcoa, FedEx Ground and the City of Troutdale. This Phoenix Award represents excellence in innovation in Brownfield redevelopment. We applied for this award last year. There were over 70 applicants. Our project, Troutdale Reynolds Industrial Park (TRIP), was selected as the Region 10 winner. EPA Region 10 includes Washington, Idaho, Oregon and Alaska. At the National Brownfield Conference in Philadelphia they select one of the regional winners to be the grand prize winner and we were selected as the grand prize winner.

Mark Stiffler, Asset Management-Alcoa, stated I want to comment on the long relationship that we have had with the City dating back before WWII. The relationship is so deep that your high school is named after the company. Most company's relationship with a city would have ended when we stopped production, which was in 2000. But I work for one of the best companies in the world and we believe that we need to leave our communities better than when we came. I think what we have done out here, through commitment and a lot of hard work, is we have taken an industrial site and repositioned it as a tax base and employment base for the next 100 years. Alcoa works hard to do this and we do it very well. With that said, you can't do it without creating trust and partnership. Working with the City has always been a pleasure. We found a great partner in the Port of Portland and a great first tenant in FedEx. We worked very close with EPA and Oregon DEQ and really came together as a team to move this quickly through a very complex process that has brought jobs and prosperity back to this valley. I think you are looking at a very bright future with a lot of great asset base to develop upon.

Rob Brigham, Hub Manager for FedEx Ground, stated it is a pleasure to be here today and I look forward to the continued relationships with the Mayor and the Port of Portland.

Mayor Kight stated for what you have all accomplished you were given accolades today at the Mayor's first Business Forum at Comfort Suite Inn. We discussed the project and the major investment in the cleanup. A lot of corporations walk away from this kind of property leaving the land sitting for decades before anything happens. We see Oregon as a place that is very concerned about the environment and we try to walk the talk. Being close to a small community like Troutdale we wanted this as an employment site and to that end I don't know how to thank you enough on behalf of myself and the rest of the Council because it really means a lot to this community.

Joe Mollusky, Mark Stiffler and Rob Brigham presented the 2010 Phoenix Grand Prize Award to Mayor Kight and the City.

5. REPORT: A report from Multnomah County Aging & Disability Services

Lee Girard, Community Services Manager, stated we provide you with an annual report (copy included in the packet) which is also a recognition and thank you for the ongoing partnership that we have with the City of Troutdale for the funding that you contribute every year to support senior services and support the services to the folks in your community. Multnomah County Aging and Disability Services Division partners with the YWCA, the City of Troutdale and other community partners to provide a range of supportive services to older adults, folks with disabilities and veterans helping them to remain independent, healthy and active in your community. For senior services in your area we have the East County YWCA Senior Center and we also have Loaves and Fishes, which is a nutrition provider serving all of Multnomah County. The kinds of services provided include: health promotion activities; nutrition services; case management services to folks who have complex needs and need additional help accessing services; information and assistance to access community resources; support for family caregivers who provide 80% or more of the support to people that need assistance; transportation services to seniors in your community; and in home care support such as bathing and housekeeping. We have services for seniors and people with disabilities that have extremely low income and who have health care needs and long term care service needs. We also provide protection for older adults who are being abused or being taken advantage of. In addition we have a veteran's services program which provides assistance to veterans who need help accessing benefits. Along with having funding that goes towards these programs, we also utilize a large number of volunteers to make sure that these programs are provided. The East County YWCA had over 5,000 hours of volunteer services provided and a number of those services were provided in Troutdale. Loaves and Fishes relies heavily on volunteers; they have only 3 paid staff members for the East County area and the rest of the folks are volunteers.

Lee Girard pointed out some of the highlights contained in the Annual Report (included in the packet) including: the change in the demographics; new transportation services that will take effect July 1st; the increase in demand for nutrition services, case management services, and family care givers; and, last year the YWCA provided almost 300 health promotion activities.

Kristina John-Baptiste, Manager of YWCA E. County Senior Center, shared some scenarios from folks in Troutdale that they serve. I randomly selected a few clients that live in Troutdale which just happen to be couples where one is the caregiver for the other. All of the couples are in there 70s or 80s. In two of the scenarios one of the individuals has Alzheimer's disease. This is a progressive disease and can go on for a long time and can be very challenging for the caregiver. The case management support that we are able to provide to that family caregiver is really critical. We can also apply for family caregiver funding through the Community Services Department at Multnomah County's Aging and Disability Services to provide the caregiver with a much needed break. This allows the caregiver to do their job and to help them keep their loved one at home, which for the vast majority of our seniors is where they want to stay. We also can provide some housekeeping assistance and bathing assistance through Oregon

Project Independence which is a state funded program that unfortunately is always seeking funding and has difficulty getting funded at the state level, but it is a very economical and critical service to the folks here in East County who are trying to remain in their homes. Other assistance that we sought for these couples includes special medical needs funds that can pay for things that aren't covered by their medical insurance such as dentures. We just find that the folks out here that are trying so hard to stay in their homes have mounting expenses and medical bills and it is very difficult to have their resources cover all of those expenses. We do what we can to access energy assistance and any other kind of assistance that we can on their behalf to help them remain in their home.

Councilor Ripma asked do the folks that you were just talking about have to go to the YWCA Senior Center in order to take advantage of your assistance?

Kristina John-Baptiste replied no. In fact we are required to go to their home to do an in-home assessment and we do so twice a year. The case management support is all done at the client's home.

Councilor Anderson stated the transportation initiative that is rolling out this year, is that a partnership with Ride Connection or is that something you are doing individually?

Lee Girard replied we have a new contract with Ride Connection. They will be providing volunteer transportation that takes folks door-to-door. It is supported by both TriMet and the Oregon Department of Transportation.

Councilor Anderson stated one of the complaints about Ride Connection is that when volunteers don't show up then there are no rides. Will this help grow that volunteer pool?

Lee Girard replied it will. Part of our partnership with them is that the rides that we will be paying for will be considered guaranteed rides which will be a big improvement.

Councilor Anderson asked what kind of marketing outreach to seniors do you do?

Lee Girard replied we do a variety of things at the County level. We have a number of different types of events throughout the year. We are doing classes and activities out in this area. We have some volunteers that have a partnership with Mt. Hood Community College to do classes at the college. At different times of the year we also work on getting articles into the local neighborhood newspapers. Kristina does a lot of work locally as our representative.

Councilor Anderson asked and this is available for all seniors, not just low income?

Lee Girard replied yes. Our biggest source of funding is the Older Americans Act, which is federal funding and it is targeted to all seniors.

Councilor Thomas stated I have known for awhile that the population is aging but it is amazing to see it in the chart. When you go from 1,300 to 1,700 people in the 60 years and older category that is quite a change. Do you work with Meals on Wheels?

Lee Girard replied yes. The Meals on Wheels program is provided by Loaves and Fishes.

Councilor Thomas stated I understand that awhile back they had trouble getting drivers in inclement weather. Are there any programs to try and help that?

Lee Girard replied that is always a challenge for us. Part of the challenge is that the volunteers that we have working in these programs need to have a criminal background check because they are unsupervised with folks and we want to make sure that people are safe. We have been working with Loaves and Fishes to increase their outreach for volunteers starting the month before bad weather starts.

Mayor Kight stated taking care of family members that have had to go into a nursing home or a senior assisted care facility can drain the family resources very quickly. I applaud your efforts to try and keep people in their homes; not necessarily because they get a better level of care, but because the costs to the people receiving that service are increasing. Oregon is the eighth oldest state in the United States as far as population. Could you give us a snap-shop version of how you are able to do that and keep people in their homes?

Lee Girard replied probably the best example would be to talk about Oregon Project Independence. It is a state funded program to provide in-home services for older adults who are not Medicaid eligible. They tend to be lower income but they are not at poverty level; they may have \$10,000 in assets. When we provide in-home services to those people it costs the state on average \$200 a month. If they had to go into a nursing home the state portion, not including the federal portion, would be \$2,500 a month and close to \$6,000 a month for the full cost. That doesn't include their Oregon Health Plan medical coverage.

Mayor Kight stated one of the issues you brought up was services for homeless vets. I mentioned to your staff that we are looking at doing something in Troutdale. Recently Clackamas County had what they call a stand-down. Could you tell us about the level of success that had?

Lee Girard replied I haven't been involved with the Clackamas County one. Our staff has been involved in a number of stand-downs in Multnomah County and they are always very successful. A stand-down is where a variety of different agencies that work with veterans come together and to do an outreach and a targeted event where they spend the day working with veterans to help them connect up with a wide variety of services.

11. RESOLUTION: A resolution censuring Mayor Jim Kight and calling for corrective action in order to protect and better serve the citizens of Troutdale.

Councilor Daoust stated this is a difficult topic, one that I really don't want to do and one that makes me nervous sitting here and having to go through this, but it has to be done. I will be the spokesperson for the entire council tonight.

To help me out tonight I was looking for some context to put this in before we go through the resolution. I looked at a city manager website to get a feel for some sage advice from city administrators/managers on how to handle situations like this and what it takes to have a city council that works as a team. That is really the bottom line here; the desire to have a team working up here for you – the people in the audience. I want to read some of what I found so that you can understand where we are coming from.

When we take any office or any appointment we have a role to fulfill and it is every official's duty to understand their role and not infringe upon the roll of others in the team. That is true whether you are a marketing executive, councilmen, a city manager or the president. Yes, elected officials have been entrusted with certain powers and responsibilities by the voters, but it doesn't mean they have no boundaries. It doesn't mean that people won't get elected who aren't suitable for the position. When you are on a council your power is through your vote. You do not have the right to represent a jurisdiction in day-to-day affairs unless the elected body specifically delegated that power to you. Any organization has to have a chain of command, a clear division of duties and a mutual respect for each other's roles in order to properly function as a team, and local government entities are all to subject to rogue officials who are ill-advised and don't understand the subtleties of their powers. They can cause a lot of havoc if they don't understand that.

Those are not my words; they are from city administrators that deal with all sorts of city councils. I think it sets the context for the team approach that every city council desires, and certainly that we desire as a council and mayor. We need to be a team and right now we are not. We have a rogue official that in my personal opinion, and others, just doesn't get it. I am sure that Jim will suggest that this is politically motivated, but I must sit here and tell you honestly that it is not. This has been going on for years; it is not just recent. It could have, or should have, been dealt with by the previous council because of some of the feelings that previous councilors have expressed on some of the same issues. The issue is at hand right now. There have been a lot of things that have kind of boiled over, and that is why we are dealing with it now with this council, as uncomfortable as it makes us feel. This is not about Jim's shed that turned into a house. We are not going to sit here and get into a technical argument about what defines a house. That is certainly one of the issues that made this boil over when people noticed the structure that he was building on his personal property. But we are not making this a technical discussion of whether the closets have doors on them, or whether the closets have clothes hanging rods in them; we are not going to go there. Our main issue, the real issue surrounding the house, is the improper use of his position to exert influence over staff each step of the way in the process, the multi-year process, even up to most recently. It is our impression that no other person sitting in this

audience would be able to build the accessory structure that Jim did. None of you could do that. The problem that we have with a lot of this is that staff is caught in the middle and we don't like that at all. We do not like staff being put in a position where they are uncomfortable, where they are seriously questioning what is going on out there. That is kind of one of the bottom line objections here, is our respect and admiration for city staff. I wanted to go through that to set the stage. I wasn't going to read through the whole resolution, but I am going to because some people don't know what we are talking about. Some folks are unaware of why we are censuring the Mayor, or maybe depending on how the vote turns out. Reading the resolution may highlight to certain individuals some of the reasons that the council feels the way they do at this point.

Councilor Daoust read the resolution (copy included in the packet).

Councilor Daoust stated we have the backup emails and paperwork to justify all of these points (in the resolution).

Mayor Kight asked do any other members of the Council have anything to say?

Council agreed that they preferred to hear from the public first.

Mayor Kight asked that folks wishing to speak on this issue please limit their comments to 4 minutes.

Mike Goss, Troutdale resident, stated all of you are waiting to hear what the public input is before you will weigh in and say what your feelings are; that is unfortunate but that is okay, you can figure out which way the wind is blowing. Jim Kight is like the energizer bunny; he beats his drum for Troutdale. He goes all over the countryside out of control. Some days I am one of Jim Kight's biggest fans and some days I would like to choke him. He doesn't play nice; he doesn't follow prescribed rules. Mainly he doesn't seek other peoples input before he shoots off in some direction. Jim is one of those people who as a self-employed person he is doing everything the right way. When you depend on yourself to get something done you get out there and you get it done. You don't stop and hold a committee meeting, you go out and do what you think is right. When you do that you are guaranteed to make mistakes. If you don't make any mistakes, and you don't have anybody to look at and say well you made a mistake, it is only because they didn't do anything. So Jim Kight gets out there and makes lots of mistakes but I think if you count them he might make five steps forward and three steps back. That is a net gain of two. I am happy about the two because that is the way that I have made a living also, full of mistakes, full of people who get irritated. That is why sometimes I want to hug Jim Kight and sometimes I want to give him a knuckle sandwich. Item #7 on your list of charges – Jim's personal letter on city stationary; what were you thinking. Jim has an acquaintance who was considering relocating his business to Troutdale so Jim gets the bright idea that he wanted to make sure that Troutdale was on this guy's radar, he wanted him to move his business to Troutdale. So without consulting with anyone Jim goes back to his office at City Hall and he drafts a letter. It is a letter to the man's son who recently graduated with honors from the Naval Academy. Jim's devious plan was that he would write a letter of congratulations to the son. The son would get it on city

stationary signed by the Mayor and he would be beaming and show his dad what he received from the Mayor and the dad would say cool, and Troutdale would suddenly be on dad's radar as a place he wanted to relocate. The letter never made it out of City Hall; it was considered unauthorized. The City Administrator at the time said it is not going to happen. The letter never made it out of City Hall to congratulate the young man who had just graduated and dad never considered further bringing his business to Troutdale. Now you can say that is Jim Kight usurping his power, shame on him. You can also say if that would have happened we might have a little more business in Troutdale. Jim played ready, fire, aim; he did not seek anybody's acceptance and he did not have a committee meeting. He just went out and did it. That is his style and that is why a lot of people can't stand him. Items 19, 20, 21 and 22, the infamous shed. You can interpret this thing fourteen ways from Sunday, but the charges are that Jim used his influence and brow beat city employees and intimidated them. He sure looks like an intimidating guy to me; I would sure be afraid of him. If it weren't for the fact that I am 64 and survived a 5-way bypass I would be terribly intimidated by Jim Kight. He intimidated and coerced city employees according to the charges. You as the council want a re-inspection. You didn't like the results of the last one. You want Jim to leave town while there is a re-inspection; that would be item two of what you want to see done. I think the whole thing is grossly unfair. Right now regarding what he has for the house, building, dwelling, for whatever you want to call it, right now we are in a dance hall but we don't call it a dance hall. Jim Kight deserves the same consideration based on usage.

Councilor Daoust stated I want to clarify that the city letter on city letterhead was not really the issue. The issue is how Jim handled the employee.

Paul Thalhofer, former Mayor and resident, stated this has been a long time coming, but it has arrived. In the City of Troutdale, as in most cities, we have a charter, municipal ordinances, state and federal laws, and just plain common sense. The elected officials are elected for the purpose of governing, they are not elected for the purpose of doing whatever they want to do whenever they want to do it and then see if they get by with it. I consider this, as a former mayor, to be very grievous. I am outraged by the conduct of Mayor Kight. One of the things that bothers me the most is when he lies to the city administrator. Lying to the city administrator, another government official, I can't believe that. Lying, come on we ought to tell the truth to each other, to our city administrator, city attorney, and city recorder whoever they might be, and especially to the other city councilors we ought to be telling the truth to them on behalf of the citizens of the City of Troutdale. Influence, no city employee is going to feel comfortable when the Mayor is telling them what to do or how to do it, or don't do it, whatever it might be in relation to the house that started out as being a shed but morphed into a house eventually. Who else can do that? Nobody. And Mayor Kight can't do it either. We have rules that should prevent things like that from happening. To let him get away with it; you couldn't get away with that Councilor Allen or Councilor White, none of us can because we have rules and regulations that govern this city. The undue influence part, the lying part, to me really is despicable and shouldn't be tolerated by this city council. Now he is going to get another chance obviously and we will see if he takes advantage of that chance. If

he does fine, but if I were a betting man I would bet that he won't because his pattern of behavior has been constant for the last four to five years.

Marni Zollinger, resident, stated I have no political similarities with anybody here tonight. My comment is that any person should expect an ethical treatment from this Mayor. I at least did not receive it. Would anybody like to raise their hand and say that they have consistently received ethical treatment from the Mayor, or equitable treatment, that he has behaved that way? No hands Mayor. None. I expect your resignation. I am calling for it.

John Wilson, resident, stated I want to thank you. I respect all of you. I have worked retail and wholesale as an independent person and I know where Jim comes from when he is out there promoting the city because he wants to do the best that he can. Sometimes you have to ask for forgiveness instead of permission. That is the way that a lot of business gets done. Not that it has to be done illegally, it is just that sometimes you have to go out there and try to get done what needs to be done. I think he has. I think he has really put an effort out to bring business to the City of Troutdale. Out of the whole City Council, and again I respect you all, he is the only one that I see out there that is banging the drum. People are not going to come to Troutdale unless they trip on this city; it isn't a destination location even though we would like it to be. It is a thoroughfare to the Gorge. I can't repeat what Mr. Daoust said as nicely, but I think we all need to get this behind us. There are things in the resolution such as the tools. I know that our scouts have used them without having to sign permission. I don't really understand how that works because nobody has ever come to me in my relationship with scouts to sign anything. I have known Jim for a long time and there were times, and there are still times, that I don't agree with the way that Jim presents things, or maybe just does things. But again that is being an independent business man. I think your management, and even the people that work for them, are very strong people. I don't really know how one person can be that intimidating to people who are supposed to be professionals, and I consider them professionals. I just feel that we need to get this behind us. Please reconsider some of the things that I really think are minor such as the tools, maybe the way he presents himself being the cheerleader. I think there is nothing wrong with that, I would like to see all of you do that. Lets just get this behind us and move forward.

Sherry Peterson, Portland resident, stated I have strong ties to Troutdale. I have been to quite a few of the Troutdale meetings. I was listening to the twenty-two points and it appeared to be almost like a witch hunt where every little step was monitored, was recorded, and written down. I was here when the resignation for the prior city manager came in and I know he was only a temporary interim manager. To say that Jim caused his resignation, I question. I think you all need to think very seriously and understand that there are styles of managing that each and every one of you have. Councilor Allen, you may not agree with Councilor Anderson, but what do you do. You talk to each other and you come to an understanding. You don't just present something like I have heard tonight that I find very shocking. I think that perhaps your managerial styles are different, but you need to listen to each other and understand that they are not going to just do your style. Isn't that the whole purpose of this congregation, or this council

meeting? That is you are representing this city to the best of your ability and that should be your objective, not petty little things that are going on. You need every style as a balance to each other; you need somebody who says okay I will go to Norm Thomas and say I think you are wrong in this lets talk it out. Do you ever do that?

Councilor Daoust replied yes.

Sherry Peterson asked do you go to Jim and talk.

Councilor Daoust replied we try.

Sherry Peterson stated I go with the biblical thing, two at a time and talk to your brother. He who is without sin should not cast the first stone because then none of you would be here.

Louise Litzenberg, resident, stated I have been politically active all of my life in the areas that I have lived in over the years. My first Troutdale council meeting was last November. I decided to get active again after years of being in business and not having the time. I walked into the city council meeting, the first December meeting, and I was appalled at Mayor Jim Kight and his demeanor, his interruptive manner. Now this may be nitpicking, but this is the base of the problem. You want to work together; you want to have a council and a mayor that work together. If you don't nothing gets done and it is the citizens of Troutdale who suffer. You've been called a drum banger, a sayer of good things for the City of Troutdale. This may be the case, but just because the ends were good did not justify the means in getting there. I agree with the young lady that was up here earlier. I think Mr. Kight, the right thing for you to do is to step down.

Rob Canfield, resident, stated I was once fortunate enough to be a member of the City Council and I have tremendous respect for the position that you are all in tonight. Councilor Daoust is correct, this is a problem that has been going on for quite awhile, but it is not an uncommon one with cities. We all received the League of Oregon Cities magazine and it had case studies just about every other issue about some city council somewhere having someone going off the reservation so to speak with respect to overstepping their responsibilities. I think it behooves all of you to remember that it is a team sport as Councilor Daoust said and your only power is voting together. None of you have the power to do anything by yourself. I have tremendous respect for the city staff; I think they are some of the finest people I have ever worked with. I think it would behoove everyone, not just Mayor Kight, but everyone to remember it is all about respect with the city staff. That is what you are here for; to work together and give the staff the respect that they are due. I do want to make a comment about one of the allegations of the Mayor lying to someone. While serving on the city council I discovered that as some people say, politics is the art of deception. Let's just say that there are members of city staff and the council that are masters of that art. I think it is just part of the game. One of the most distressing things in my term is when it got carried to an extreme point that really affected relationships and reflected in the decisions made by the city. I would encourage all of you to be a little less artful, and have respect for each other. You guys do policy and they implement it and really there

has to be a line between the two. I wish you luck with the vote tonight; I know you will do the right thing.

Kathy Mingis, Gresham resident, stated I have actually attended a few council meetings and I used to watch them on Comcast but I don't have that any more. I have fostered a lot of kids in my life. I have to tell you some things are micromanaging and they are distracting. When we over focus on things, or over indulge things then it makes them worse and makes them into really big deals. I don't want to point out anything in particular because I am just speaking in a general way. I have had foster kids that I might have clashed with personally, because that can happen with children. When you come from a foundation or platform for that it kind of sets us up for actually inviting other problems especially when we have a rogue person like Jim. Jim I have known you for a lot of years. My point is that you have a different type of personality and a different sense of humor that I think can be misinterpreted. It took me a long time to get to know Jim because he has an odd sense of humor. Some people don't know him and they take it wrong. But I like your heart and your perseverance; you are so excited about Troutdale. I just can't believe how you promote it in places that you don't need to. I really appreciate watching you do that. I think a mayor should do that. On balance, getting back to dealing with different personalities, I think as adults we need to be a little bit better at how we are treating one another. We have to step back a little bit and really do the citizens business. Maybe we need a refresher course on how to treat people. There is a solution here. I tell all of my kids, find a solution and it is not always kicking someone out. The only time I ever remove a kid from a group is when there has been violent aggressive behavior, otherwise if you remove them nothing gets learned. I don't agree with these two people that want a resignation because that doesn't set a very good example for how we really should resolve problems.

Ted Copher, property owner on the river, stated if anybody, whether it is councilors, me or anybody builds a structure that is not allowed in a floodplain they should be required to tear it down.

Christine Jacobson, resident, stated I have a question for Mayor Kight. How can you honestly stand before all of these people and say that the house on the back of your property is a shed?

Mayor Kight stated I will respond to that later.

Christine Jacobson stated in the town of Troutdale we're such a nice small town; I feel that it is very unfair that you are using your political power for your gain versus what is best for all of the other people in town.

Karen Schaof, West Columbia Gorge Chamber of Commerce, stated I am new to politics so I really don't know the ins and outs and I really hope that when I overstep the line, because I am one of those people who is always out there promoting, that people are gracious to get me in order right away. One of the worse school board meetings that I ever went to was when some of the parents came forward and tore my child's kindergarten teacher to shreds in front of the board members and she was in tears.

She was a woman who I enjoyed and my child enjoyed, but because of her personality other parents didn't like her. The school did end up making some concessions and working with her to resolve some of the issues; they stood by her and kept her on. In light of that I just want to talk about the Troutdale Mayor's Business Forum that I went to today. David Eatwell put it together and called it the Mayor's Forum because he felt if he called it Dave's Forum no one would come. He was frankly using the mayor's name to get the business owners to come. It was attended by a lot of the business owners in the Troutdale Reynolds Industrial properties because of the topics. He was very well received and very well liked. I want to read this letter that is a nomination for Troutdale Citizen of the Year and what this person has said is pretty much what the business owner of the Comfort Inn said about Mayor Kight; "I hereby nominate Jim Kight the honorable Mayor of the City of Troutdale as the 2011 Citizen of the Year. No other person in Troutdale has strived as tirelessly as Mayor Kight to promote the general welfare of the city through his relentless promotion of local business growth and job creation. Furthermore his ceaseless efforts to publicize and spread good will are unprecedented. Mayor Kight is constantly beating the bushes attending countless meetings and speaking with anyone interested in establishing a business in Troutdale. Remember the position of mayor is a volunteer position but he considers promoting Troutdale a full-time occupation. In the spirit of giving he has donated thousands of hours to make Troutdale a better place to live. This monumental effort is unsurpassed."

Mayor Kight called for a break at 8:32pm and reconvened at 8:44pm.

Mayor Kight stated before we took our break we heard testimony from the public. It is now time for the council discussion. Does anyone else on the council have any additional comments?

Councilor Daoust asked do you plan on speaking?

Mayor Kight replied yes.

Councilor Daoust stated I am wondering if you would like to speak now and then we could speak after you.

Mayor Kight stated whatever your pleasure.

Councilor Thomas stated that would be my preferred option.

Mayor Kight stated I have a written prepared statement. There is always the procedural thing; if I go first then there is the point counter-point and we could be here for some period of time. I think at the end there is some common ground, but there are also some things that need to be revealed that have taken place here at the City Hall. Things that have been shall we say suppressed, and sometimes with intent in order to protect the City and the City's reputation and credibility in the community.

Having said that, it appears that the political campaign for the office of mayor in Troutdale has already began. It is clear from the actions of certain members of our city

council that this document (the resolution) is intended to defame, slander and discredit the current mayor and thus take him out of the running for political office for the future. The resolution and supporting documentation is made up of half-truths and outright lies. While I will not attempt to go over the complete list of the complaints I will highlight what I think is the most important.

The first subject I will address is the building that was just completed on my property. I have been asked why I built it. The answer is rather simple. We manage a business out of our home as many in our community do. Particularly in this economy many people have a home based business. My wife has no desk space but operates off the floor of our TV room. There are bills and correspondence on, under the coffee table and anywhere else she can create space. In a word it is a mess. The second reason and possibly more important than having a work space and having things organized was to remove the business activity from our home environment so there could be a separation of activities.

When we decided to build an accessory structure on our property we hired a general contractor. We went to this considerable expense (added expense) because we wanted an arms-length transaction between the project and city staff. I knew early on that in my position as city councilor at the time I would be under intense scrutiny. Even though I had performed the duties of general contractor for my home and another family member on the property, I wanted to protect the city employees from criticism as well as my own reputation in the community.

The building project although basic in structure is very complex. First there is the building department which has rules that function under state law. Next there is the community service or planning department which has rules that are specific to Troutdale. Finally you have FEMA or federal regulations that supersede both local and state. All of these entities have rules that are very confusing and often in conflict with one another. That is why many general contractors will refuse to build structures in the flood plain. We were very fortunate in that the contractor that supervised our project has an excellent history of building in the flood plain. In fact his personal home was built in the flood plain on the Sandy River, which took five years to build and he eventually he had to go to the Oregon State Supreme Court before he could receive approval to build.

Our building has been designed by professionals including architects and engineers. We wanted to create a structure that would be a compliment not only to our neighborhood but the community at large. Another Troutdale Mayor Herman Blaser must have had the same idea in mind when he built his English Tudor just down the street from our property. Because he chose to build a home that was architecturally pleasing his home has become the template for new houses on that same property. Of course I am referring to the Beaver Creek Cottages.

Our building looks just like a house and in fact that was our intended desire. We wanted the appearance to match our home and our buildings. In fact it is painted the same color as the other buildings on the property so they all match. Additionally it is

immediately adjacent to Beaver Creek and parallels the creek. Since it has a high visibility factor we wanted to create something that was pleasing to the eye. It has two types of siding, a bay window along the side next to the creek, shutters on the windows, grids on the windows, decorative gable vents and a serpentine concrete block retaining wall.

What the interior building doesn't have is a full cooking kitchen which isn't allowed. It doesn't have a range and oven for example, or fully functioning bedrooms. The two spaces on the back of the building are designed as offices. There are multiple plugs for electronic equipment, desk lights that hang four feet down from the ceiling and office cabinets mounted on the walls. The rest of the space is taken up by wrap around desks, tables and filing cabinets. The reason we have the inset, which some people refer to as a closet, is because we did not want the filing cabinets taking up floor space in the office. The rooms are not that big, but we wanted them out of the way so if someone came in the room we would have a place for someone to sit. The building does not serve as a dwelling because it wasn't designed for that purpose. My personal life with my family is in the home next door.

All blueprints have been submitted to the city departments by the general contractor, approved, inspected multiple times and finalized. Even our city manager has been on site and inspected the property. We now have a certificate of occupancy for an accessory building, not an accessory dwelling. It has been a long process of over four years but the final product I believe is a visual compliment to our community. I have a copy of what is called the wet stamped edition of the original blueprint plans right here. What you are going to see is the wet version, again the original, and it is going to show 1,016 square feet. That was the original design for the building right from inception until completion; it has never changed. We never had any plans for a building of 768 square feet. It is on an 8½ x 11½ piece of paper; it was for a site design done by a pencil. There were never any blueprints for a concrete block building. We live in the flood plain. We wanted a poured wall, not a concrete block wall.

Councilor Daoust stated Glenn and I saw the first set of blueprints.

Mayor Kight held up a copy of the blue print for the audience to see (a copy was not submitted into the record). Not a dwelling, right here in red - separate electrical permits required. If you look at the bottom you have signatures from all of the different departments within the city. Keep that in mind as I give my comments. Perhaps the most egregious statements have been made by Councilor Daoust ...

Councilor Daoust interrupted and stated I represent the Council, those are not my comments.

Mayor Kight (continuing with his statement) are the assertion that city employees of various departments were conspiring to circumvent building codes and the permitting process. It is one thing to attempt to destroy the reputation of the mayor, it is quite another to attack with baseless, groundless and libelous comments the actions of our employees. The city employees knowing the intense scrutiny that would take place by

the public and others took extra precautions to make sure everything was done according to code. To cast aspersions on the employees is simply beyond the pale. At the very minimum this council should offer an apology to them. The theme of libel continues with the published article in the Gresham Outlook where I am unjustly accused of building a larger building than originally planned. Councilor Daoust's lack of knowledge of building and the permitting process is astounding for someone who has been on the city council for 14 years. In construction it is very common to make changes to the original design. The statement that I lied to city staff about the building size is on the face of it comical if it wasn't so serious. All changes made to the original plan are closely checked by all departments within the city and they have to sign off before it goes to the next department. This amounts to another libelous statement as quoted in the Gresham Outlook by Councilor Doug Daoust. I didn't lie to anyone Councilor Daoust, look at the blueprints that were submitted and approved. Remember you can't build until you have approval and during that process there are many inspections that follow to make sure you are following the plans. Any deviation the inspector can put a stop work order on the project till there is a satisfactory correction.

One of the complaints outlines that I have given direction to city employees after the charter change. Nothing could be further from the truth. Weekly I meet with the city manager to go over city business. He will attest that my requests go directly to his office and not to other city employees. The working environment, while described as negative, is in fact just the opposite. Many of these complaints are from months and years ago. Furthermore there is no supporting documentation or affidavits from anyone to support these recent allegations. Not a single one. However while we are on this subject we do have a recent example of Councilor Norm Thomas giving direction to city staff. This of course is in direct violation of our new charter. Recently he noticed that there were phone books delivered to our downtown businesses. Unfortunately the delivery service put the books in front of some of our businesses that were closed. Instead of picking them up and disposing them in his recycle bin at his home he asked if the police could issue citations to the vacant store front property owners. This of course would take a great deal of research time and money on the part of the police and staff to correct a very simple problem. As it turns out our public works department sent out an employee to walk the downtown and pick up the errant phone books. For a senior councilor member this exhibits poor judgment and a huge waste of staff time. Unfortunately this is not the first occasion when Councilor Thomas has given direction to city staff.

The other complaint on the part of Councilors Daoust and Ripma, and perhaps the entire council, centers on the appointment of our MPAC and JPACT representative at Metro. When I first took office as Mayor I was asked by Mayor Mike Weatherby of Fairview to serve as his alternate for MPAC. As it turns out I was at Metro on a frequent basis because of Mayor Weatherby's absence due to personal issues. Later he wanted to resign from that position and asked if I would continue to serve as the primary. The other mayors shared with me the history of the appointment process for this position. Apparently while Councilor Dave Ripma was serving on MPAC there were some serious problems. He was described to me by one of the mayors as being an embarrassment for east county cities at MPAC. The mayors were approached by Metro Councilor Rod

Park and he discussed the problem with them. All four mayors collectively decided that he would not serve as the primary representative and was removed from that position. The duties would be filled by one of the mayors. He was removed as a primary representative. From that time forward the mayors rotated the duties of being the primary and alternate. I then came before the council to seek their confirmation of the position and at the first meeting they all voted unanimously for the mayor to represent the five cities. There was a protest comment from Councilor Ripma but in the end he voted to support my appointment. I suppose he did that so that he could bring the issue up at the next meeting. So at the very next meeting there was a total reversal and Councilor Thomas was appointed. Apparently there was lobbying on the part of Councilor Ripma to contact certain select members of our city council and garner their support and the decision was overturned. It happened very quickly before anyone could respond to this complete reversal of a previous council decision. Not satisfied with that Councilor Ripma took it upon himself to orchestrate the appointment for the JPACT representative. He called every city mayor to gain support for the appointment of another cities' councilor. I know this as fact because the other mayors called me and wanted to know why he was doing this. The councilor that was recruited by Councilor Ripma has had no previous experience or engagement with transportation meetings or committees. While indicating an interest in serving on this highly important committee this councilor hasn't attended one local or regional transportation meeting. Not a single one! More importantly this councilor never appeared before this council to describe their qualifications for this position. Troutdale and the other four cities would clearly have been better served by someone with at least a minimum amount of experience and knowledge about transportation projects for our cities. Troutdale has a long list of transportation projects that require funding to support our economy and to provide jobs to our cities. Sadly we won't have the experienced representation that is necessary for these projects to materialize. The other cities and counties of course will be the beneficiaries. But apparently political expediency supersedes what is best for the city of Troutdale and East County.

The last allegation made by Councilors Daoust and Ripma, and members of this council, is the money spent for a facilitator for our city council. Apparently certain members of the council have selective memory loss and forget that the main reason we hired the facilitator was to address problems we were having with a city councilor that was making demands on our then city administrator David Nelson, city attorney David Ross and others. Had these demands been followed they would have been both illegal and put the city in financial jeopardy. Later Councilors Daoust and White met with this same councilor and he resigned from his position.

All of the allegations as it relates to city employees were from a year ago or more. Since then with the charter change and the new city manager things have changed. I am sure there are other salvos that will be directed towards me as they continue to strive to destroy and attack my character in the community for their own personal political agenda. If they choose to go down that road it will become more apparent to the public what their true motives are. Truly if they were seeking the truth they would have come to me early on to ask questions and these issues would have been resolved. Personal attacks upon me, my family and the city employees are destructive and self-serving. I

must say it is challenging to have a councilor on my right and left who have either had spouses, or they themselves, run for political office against me and to have lost.

It is my hope that there will be self reflection on the part of members who are looking to position themselves to run for the office of mayor and recognize that you don't promote yourself in the eyes of the community by trying to destroy and tear down someone else that serves on the city council. I want to thank all the members of the community who are here tonight. That is the democratic process.

Councilor Daoust stated that was very good Jim. That was perfect. That is what I expected. I heard what you had to say and that is what I expected because that is what we always hear; Jim denying everything, Jim not apologizing for anything, and Jim not seeing his ways. This is what we always see. This is what we have always, over the years, gotten back when we have tried to approach him. And we have tried to approach him. Glenn and I called him to try and meet with him, and he couldn't do it. We had an executive session with Jim, just the seven of us in private. This didn't have to be made public. We had a private meeting with him where issues could have been resolved a week ago, but they weren't because we got the same identical response in private. I feel for the mother that has to deal with different personalities. I know we are dealing with different personalities here, but this is going a little bit beyond that. It is going to the point where we just do not believe our mayor. We do not trust our mayor because we get the same response every single time. The fact that he called our allegations full of lies; I told everybody before that we have the documentation to back up every point we made either through emails or personal conversations with people. Glenn and I met with city staff before this whole thing boiled over. We got input from city staff. This is not the city council making things up. This is not the city council trying to destroy somebody. We do not have a goal of trying to destroy the personality that is Jim Kight. But we did not make anything up. Glenn and I saw the original plans that showed the 768 square foot shed. Those are the original plans, not the one he just showed. The original plans were submitted on September 18, 2007 for a 768 square foot, one room shed; a storage shed. He called it one big open room for storage. It was an open beam ceiling, one room on blocks. We saw the plans for it. And then things changed, and I fully realize things change. My brother-in-law is an architect and I asked him a bunch of questions from an architect's point of view, but I will get to that later. Things changed in June of 2008. In May of 2008, due to concerns about what was actually being built, additional site plans were dropped off. I think this is when staff got a clue of what was going on down there. This is a timeline provided by staff (not submitted into the record). After new questions were raised more plans for Shed B were dropped off. Shed B is the house. On June 12, 2008 there was a stop work order. The week before a site visit was made and they saw that the full basement had already been poured for Shed B, the house. So you put staff in a predicament of having a concrete basement already poured and then the plans roll in. That is the way I interpreted things happening and if I am wrong staff can correct me and I will say I am wrong. All I am doing is reading what staff provided (timeline). The set of plans he showed you was from June 2008, after the basement was poured the plans came forward for a house with two bedrooms, and that is what he just showed you. I asked my architect brother-in-law to draw me an office space and he drew an office space; there were no closets in the office space. You don't

include closets as you would in a bedroom. These are bedroom closets that are designed by an architect to look like and feel like a closet. The only things missing, because Jim took it to the 99th degree and then legally he stopped and didn't put the folding doors on the closets and didn't put the clothes hanging rod in the closets, but it is still a closet without those two things, and without the stove in the kitchen technically it doesn't qualify as a house, and that was what he was banking on; that it didn't qualify as a house. Those are the only things missing. Last week I saw some of the videos; they were beautiful. The U-Tube video goes through and he just shows the office spaces and all of the brand new office furniture he had just put in the room, they were beautiful. He didn't show the kitchen, bathroom, living room and he didn't walk down the stairs with the really nice banister and show the full basement. But Mike Goss, I think, helped him make a video just showing the two, what we are calling bedrooms and what he is calling offices. There was really nice office furniture in there, just put in there. Last week he got a Certificate of Occupancy that he requested that he showed right in front of the camera like, look what I got – a Certificate of Occupancy for this building, that he went to staff and asked for. To say he hired a general contractor to keep an arms-length away. We know Jim, that is kind of funny; to say that Jim would keep an arms-length away from anything. Jim does a great job of going out there like a lot of you have said and banging the drum for Troutdale; he does a wonderful job at that. I admire that he does that. He does a great job of that and we all benefit from that. But for him to say he hired a general contractor so he could keep an arms-length away from his house on his own property, that doesn't make sense does it. The fact is that a lot of the meetings that were held with city staff have Jim Kight's name on it. I was hoping I wouldn't get into a tit-for-tat here, but I have a hard time sitting here listening to the same stuff we usually listen to where it just rolls off of his back and nothing, guarantee you, nothing is going to be done.

Councilor White stated I agree with Doug. I was involved and I saw the original plans. I was pretty disappointed when I saw the final product compared to what it was originally started as. As for Jim's comment that we should have come to him, we definitely exhausted many efforts to communicate and handle this like we have with several other incidents to keep Troutdale from being exposed to looking bad by the Mayor. I wish Jim would have extended that same curtsey, which is why I tried to interrupt him during his speech that he read. No effort was made to talk to the people that he mentioned, or attacked I should say, in his response. That is another example of the type of behavior that we are putting up with and it is eroding the team spirit and the trust. I really worry for staff. I want staff to know that this council is going to back their concerns up and that they can come to us and they don't have to be afraid of their work environment.

Mayor Kight stated I want to respond to one of the comments. The general contractor in fact requested the Certificate of Occupancy. I am not going to ask staff because I don't want to get staff involved in the conversation. At least that is my recollection. We got a final; in other words everything was completed. We had to do some landscaping on the property before we could have the final. Everything else at that point had been done; the plumbing, electrical, structural and mechanical have already been inspected. The only missing piece was the landscaping, for which we got the final. Once you have the

final the next process is an administrative one where they give you a Certificate of Occupancy.

Councilor Thomas stated you talked about allegations and I thought I better clarify what actually happened with the phone book incident. I was approached by a business person and they asked if there was something that could be done about the phone books lying in front of the empty businesses downtown. I then called our Public Works Director Charlie Warren and asked him if there was anything that could be done. I did not call the police and ask for citations; that is not something that I would even consider. A citation for somebody throwing a phonebook on a front porch seems totally outrageous. At one point Charlie Warren eventually went down and picked up the phonebooks and discarded them. I had mentioned at the time that there was some misunderstandings, that if I would have had time I would have picked them up but I needed to check with staff to make sure that it was okay mainly because of where the phonebooks were. I have since called not only the city manager, but also Charlie Warren and individual city councilors and apologized for my actions and the misunderstanding that happened. That is the way I operate, and that is the way I believe we should operate. One of the things that I find interesting tonight is with the tit-for-tat, which I don't want to get into, but there are simple things that are happening here, and there are things that can be resolved. I would hope that as a result of the actions tonight that the Mayor will work with us and we can find a way to resolve these issues. There are many issues that we are still working on. The last thing that I would want to see, that has been quoted by the Mayor on several occasions, is a dysfunctional council. The council actually works very well together. The challenge for us has been working with the Mayor, which brings us to tonight. We spent a fair amount of time in our executive session trying to come to a resolution so that it didn't have to come to the public. That would be my preference. I don't like to air laundry; I don't think that it is beneficial to anyone in the end to have to do that. But unfortunately, I as an elected official I feel that we need to stand up for what is in the charter and ordinances of the City of Troutdale.

Councilor Anderson stated I have a limited history here with only 4 months serving on this council. I enjoy it except for tonight; this is not fun. As I read through this I think that if this were a private sector position, which is where I come from, and if it were an evaluation the comment might be, this is not a good fit. If you ran for marketing director, promoter, or cheerleader you are phenomenal. You are absolutely phenomenal at that and I will not dispute that because I have seen you action. But you ran for mayor and with mayor there are procedures and there are policies and most importantly there is a level of conduct that has to be lived up to constantly. I can't get away and behave poorly as an official of the City of Troutdale. I can't remotely come close to any line that causes somebody to look at me and say, there is that City Councilor Anderson, this wouldn't be happening, they will take care of him. I would not put myself or my family in that position whatsoever. The actions, the resolution in front of us, the rhetoric is sad but necessary. It is my fervent hope and faith that for your next remaining months, and who knows subsequent terms, that we can take something from this; that you can take something from this and look in the mirror and try to see what we are talking about. I pray that that happens. I really truly do because when you are on and you are out there

and you are doing what you do nobody can top you, but there is a procedure and rules and a level of conduct that we have to live up to.

Mayor Kight stated I share that same desire, to work with the city council. Maybe this is the fork in the road. As Councilor Daoust or maybe it was Councilor Thomas said, we don't like to air our dirty laundry in a public forum. But we are not unlike a family in some respects. As you sit in this city council chambers you know of family members that have a different personality than you do. You may or may not get along with them. But none the less because of that bonding of a family you work to make things happen. It is my hope, and I will work to that end, to work with members of the city council so that we can work together on projects that are sorely needed, particularly in this economy, such as the Marino block and urban renewal. If we take this same energy that we saw here tonight on the part of the city council it would be amazing what could be accomplished. Absolutely amazing. So, hopefully we can all start off with a clean slate, a clean chalkboard so to speak, and say why can't we work together or what can we do to work together to come up with solutions. An example, our public works director has been pleading with this council to face the problem of our deteriorating streets. If we ignore it the cost to replace them will triple and quadruple because we will have to totally replace the street. The Marino block, we are looking at a hole in the building. That block is an eyesore to our downtown. Seek out developers. Don't leave it up to other members of the council or staff, they are very busy. Urban renewal, some of you guys are really savvy on the computer. Go to your federal and state web sites and look to see if there is grant money that we could use in order to clean up that site. Very easy to do. The federal government is constantly putting out new grant money to do projects like this. Don't always leave everything up to staff, frankly they are overburdened and they could use our help. The Arch, we have a \$300,000 Arch in downtown and tonight as you leave the council chambers it is already sundown, you won't see it; there are no lights on it – none. \$300,000 steel arch and you can't see it. Go look for donation money like I have. I already have a \$2,500 commitment just by asking one individual. Those kinds of things make a tremendous change in our community because the community is looking for hope; they are looking for leadership. Again, my hope is to work with members of the city council in a collaborative and cooperative way. Maybe tonight we can start that process. If I as the Mayor have overstepped by bounds I apologize to city staff and from this day forward I will work fervently to make sure it doesn't happen again. Right now all requests on the part of this Mayor go to Craig Ward our City Manager. Everything, I don't care if it is a piece of correspondence or a letter, everything cycles through the city manager. I don't give direction to any of the city staff, and haven't since the charter change. It is important to realize that irrespective of what you have heard here tonight.

Councilor Daoust stated we have a very professional council and a very confident council.

MOTION: Councilor Daoust moved to adopt the resolution censuring Mayor Jim Kight and calling for corrective action in order to protect and better serve the citizens of Troutdale. Second by Councilor White.

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

Motion Passed 7 – 0.

Councilor Daoust asked that unanimously passed?

Debbie Stickney replied that is correct.

Councilor Daoust stated I would like to schedule a follow-up meeting. It may have to be a work session rather than an executive session. I guess what I am asking for is another work session with the council and mayor to follow-up with this resolution that has just passed to kind of clarify any corrective action that the city council may want to take. I don't know that it is that clear in some of the language in this resolution. I think we need to meet and discuss and clarify issues to make sure that this ball doesn't get dropped.

Mayor Kight stated I agree. I have had several people look at this and they are impartial, they are not political at all and some of them don't even know members of our council. When they read it they said if I were you as the Mayor I am not sure what your council is asking you to do. It is too vague; it is too obtuse. I think your suggestion for a work session is an excellent one and I support it.

Craig Ward stated I will ask our Recorder, Debbie Stickney, to contact the council and find out the most convenient times for the meeting, and we will go through the required notice procedures.

6. REPORT: A report on the Kitchen Renovation Project at the Sam Cox Building.

Dick Bohlmann, Building Official, stated initially to save money we felt a majority of the kitchen project could be accomplished through the use of volunteer labor and city staff. The city processed a large number of unsolicited volunteer applications from retired construction workers and other persons interested in working on the project. Volunteer hours have been documented to comply with applicable laws. Although the city has licensed electricians, a licensed general supervising electrician and a plumber on staff, it was recently decided to obtain bids for subcontractors in order to complete the electrical and plumbing installation. Skilled city employees have been a valuable tool in helping to prepare the design of the plumbing and electrical systems as well as the kitchen equipment layout. Unfortunately the Cox Building kitchen project has been delayed and put on the back-burner several times because of the time and effort required to investigate the structural problems at City Hall as well as other unexpected time consuming issues that have bogged down the Building Safety Department. To date there have not been any contractors lined up that have failed to produce results, or any negotiated "favor" deals as earlier suggested. Since the kitchen project started there have been three potential renters that have looked elsewhere due to us not having a kitchen. To prevent further delays we have made a decision to obtain bids and

outsource a majority of the remaining work as well. To date we have received plumbing and electrical bids and expect to have the project completed by July 12, 2011. Volunteers have donated time to the initial demolition and equipment removal, as well as repair of structural defects in the kitchen area. This work was completed on May 16, 2011. To transform a structure with wiring, plumbing and structural deficiencies and create a functional modern commercial kitchen within 3 weeks is not realistic. However, due to issues beyond my control I accept full responsibility for taking longer than originally planned to complete this project.

Councilor Ripma asked could you send us a copy of your report?

Dick Bohlmann replied I will email it to everyone.

Councilor Anderson asked how much revenue did we lose from the three folks that went elsewhere?

Dick Bohlmann replied if they would have decided to rent the Sam Cox Building, and if they were weddings which I believe they were, it could be up to \$1,000 per rental. This occurred some time ago; we do have future rentals booked.

Councilor Thomas asked what was the original projected completion date?

Dick Bohlmann replied we were shooting for the first of June initially.

Councilor Thomas asked is there any possibility of getting it completed before July 12th?

Dick Bohlmann replied we are expediting it any way we can.

Councilor Thomas stated I understand what the process is; when people ask it is nice to be able to answer. The target is July 12, but sooner is always better if we can without losing quality.

Mayor Kight asked when you were doing the remodel did you find anything else that was structurally a problem that may have been covered up with sheetrock?

Dick Bohlmann replied yes. We were missing headers and bracing. There was also some kind of a wood weevil, but we had Orkin come out and they are gone now.

Mayor Kight asked was there any dry rot?

Dick Bohlmann replied very marginal. The plumbing and electrical systems were way out of code so we are stripping that all out and replacing everything.

Councilor Thomas asked are you planning to insulate since you have all of the walls exposed.

Dick Bohlmann replied yes.

Councilor Allen stated I just want to emphasize that expedience is good, but of course still doing the job right. I think you already know that.

7. DISCUSSION: A discussion regarding the Biosolids Lagoon Pilot Project.

This item was pulled from the agenda and will be put on the June 14, 2011 meeting agenda.

8. PUBLIC HEARING/ORDINANCE (Introduced May 10, 2011): An ordinance amending the Troutdale Comprehensive Land Use Plan, Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources, in fulfillment of Task 5 of the City's Periodic Review Work Program.

Elizabeth McCallum, Senior Planner, stated this agenda item and the next two agenda items are products in fulfillment of the City's Periodic Review Work Program to update goals and policies under the statewide land use planning program. Periodic review began on October 1, 2008. Task 5 of the Work Program, approved by Oregon DLCD on April 15, 2010, included the following activities:

- Update the open spaces, scenic and historic areas elements of the Comprehensive Land Use Plan under Goal 5 and include an updated inventory of historical properties and the list of scenic areas, vistas and viewpoints.
- A report on the City's current historic preservation program and measures to improve it.
- Update and amend the Comprehensive Plan and Development Code as needed.

At your December 14, 2010 meeting Council directed staff to proceed with those recommended amendments to our ordinances. The ordinance for this agenda item is amending the text of the Comprehensive Land Use Plan Goal 5 with respect to our historic preservation and the narrative about the history of Troutdale. The ordinance was introduced to you two weeks ago on May 10th. There are no changes to the ordinance, or the language in the proposed text amendments.

Councilor Allen stated on page 8 of Exhibit C, Policy 13 reads, "Appoint a Historic Landmarks Commission to actively promote preservation of Troutdale's historic landmarks and resources and to reasonably protect historic landmarks and resources from inappropriate exterior alterations and untimely demolitions." I am very interested in history. I don't know what my reaction would be if one of our treasures were to be demolished. But I am reminded that during our Citizens Advisory Committee (CAC), Planning Commission (PC), and town hall meetings we talked to our residents about using a "carrot" approach. So when I read this section, and the subsequent two items that are coming up, I see actively promoting preservation of Troutdale's historic landmarks and resources as a carrot. I like that; I support that. Where it says to reasonably protect historic landmarks, that infers a "stick" that you see in the later two ordinances that are coming up. What concerns me is that what we told the citizenry that showed up at the meetings, and what we are finalizing here is different. The citizenry seemed to me to be supportive of historic preservation and they seemed

excited about incentives, but they were nervous and concerned about possible sticks that might be there and we assured them that there weren't any. This seems to be going the opposite way. I am conflicted because I like historic structures.

Councilor Thomas stated I am not sure I understand your concern Councilor Allen.

Councilor Allen stated my concern is that in previous meetings we talked about incentives to help folks fix up their historic landmarks – the carrot approach. But if you read this, and the next two agenda items, what we are creating is a quasi-judicial level of government that is going to tell people what they can and cannot do with their property, which is different than what we sold to the public.

David Ross, City Attorney, stated that is only after someone voluntarily puts their property on the list.

Councilor Allen stated with the exception for anything that is on the state list...

David Ross stated the federal list.

Elizabeth McCallum stated the federal register of historic places, which the State Historic Preservation Office (SHPO) manages.

Councilor Allen stated which we have no control over.

Elizabeth McCallum stated we are really getting into the third text amendment but briefly the SHPO...

David Ross interrupted and stated before we go there, in response to what I perceive the question to be, this is a voluntary program. Once you sign up your property to the voluntary program to receive tax incentives, then you would be subject to the restrictions of the program. But first you have to voluntarily sign up to be so regulated. Is that an accurate summary?

Elizabeth McCallum replied yes. The standards will only apply to properties that are designated historic landmarks, and there will be no property added to that list if the owner of the property is opposed to it.

Councilor Allen stated lets take Edgefield, they are on the National Historic list.

Elizabeth McCallum replied voluntarily they participate in that.

Councilor Allen asked does that mean that they can pull out at any time?

Elizabeth McCallum replied that is correct.

Councilor White stated I was trying to find where it actually says that. Where does it state that it is voluntary?

Elizabeth McCallum stated we are jumping ahead to Agenda Item #10 which has the actual implementation standards. Where that comes from is under designation of historic landmarks.

Mayor Kight stated we are doing this out of order.

Councilor White stated I can wait. Are there setbacks from an historic site for an adjacent property owner?

Elizabeth McCallum replied no.

Councilor White asked who prepared the modernization of the historic narrative?

Elizabeth McCallum replied Connell and Associates, the consultant that we hired.

Councilor White asked do you know when the original one was written?

Elizabeth McCallum replied it is my understanding that the one that is in the code now was put together during the last periodic review which began before 1990 and it was updated in 1990. We had a narrative for our very first Comp Plan back in the 70's.

Councilor White stated I noticed that the Bissinger Water Tower is listed. Are there any other historic sites within the Urban Renewal District?

Elizabeth McCallum replied that is the only structure that I know of that is in the Urban Renewal District. That is not a designated landmark, it is just an inventoried historic property, or resource as we call it.

Councilor Anderson asked did you just say that we hired a consultant to write a narrative for the history of Troutdale?

Elizabeth McCallum replied yes. We received a grant as part of our periodic review so we hired a couple of women who are experts with history and the Goal 5 requirements for historic preservation.

Councilor Anderson asked as a condition of that grant did we have to hire a consultant to write this, or is that something that our Historical Society could have chimed in on?

Elizabeth McCallum replied they could have. I know that our consultants worked with the Historical Society.

Councilor Thomas stated looking at Policy Items 13 – 16 (page 8 of Exhibit C), one of the things that I am a little concerned about is the time to do some of these, like the application process under Policy #14, and the benefit we get from that.

Elizabeth McCallum replied the benefit of having a Certified Local Government status is that we, as a city, can apply for state grants to help us do some of this additional research on historical properties. That is one of the main major benefits. Elizabeth McCallum read the following from a handout entitled "Certified Local Government (CLG) Program" (copy included in the packet):

The CLG program offers recognition to local governments that through their own initiative have established a local historic preservation program. This nationwide program of financial and technical assistance is administered by the State Historic Preservation Office (SHPO) of Oregon. The CLG Program helps local governments actively participate in preserving irreplaceable historic resources as assets for the future.

The benefits are:

- Increases local preservation activities, and links local governments with the nationwide preservation network made up of a variety of federal, state and local organizations;
- Eligible for grants to assist in the local preservation programs such as historic survey work, preparation of National Register nominations, education programs, publications, staff support, workshops and preservation events through matching funds;
- Receives technical assistance and training from the SHPO about historic preservation. Elizabeth McCallum stated this one of our identified goals. The Historic Landmark Commission would actually have some expertise in historic preservation and that is why the recommendation is coming to create that commission as opposed to relying solely upon the Planning Commission for the quasi-judicial decision.
- Access to a nationwide information network of local, state, federal and private preservation institutions;
- Promote pride in and understanding of a community's history through its preservation ordinance and commission.

Mayor Kight opened the public hearing at 10:10pm.

Sharon Nesbit, unofficial historian for the City of Troutdale, stated I wrote your town history, *It Could Have Been Carpdale*. I would like to speak to the Landmarks Commission and to this particular Goal 5 Periodic Review. The City engaged Sally Donovan, who I consider to be one of the finest of the Columbia Gorge Historians. I have worked with her on many projects over the years. I couldn't turn Sally down when she asked for some help and contribution. I think this is a really good effort to look at the list again. I was surprised at a couple of things that have happened; people who agreed that they would like to be historic sites. I see that as an effort that we haven't had before. I told Councilor Ripma that the reason we need a Landmarks Commission is because one of these days I am going to be dead. In the last 20 years I have basically engaged in historic preservation in Troutdale as a form of gorilla warfare because there was no point in coming to the city for things like that. To a certain degree, somewhat like Mayor Kight, I went out and promoted it independently

on my own and talked people into not doing things, or doing things, or trying to do something different. We have the old church up here on the hill because the Historical Society worked really hard to help the first restorer of that church, and then the second person that came along did a fabulous job. It is on the National Register. I came here tonight to support a Landmarks Commission. I just finished a 4,000 mile trip through the western United States and I can tell you that after looking at the enfranchised suburbs of the west that you cannot tell Barstow from Santa Barbra because all of it is the same buildings done by the same national franchises. The only thing that makes a city unique is its historic sites and the efforts to preserve them. Whatever we can do in that regard I am all for it.

There were questions raised about the history narrative; Councilor White you prefer the original language.

Councilor White replied yes for some specific reasons.

Sharon Nesbit stated I can tell you that I didn't write the original narrative. It is clear that I contributed some things to it, but it is also wrong in several respects. The new one reflects new information and things we have learned since. It appears to me that Sally took a lot of it from my book. It is accurate and it correctly reflects our history as we know now. If you have specific things I would be happy to talk about it.

Councilor White asked could you point out some of the errors?

Sharon Nesbit stated one of them was the Lewis and Clark campsite. As Dave Ripma said during the Lewis and Clark Bicentennial they slept in Washington but the schlepped in Troutdale. Their camp site really was on the opposite side on the Washington shore. They did come over here to hunt and they did a lot of research in the Sandy River Delta and they found a lot of spring flowers and new species in the Sandy River Delta that they had never seen before. They got three bear cubs also which they sold to the Indians. They did a lot over here but they slept on the other side. They almost always slept on the Washington shore because of the exposure from the late sun; they needed a warmer camp.

Mayor Kight closed the public hearing at 10:20pm.

Councilor White stated regarding the modernization of the historic narrative, I like the older one with some edits. One of the reasons I like it better is because it talks about the bond measure being approved and that is kind of an historical fact that I think needs to be included. On page 3, the second paragraph where it talks about Flag Island, I know that was a major point of debate when they made the Sandy River navigable and I am glad it is in the narrative. I would prefer to keep the original narrative with some edits.

Mayor Kight asked why was this removed?

Elizabeth McCallum replied our consultant rewrote it and it was reviewed by the CAC and PC. With respect to why it was removed I really don't have a comment because I didn't have my hand in editing this.

Mayor Kight asked is the statement about Flag Island inaccurate?

Sharon Nesbit stated I don't think it is accurate. I think it could be called into question. In regard to Flag Island it is likely, but not certain, that Broughton raised the British flag there, or even that he raised a flag. We know now, because of further exploration of the journals, that they were on the other side of the river. In fact this citation is from the Columbia Region Association of Governments (CRAG), which was how many decades ago that that would have been used for information. It is outdated and I don't find it correct. I wouldn't bet money that Flag Island was where the flag was raised; it was in the vicinity. For all sorts of reasons Sally removed that statement because it is incorrect.

Mayor Kight stated so there is no supporting documentation.

Sharon Nesbit stated I would have a tough time defending it now. Why do you think it hinges on the navigability?

Councilor White replied it was a point of contention during that debate. There was talk that part of the reason that they felt it was navigable was based on the Lewis and Clark expedition, but the argument was that the channel was recreated by the Army Corp of Engineers and the original channel was near Flag Island.

Sharon Nesbit replied you are very correct about that. The Sandy River had two mouths when Lewis and Clark arrived. One of which years later was called Little Sandy is the present channel. In the late 1920's a movement in Troutdale, largely by the gun club, saw to it that the upper most or eastern most channel was dammed. The notion was that by damming that they could force all of the water into the Little Sandy and ensure that the smelt would come back every year. It was largely for smelt runs that they did this. That dam still exists and the US Forest Service is about to take it out. It is a National Register eligible site which raises all sorts of questions, but they have gone through the process and no one has objected except for Len Otto. So that dam is likely to come out and the Forest Service will attempt in 1000 Acres to restore both mouths of the Sandy River as it was when Lewis and Clark came. The navigability issue may have also related to the rafting of railroad ties down the river because when they closed off that channel and it forced all of the flow into the Sandy River as we know it now, it could have improved the rafting of railroad ties. That was what made the Sandy River navigable, was as early as probably the 1890's they started fluming railroad ties into the Sandy then they would ride them down here to Troutdale and the river would be backed up as far up river as you could see with solid railroad ties. The navigability issue partly stemmed from that use.

Councilor White stated I wouldn't mind taking the historian's correction regarding Flag Island, but as a whole body I prefer the original. I am suggesting that the Council consider keeping the original with some edits as an option.

Councilor Daoust stated I am okay with that as long as the discrepancies are corrected.

Sharon Nesbit stated I find some of it a little vague. At the time when this was first written we were writing around stuff we didn't know. The new one is more specific. I am more concerned that Councilor White is seeing something in here that he doesn't see in the other one that we should add.

Councilor Daoust stated I was thinking that too. If we accept the new one, is there some language in the old one that we should transfer to the new one. Sharon is saying that the new one is more accurate.

Councilor White stated the first paragraph where it talks about the bond measure because that is an historical fact.

Sharon Nesbit stated that is in the Open Spaces and Scenic Areas section.

Mayor Kight asked Mr. Ross what is the best way for us to handle this? Apparently there seems to be some discrepancy as far as accuracy of the information.

David Ross stated this is the second reading; this was introduced two weeks ago so if there was going to be major edits made they should have probably been done at the introduction rather than now. If there are going to be major edits made now, we may have to do it another time.

Councilor Anderson asked can we postpone to a date certain?

David Ross asked are we talking about two sentences, one paragraph, or eight paragraphs?

Councilor White stated I took a different approach. I took some very minor housekeeping things that are fine to leave in the original. What I wanted to add to the original was the section on page 6 the final paragraph where it says Troutdale celebrated its Centennial in 2007; add that section to the original text.

David Ross asked do you mean restore all of the language that has been stricken?

Councilor White stated I can go through it line by line. Starting on page 2 – The City's Parks Master Plan, those types of minor changes I am fine with. There are no changes to the front page other than what has been stricken. On page 3 I would restore everything that was stricken. I would be willing to consider a correction about the Flag Island statement.

Sharon Nesbit stated in regards to the Lewis and Clark camp site it mentions the Reynolds Aluminum property, which would no longer be relevant. It is a dated document. If you just restored the text that has been stricken it includes a lot of outdated information, including the Reynolds Aluminum property.

Councilor White asked wouldn't that be a historical fact?

Sharon Nesbit replied you could say the former Reynolds Aluminum property now the Troutdale Reynolds Industrial Park. In order to make it completely accurate you can't restore it as is because it has errors.

Councilor White stated I would be willing to work on a compilation of the two narratives.

Mayor Kight stated maybe you could email Sharon what you believe should be in the document and she can review it and make some edits. I don't know that we can make these edits tonight.

Councilor Thomas stated I am not sure we have a consensus to change it. In reading the new language and comparing it to the old, I am not sure that we are missing that much. I am not sure that restoring some of the statements in the original documents gain us much. It appears to be accurate to me.

Councilor White stated part of my concern is with the underline tones in the new narrative. Also, I was involved in the navigability study and I know there is some debate over Flag Island still remaining. I apologize; I realize that this is the second reading but as you can understand after tonight's meeting we had some other business to attend to or I would have done this in a more timely fashion. At the first reading of this I thought we should have had a work session, but that didn't occur.

Councilor Allen stated I don't wish to rush it through unnecessarily. If Councilor White has some changes that he is concerned about I would be willing to wait and see what he proposes and hear this again at another meeting.

Councilor Anderson stated I would tend to agree with that. This goes to the whole cooperation issue. It is obvious that Councilor White has some concerns. I don't see an issue with kicking this back and having it vetted. Mr. Ross, can I make a motion to postpone the reading of this until a date certain, is that allowable?

David Ross replied you can do that.

MOTION: Councilor Anderson moved to postpone the reading of this item to June 14, 2011 for Councilor White to better articulate his concerns in a more relaxed and focused atmosphere with the staff and Sharon Nesbit to make sure his concerns are fully addressed. Seconded by Councilor Allen.

David Ross stated I would like to clarify that if this item is going to be moved to a date certain of June 14th then everything will be due in the Recorder's office on June 7th.

MOTION TO AMEND: Councilor Anderson moved to amend his motion to postpone this item to June 28, 2011. Seconded by Councilor Allen.

Motion As Amended Passed Unanimously.

9. PUBLIC HEARING/ORDINANCE (Introduced May 10, 2011): An ordinance amending the Troutdale Municipal Code Chapter 2.20 Committees and Commissions, in fulfillment of Task 5 of the City's Periodic Review Work Program.

Mayor Kight read the ordinance title.

Elizabeth McCallum stated the purpose of this proposal to establish a Historic Landmarks Commission is to fulfill Periodic Review Task 5. In preparing for this meeting I identified some inconsistency in the scope of the Landmarks Commission's decision making role under subsection 2.20.095A. That language needs to be consistent with the proposed scope of their duties established decision making procedures that are proposed in the Troutdale Development Code Chapter 4.200, which is agenda item #10. In my staff report on page 2 the wording change is shown in redlined format. This language is being proposed by staff as a change to what came forward from the Planning Commission (PC). Right now the language says that the Historic Landmarks Commission makes recommendations to the City Council on the designation, demolition and relocation of historic landmarks and the periodic update of the historic resource inventory. That first phrase "The Historic Landmarks Commission makes recommendations to the City Council" was copied directly from what the PC does. The way the standards and the procedures have been drafted and recommended to you by the PC is that the Historic Landmarks Commission wouldn't make recommendations they would actually make the Type III quasi-judicial decision. In other words, unless it came to you on appeal it would simplify the process for the interested property owners to end at the Type III procedure.

Councilor White stated on page 3 under authority where it talks about the Troutdale Comprehensive Land Use Plan Goal 5 and Section 2.20.095, when I read that it sounds like this committee is in charge of more than just the historic preservation. Do we need to clarify that?

Elizabeth McCallum stated Section 2.20.095 is the section of the Municipal Code Chapter that we are talking about, and those authority items are outlined on page 4 and 5.

David Ross stated the reference to authority I believe is not the authority of the commission, but the authority of the code that creates the commission.

Councilor White stated on page 4 under Section B where it says the city council should consider individuals for the Historic Landmarks Commission that have demonstrated an interest in historic preservation and ideally have experience, training, special expertise or knowledge in the field of historic preservation. I kind of disagree with that. I think it should be open to anyone that has a passion for history and is willing to serve on this committee.

Mayor Kight stated I think the operative words are “shall consider”. It doesn’t preclude others.

Councilor Anderson stated I don’t take that to mean it is binding.

David Ross stated it is just a suggestion.

Councilor Allen stated this is obviously out of order for me because it is hard for me to vote on a quasi-judicial layer of government without going over the volunteer section that we talked about earlier where it is voluntary for someone to have their name on the list. What is the procedure for taking them off the list? And are they automatically on the list if they are in the National Register? Those rules may change without our knowledge. I am still concerned about what I mentioned earlier. It is hard for me to vote for a control process when I don’t know what is being controlled.

Elizabeth McCallum stated I will need direction from Council if you want to jump to item #10 first and then come back to item #9, which you can do by making a motion.

Mayor Kight stated giving the lateness of the hour, I am wondering if we shouldn’t postpone both items and bring them back at a later date.

Councilor Anderson stated I would entertain holding the entire thing over.

Rich Faith stated staff is available at anytime to meet with any councilor to answer any questions or clear up any confusion regarding this so we are all better prepared to move forward at our next meeting. We are technically under a little bit of a time constraint in terms of satisfying conditions of our Periodic Review grant and the timeline that we are supposed to be meeting. We are still okay but if we move this out too far we could jeopardize some of the grant funding in terms of satisfying the conditions.

Councilor Thomas asked what is the deadline?

Rich Faith replied the end of June.

David Ross stated agenda items 8 and 9 are the second readings and agenda item 10 is an introduction. So if item 10 is postponed until June 28th then your second reading wouldn’t be until July, so that would put that item behind schedule. As an alternative, since we have already scheduled the second reading on one of the ordinances to be held on June 28th, we could schedule this ordinance as well for the 28th and schedule

the first reading of agenda item 10 for June 14th and then you would have the second reading of all three ordinances on June 28th.

MOTION: Councilor Anderson moved to postpone the second reading of agenda item #9 of tonight's agenda to June 28th. Seconded by Councilor Ripma. Motion Passed Unanimously.

10. PUBLIC HEARING/ORDINANCE (Introduction): An ordinance amending the Troutdale Development Code, Repealing Chapter 4.200 Community Resource Protection and replacing it with a new Chapter 4.200 Historic Landmark Protection, Task 5 of the City's Periodic Review Work Program.

MOTION: Councilor Anderson moved to postpone the first reading of agenda item #10 to June 14th. Seconded by Councilor Ripma. Motion Passed Unanimously.

11. RESOLUTION: A resolution censuring Mayor Jim Kight and calling for corrective action in order to protect and better serve the citizens of Troutdale.

This item was heard after item #5.

12. STAFF COMMUNICATIONS

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

- The flower pots downtown are now out as directed and authorized by the City Council.
- I will be on vacation from May 30 through June 10. I have asked David Ross, City Attorney, to be the acting City Manager in my absence.

13. COUNCIL COMMUNICATIONS

Councilor Thomas stated we have previously talked about the towing ordinance; I will follow-up with staff on that later.

Councilor Thomas stated the Economic Development Subcommittee will be meeting again on June 14. At this point we are looking at some modifications to the Storefront Program which will be forwarded to the City Council.

Councilor Thomas stated I received an email today about the CP3 request that our City Manager sent out. I would like to schedule a work session as soon as possible.

Mayor Kight stated you mentioned that the flowers were up but I noticed that only some of the banners are up. Do we have more banners to go up?

Craig Ward stated I will check with Public Works.

Councilor White reminded folks that the Sandy River has changed dramatically due to high water and the lifeguards do not start working until Memorial Day weekend.

Councilor White stated I received an email from Len Otto who had concerns about the repair done to the Stark Street Bridge. Rather than repairing the historic stonework it was repaired with concrete. I know we have some damage occurring on the Troutdale Bridge with the same stonework and I would hope that there are measures to restore that in an historical manner rather than just using concrete.

14. ADJOURNMENT:

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

Meeting adjourned at 10:55pm.

Mayor Jim Kight

Approved June 14, 2011

ATTEST:

Debbie Stickney, City Recorder