

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

**Tuesday, June 28, 2011**

**1. PLEDGE OF ALLEGIANCE, 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 (via phone), Councilor Allen, and Councilor Daoust.

**ABSENT:** None.

**STAFF:** Craig Ward, City Manager; David Ross, City Attorney; Rich Faith, Community Development Director; Elizabeth McCallum, Senior Planner; Erich Mueller, Finance Director; and Sarah Skroch, Deputy City Recorder.

**GUESTS:** See Attached List.

Mayor Kight asked is there an agenda update?

Craig Ward replied I'd request that item #6, the Business Recycling Ordinance, be pulled from tonight's agenda.

**2. CONSENT AGENDA:**

**2.1 RESOLUTION:** A resolution providing for changes in non-represented employees health insurance benefits.

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

**3. PUBLIC COMMENT**

None.

**4. MOTION:** A motion to reconsider the vote taken on June 14, 2011 to contribute \$2,000 to SummerFest.

**MOTION:** Councilor Thomas moved to reconsider the vote taken on June 14, 2011 for a contribution of \$2,000 to SummerFest.

**Councilor White stated I'd like to request that we reconsider the vote. I had a conflict of interest that I was unaware of that night. My plan was to donate the \$200 to SummerFest, which I have already done, but it still represents an actual conflict. I will not be voting or participating in tonight's discussion.**

**Mayor Kight stated we have a motion to reconsider. Mr. Ross, how would you like this handled?**

**David Ross replied there needs to be a second and the motion needs to be made by a Councilor who was on the side that prevailed when it was initially considered. Councilor White could second it.**

**Mayor Kight stated we have a motion on the part of Councilor Thomas. Would you like to second it Councilor White?**

**Seconded by Councilor White.**

**Motion passed unanimously.**

Mayor Kight stated the matter is now before us.

John Wilson, Chair of SummerFest, stated we were e-mailed a list of about 10 people to contact. Those people have been contacted without a positive or negative response. There were about 10 other people that were visited by the Chamber. Financially there has been no increase in the amount of funds that SummerFest has been able to acquire. We've made adjustments in our entertainment. Contracts have gone out and some people have been put on hold until after tonight. We have a deadline of today for The Outlook but I got that extended. Originally we agreed with The Outlook to cover up to \$1,500 for the back cover and the total came to \$1,445. This insert from The Outlook normally would cost \$4,000 but they are only going to charge \$2,000. They are helping to support SummerFest by absorbing some of the cost themselves. Our committee has put together the back page which may be adjusted after tonight. What we would adjust if the vote does not bring back the funding would be the Kidz Zone. We've also put the City of Troutdale as the presenting sponsor across the top of the ad. Whatever happens tonight, the City of Troutdale will remain at the top.

Mayor Kight stated I went to breakfast at Shirley's Tippy Canoe and she donated \$100 towards SummerFest.

Councilor White stated I would like to declare an actual conflict of interest and I remove myself from discussion and voting for this item.

**MOTION: Councilor Thomas moved that we contribute \$2,000 to SummerFest as the keynote sponsor. Seconded by Councilor Allen.**

**Councilor Anderson asked what do we get as the title sponsor of SummerFest?**

**John Wilson replied you are listed in all of our advertising, you've been promoted on cable television, and you get a booth. One of your committees has already asked us for a booth which with gave them. If you don't personally need it then we could give it to them. You would be on our banner.**

**Councilor Anderson asked what committee has asked to have a booth there?**

David Ross replied the Public Safety Advisory Committee.

Councilor Anderson stated since our last discussion you have reference the e-mail that I sent with a list of suggestions. I applaud you. You called everyone on that list. I'm sad to hear that you didn't elicit any cash but I'm pleased to hear that you didn't have doors slammed in your face.

John Wilson replied nobody said they didn't want to talk to us and to go away, so that's positive.

Councilor Anderson asked what is the likelihood of any monies hanging out there two weeks before the event?

John Wilson replied zero to none. We're 3 weeks out now and tonight will be it because we have to focus on other things. If something get's dropped in our lap then we'll pursue it but we've got lots of details to attend to.

Councilor Anderson stated my big issue initially was that it appeared that not a lot was being done on the revenue side. I'm encouraged by what I'm seeing.

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

**Motion Passed 4 – 2.**

**5. RESOLUTION:** A resolution amending Section 1, General Fees, of the Fees and Charges Schedule adopted by Resolution 1954 and amended by Resolution 1973, 2040, and 2091, to eliminate amusement device fees.

Erich Mueller, Finance Director, stated this is a topic that is familiar to the Council and has been discussed at least 4 times in the last 9 months. There are strongly held positions on either side of the point of view. The Council had directed at the last meeting that this was discussed for staff to bring back the documents necessary to potentially remove the fee and to provide background information that was previously provided to the Economic Development Subcommittee. That extensive background material is what is listed as Exhibit A. Subsequent to the last discussion, former Councilor and current State Representative Wand has weighed in with his opinion and requested that his letter be provided in the packet which is Exhibit B. During the previous discussions last fall when Matt Wand was still on the Council he had made the statement that the fee did not make sense to him and that he didn't understand the basis for it. In my staff report I outlined that the original ordinance adopted in 1957 specified two purposes, to regulate gaming and to raise general purpose revenue for the City. Part of the intent was to provide revenue for City services such as police, fire, streets, sidewalks and etcetera as referenced in Ordinance 49. If you combine a pool table, some friendly or not so friendly wagers, some egos, and maybe a pitcher of beer, there may be an occasion where some police intervention is necessary to help sort out the winning side. There was some expectation that there would be a need for additional services and this fee is an attempt to address that. In Exhibit B, Representative Wand was effective in laying out his arguments that are persuasive for his side and I would state a slight issue with some of what

he's talked about. He says we charge every home for water and sewer, every business pays an annual license fee, all property owners pay taxes at roughly an equal rate based on the assessed value, and goes on to make the argument that he doesn't feel as though this meets those criteria. Where I would differ with his argument is that this is a user based fee. His argument that water and sewer be treated in the argument just as property taxes fails to take into account that we don't charge people a flat rate, we charge them based on usage. This is a user based fee and not a tax. It's a distinction, it may not be a sufficient one to be persuasive but never the less it's a distinction. Additionally he argues that it doesn't generate enough money to continue to be justified to be collected. I've pointed out that Council deliberates at some length regarding amounts that are less than \$4,500, the last item being a point in case. There was sufficient discussion about hanging flower baskets and the need to find money for that as well as holiday lighting for the arch, all of which were less than this dollar amount. Only 48% of the revenue into the general fund comes from property taxes. We can't operate the City as it currently is configured and functions strictly on property taxes. User fees are a necessary component. During public comment at a recent meeting a comment was made that the fee being exorbitant. During the back and forth discussion between the Council and the public testifying it was represented that the devices generate between \$50 and \$55 per week in revenue. Based on that estimate, the \$55 annual license fee represents about 2% of the annual revenue generated. That would not generally meet my definition of exorbitant but that may be in the eye of the beholder. To my knowledge there is no business required to have a single amusement device. The business owners make a deliberate choice as to whether they want to have 1 or 22 devices. Presumably they make it based on the fact that it generates more revenue than it costs. Finally there was some misinformed testimony last time that all the other surrounding cities had repealed their fees. Portland and Gresham continue to have amusement device fees. They were cited as having eliminated them.

Councilor Anderson stated to clarify, some of the establishments with amusement devices pay State Shared Revenues. An example being when they buy liquor from the OLCC liquor store, which all of them by State law have to do, we will recover some of that revenue in the City of Troutdale, correct?

Erich Mueller replied correct. If they're buying liquor with a legitimate license then they're going to pay that fee which will be collected up front and it will be shared with us. That will occur whether they have an amusement device or not.

Councilor Daoust stated Exhibit D was very instructive. It shows who actually pays the bill and it's not the business that pays the bill. It looks like out of \$4,300 that the amusement devices bring into the City, \$4,100 of that is paid by the vending companies that put the devices into the businesses.

Erich Mueller replied that would be correct.

Mayor Kight stated I know there are some folks in the audience and I'm sure they're more than willing to share some information that may be helpful in making our decision. At this time we'll open the meeting up to public testimony.

Jason and Stayce Bloom, owner's of Skyland Pub, came forward to address the Council.

Stayce Bloom stated regarding the comment of who pays the fee is incorrect. We have a contract with our vendor that they write the check to the City but we reimburse them half of the fee. We deal with Mt. Hood Vending and it's likely that businesses with contracts with them do the same thing. We as business owner and community members of the City of Troutdale don't mind paying a fee to raise general funds for City services that are used by everybody and feel if you would like to raise a fee for that kind of thing that maybe it could be distributed among all businesses. According numbers on May 27<sup>th</sup> there were 481 licensed businesses in the City of Troutdale. The business license fee is \$65 and an additional \$10 would not only cover the \$4,300 that you'd be losing by eliminating the amusement device fee but you would be \$500 ahead.

Jason Bloom stated as far as using police force, we have to put our I.D. checker and security personnel through a DPSST certification which each police officer has to go through as well. We should be using less of the police force due to the nature of this training. There is a fee associated with that of approximately \$130 per person every 2 years. There are other fees for security purposes that we do pay other than amusement devices.

Mayor Kight asked the total amount paid to the City of Troutdale is \$1,210 and out of that you pay half to Mt. Hood Vending?

Stayce Bloom replied that's correct.

Mayor Kight stated on an annual basis for the amusement devices we're talking about \$605.

Stayce Bloom replied yes.

Councilor Thomas stated you talk about not using these services directly but they are available and there is a cost to the City to maintain those so they are there when you need them. One of the concerns when I look at this and when the vendor spoke last time he mentioned that you were the only business that he has where you share the cost. That brings up the question, if those costs were removed would you see any additional revenues as them not paying this?

Stayce Bloom replied just by eliminating that fee it would save us \$600 per year. I'm not sure if it would change the contract with our vendor regarding a percentage that we'd receive because they do maintain them.

Councilor Allen stated it's been my experience that amusement devices tend to lighten the mood instead of the opposite. Would you agree with that?

Stayce Bloom replied that is a very fair statement. The prior company that owned Skyland didn't have very many and it was definitely not as enjoyable as it is now. It's nice because people have a variety of things that they can do other than drinking. It slows them down, they're entertained, they're in good moods and it has made it a place that people want to be.

Councilor Allen asked do you have a last call?

Jason Bloom replied not officially out loud but we turn the light up for the last call.

Councilor Allen asked do you allow people to play amusement devices after?

Stayce Bloom replied absolutely. We just have a time when drinks are pulled but they are allowed stay until we close.

Councilor Daoust stated I appreciate you providing the revenue information from your machines. Your projected revenue for 1 year is \$19,644 and a net income of \$14,700. What takes you from your gross income to your net income?

Stayce Bloom replied we pay Federal and State taxes on the income.

Councilor Daoust asked plus the fee you pay to Mt. Hood Vending?

Stayce Bloom replied yes. It is a nice amount of money but in the grand scheme of things it doesn't cover our businesses payroll for 1 month. It's just an additional amenity in our business.

Councilor Daoust asked if we kept this fee how would it affect the number of devices that you have or would it?

Stayce Bloom replied it would be a detriment because if we don't have those devices there it would affect people staying and that would affect food and beverage sales. It wouldn't make any sense to remove those devices.

Councilor Allen asked most of the businesses haven't been contacted?

Stayce Bloom replied I have contacted quite a few. Most of them like Love's just have a local manager and the owner isn't there. The gentleman from the Brass Rail said he would be here but he's not for whatever reason.

Mayor Kight stated according to our list, the Brass Rail doesn't have any amusement devices.

Stayce Bloom replied I've been in there and that doesn't serve my memory. I thought they did.

Councilor Daoust replied they have lottery devices.

Mayor Kight stated one of the comments made is that the \$1,210 is paid by Mt. Hood Vending. I wanted to confirm that.

Erich Mueller replied what is represented on the staff report is who the City receives the payment from. What arrangements that there may or may not be is outside of our purview.

Councilor Ripma stated if we were to raise the business license fee in favor of eliminating this fee, we would in affect be making a decision by Council that the business license fee should go to subsidize amusement devices. If we could somehow raise something else to balance this it would remove the financial hit that the City would take. I just want to bring home to the Council that we need to be responsible here. I could support removing this fee if we did

something that balanced it. I'm afraid that there's an enthusiasm for just removing this fee with no replacement. These folks mentioned a possible source that might be considered.

Councilor Daoust replied maybe we could consider that at some other date but I don't think we can consider that option tonight because it's not the question on the table.

Councilor Allen stated my understanding is that we're talking about eliminating this fee for next year. What would be the affect on our 2011-2012 budget?

Erich Mueller replied based on the numbers in Exhibit D, we would be short \$4,345 of revenue that was included in the Budget that was adopted.

Councilor Ripma stated I listened to all of the testimony, I've listened to Matt Wand at length, and I recognize that it's an archaic fee. It is used for the General Fund for citywide services and I think if we eliminate it then we are ignoring the financial hit that the City would take. We've spent \$80,000 to bring in businesses. Eliminating this fee might bring in amusement devices. I don't deny that they're good entertainment, I've used them and I see people enjoying them. I'm not against them but I think it's always easy to get rid of something that brings in revenue but replacing it is hard. I plan to vote no on the resolution to eliminate the fee at this time. Let's bring back some proposal that raises a similar amount of revenue and then I could support it.

Councilor Anderson stated this fee is wrong. It's targeting a specific type of business. It's similar to charging lawyers and only lawyers for the amount of paper that they use. These restaurants pay State Shared Revenue in the alcohol that they buy from the OLCC and the cigarettes that are sold in their establishments. They pay property taxes. They pay System Development Charges when they open. These restaurants pay their share. This is a targeted fee and it's unfair. Restaurateurs are among the most entrepreneurial people that we have. It's a high cash flow and huge risk businesses but when it works, they are the first ones to get in line and expand. I come back to the Business Incentive Program. It worked but we need to reward the existing businesses that are doing well in this City. The way to do that is eliminate this fee. I would love to have the discussion of raising the business license fee at a future date. If you ask me right now I would lean towards supporting it but I'm not going to tie it to this. It needs to go away, not on the lottery machines, but on the coin operated devices and jukeboxes. They are there for entertainment. They help a business become competitive, they help a business do well, and we all want our businesses to do well. I would urge a yes vote on this.

Councilor Thomas stated when we talk about State Shared Revenues those are revenues that we're already getting. What we're talking about here is reducing revenue. Shifting it to all of the business owners is really no different than a targeted tax. It's General Fund revenue that goes to support the general services required to run the City of Troutdale. It might be better to consider eliminating it for the following fiscal year so our Budget Committee has a chance to look at it.

Councilor Daoust stated we've talked about this 4 times. Each one of those times I was involved in the discussion, even at the Subcommittee level. At every level we decided not to change things. The only piece of information that I was missing last time was the revenue that these machines brought in and Skyland Pub was gracious enough to provide that. All

that did was show me how much money that they make off these machines, \$19,644. Out of that, \$605 goes to pay for the machines. That's pretty telling that the businesses bring in these machines and make pretty good money off of them. It's pretty telling of the minor percentage that this fee imposes in my personal opinion. Also it seems that the vending companies pay the fee, not the businesses. Skyland clarified that they pay half of it which is where the \$605 comes from but I don't know about the other businesses. I don't quite buy Matt Wand's charge that it's a negative business impact. As far as replacing it with something else, if we were talking about raising the business license fee I can only imagine what kind of crowd we'd have in here. I'm not enthused about getting rid of this right now. I'm not hearing enough evidence to convince me that we should.

Councilor Allen stated I wish our budget was healthier than it is. However I do care about how we get our money and this is not how I want to get our money. I would prefer something more equitable if it's needed to make up the difference.

Councilor White stated in the spirit of attracting new business and making Troutdale more competitive with surrounding cities, I feel eliminating this fee fits well with our Troutdale Open for Business Plan. I would support eliminating this fee.

Mayor Kight stated we've heard all the arguments. I think when it comes to paying taxes, nobody wants to pay them but people want the services. I'm ambivalent at best about this fee. There are over 10 businesses that have amusement devices and we've only heard from one. Really we're talking about \$600 over a 12 month period. We're all looking for revenue. We've had a reduced budget, we've laid-off employees, we've looked for efficiencies, and Troutdale continues to have one of the most conservative budgets in East Multnomah County. That isn't to say we couldn't find other efficiencies and we will continue to do that. Unfortunately this number is already plugged into our budget. As Councilor White points out, we want to be business friendly. Maybe at some point we'll take a look at all of the fees, not just the amusement device fees, and do an outreach to the community. There are businesses in downtown that are hanging on by a thread. We don't want to see anymore empty storefronts. At this time I cannot support this. I will consider in the future looking for other ways to reduce fees to businesses to make sure our actions match up with what we're trying to accomplish in being business friendly.

**MOTION: Councilor Anderson moved to adopt a resolution amending Section 1, General Fees, of the Fees and Charges Schedule adopted by Resolution 1954 and amended by Resolutions 1973, 2040, and 2091 to eliminate amusement device fees. Seconded by Councilor White.**

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

**Motion failed 3 – 4.**

**6. PUBLIC HEARING / ORDINANCE (Introduced June 14, 2011):** An ordinance adopting a new Chapter 8.36 of the Troutdale Municipal Code relating to business recycling requirements.



This item was pulled from the agenda.

**7. PUBLIC HEARING / ORDINANCE (Introduced May 10, 2011, with a second hearing on May 24, 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 ordinance was introduced to you on May 10<sup>th</sup>. The Goal 5 Text Amendments pertain to our periodic review update of our Comprehensive Land Use Plan. Goal 5 amendments pertain to historic resources and not the natural resource components of Goal 5. At the May 10<sup>th</sup> reading there was little discussion and no public comment. A second reading was held on May 24<sup>th</sup> and at that reading there was discussion about the revised historical narrative in Goal 5. Sharon Nesbit, our local historian, spoke in support of the revised text. Councilor White was going to meet with Ms. Nesbit to discuss a revised narrative and no changes have been proposed in the narrative that's before you. The second reading was continued from May 24<sup>th</sup> until tonight. Findings establishing that the proposed amendments satisfy the text amendment criteria of Troutdale Development Code Chapter 15 for amendments to the Comprehensive Land Use Plan and Task 5 of the Periodic Review Work Program are included in the Planning Commission's findings of fact which are part of Attachment A. The Citizens Advisory Committee has supported these amendments. The Planning Commission supports the amendments and recommends them to you. A clean copy of the text amendments to the Comprehensive Land Use Plan, Goal 5 is provided as Attachment A to the ordinance.

Councilor Allen stated let's say I own a historic structure and I want to make business use of it and it's zoned for that. The Historic Landmarks Commission says I can't do that. Then I can appeal to the Council?

Elizabeth McCallum replied yes the procedures that will be covered in the Development Code standards do state that a decision of the Historic Landmarks Commission can be appealed to the Council.

Councilor Allen asked is there a number of days for that to occur?

Elizabeth McCallum replied all Type III procedures have a 10 day appeal period from the dated that the notice of decision has been issued by the Historic Landmarks Commission. That is a standard listed in Agenda Item #9 that brining before you this evening. It was just brought to my attention that on page 3 of the ordinance, towards the bottom of the page, #4 should actually be #5 and at the top of the next page, #5 should be #6. That was a clerical error

Mayor Kight opened the public hearing at 8:11pm.

There was no public testimony.

Mayor Kight closed the public hearing at 8:11pm.

**MOTION: Councilor Thomas moved to adopt 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 with the paragraph numbers changed on page 3 of the ordinance from 4 to 5 and on page 4 from 5 to 6. Seconded by Councilor Daoust.**

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

**Motion passed 7 – 0.**

**8. PUBLIC HEARING / ORDINANCE (Introduced May 10, 2011 with a second hearing on May 24, 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.

Elizabeth McCallum, Senior Planner, stated this ordinance was before you on May 10<sup>th</sup> and again on May 24<sup>th</sup>. At the second reading there was discussion about the authority of the Historic Landmarks Commission (HLC) and the qualifications for members of that commission. The authority of the HLC and qualifications are outlined in the text of Troutdale Municipal Code 2.20.095, page 3 of Attachment A to the ordinance. In addition, specific actions of the HLC are outlined in the historic landmark protection standards proposed to replace existing community resource protection standards. In light of the discussion, Council agreed to continue the hearing until this evening. I conferred with the State Historic Preservation Office regarding applicable federal codes for the qualifications of members of HLC and in my staff report, Exhibit B, there is a print out from the Code of Federal Regulations, Title 36 with respect to qualifications and that's where the qualifications come from that establish that members of these HLC's should have a very specific interest in historic preservation. That was the basis of the question at the last reading. The HLC is being established to be consistent with other codes that would apply to Comprehensive Land Use Plan Goal 5 and applicable to State and Federal regulations. Following the first reading staff realized that the duties of the HLC as originally support by the Planning Commission were inconsistent with decision making procedures proposed in associated text amendments in Troutdale Development Code Chapter 4. On page 3 of my staff report at the top shows the proposed changes to that. All the amendments that have been brought forward to you in the staff reports have been incorporated into Attachment A of the proposed ordinance.

Councilor White asked rather than forming this new committee could we delegate that responsibility to the Citizens Advisory Committee and still be eligible for grant money?

Elizabeth McCallum replied my understanding is no we would not.

Councilor Daoust asked if this committee can make studies and do other things that would cost money, different from most other committees, would the grant money cover the expenses of the committee?

Elizabeth McCallum replied if we apply for the Certified Local Government, this is setting us up to do that, then there are grants available and those may likely cover those studies.

Mayor Kight asked so absent grant money then there would be no studies?

Elizabeth McCallum replied probably not unless we get some benevolent donation.

Craig Ward stated it's very common for committees to come up with ideas for studies. Frequently those ideas fall to staff to implement. If there were requests for studies that would obligate staff to readjust their workload then staff would bring it to you for consideration and direction.

Councilor Thomas stated one of my concerns is that you have listed that the membership contains 7 resident electors or Troutdale business owners. I know we've tried having business owners in the past on other committees and that didn't work well. Do you know what the reasoning is for including them?

Elizabeth McCallum replied it's parallel language from other committees in Chapter 2.20.

Councilor Ripma stated on page 3 of your staff report, you pointed out amended language for Troutdale Municipal Code 2.20.095. The language in the staff report doesn't match Attachment A to the ordinance.

Elizabeth McCallum replied it looks like there was a clerical error. Those changes were not made in Attachment A.

Councilor Thomas asked are we replacing the language listed in Attachment A to the ordinance with the language you had in your staff report?

Elizabeth McCallum replied the correct language should be as shown on page 3 of the staff report.

Mayor Kight opened the public hearing at 8:26pm.

There was no public testimony.

Mayor Kight closed the public hearing at 8:27pm.

**MOTION: Councilor Ripma moved to adopt 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 with a change on page 3 of Attachment A to the Ordinance, 2.20.095 A, replacing that with the corrected language set forth for that section in the staff report. Seconded by Councilor Daoust.**

**Councilor Thomas stated I'd like to make a friendly amendment. I would remove the portion under the membership on page 2 of Attachment A to read 7 residents and electors of the city and strike out Troutdale business owners.**

**Councilor Ripma replied there is no harm in leaving it. We could be favored with a business owner who has an interest in history and might want to serve.**

Councilor Daoust stated it says “or a business owner”. We don’t have to have any business owners.

Mayor Kight stated it’s my understanding that it’s not a requirement that we have a business owner on the committee it just opens up that position for a business owner if they want to be engaged.

Rich Faith, Community Development Director, stated the reason that I think it’s a good option to have is that you may have a downtown business owner who has a very keen interest in historic preservation that is not a resident but is a business owner and would like to participate on this type of committee. There have been many years where we’ve had difficulty filling all positions on our committees. We’re now adding another committee with the need for 7 more volunteers to sit on it. In the event that we do not have residents of the City that are willing to step forward and do that then it may come down to a business owner that doesn’t live here that is willing and wishing to be part of that committee and I think we ought to leave that option open.

The friendly amendment was not accepted by Councilor Ripma.

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

**Motion passed 7 – 0.**

Mayor Kight recessed the meeting at 8:31pm for a 10 minute break. He reconvened the meeting at 8:41pm.

**9. PUBLIC HEARING / ORDINANCE (Introduced June 14, 2011):** 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, and amending Section 7.180(L) Design Requirements for Land Divisions, relating to Task 5 of the City’s Periodic Review Work Program.

Elizabeth McCallum, Senior Planner, stated at the June 14<sup>th</sup> meeting I presented some additional changes to the text that was forwarded to you by the Planning Commission. Those changes have been incorporated into Attachment A to the ordinance before you. These are the development code standards that will explain to the public and interested parties and guide the City in adopting additional historic landmark status on properties that are requested by the property owners. Procedures are included if someone wants to undesignated their property from the historic landmark status. If they have a historic landmark these standards explain the procedure for remodeling or adding on. The Historic Landmarks Commission (HLC) has been established to be the ones to hear and make those decisions. In concert, if a property is designated as a historic landmark, in order to have a better economic use of that building there is a provision that a historic landmark structure, no matter what it’s zoning, could have a conditional use in it that affords economic return for that owner. That would be a conditional use before the Planning Commission with a recommendation by the HLC. Decisions of the HLC are explained in these proposed text amendments. They are a Type III procedure and can be appealed to the City Council.

Councilor Ripma stated I should declare that I live in a house that is on the historic landmarks list in Table A so I'm not sure if that's a conflict of interest.

David Ross, City Attorney, asked would it result in any pecuniary advantage?

Councilor Ripma replied I don't know. It might be best if I declare a conflict and remove myself from the discussion.

David Ross stated it's a potential conflict at any rate.

Mayor Kight opened the public hearing at 8:46pm.

There was no public testimony.

Mayor Kight closed the public hearing at 8:46pm.

Councilor Allen stated I have a great love for the history that is yesterday and the history that will be tomorrow. I find that this is very well written. It gives us the best chance to preserve our history while at the same time respecting our historical property owners. I applaud the work that many people have put into this.

Councilor Thomas stated one of the things that we've done in this country is be too quick to tear things down. I was reminiscing about all of the old baseball stadiums that have disappeared, classic architecture. That's not something I want to see in Troutdale. We have some buildings that are worth saving.

Mayor Kight stated two properties come to mind that are currently in use; the Kendall House, which is being used by the Troutdale Historical Society, and the church on 3<sup>rd</sup> Street. It's nice to see these buildings retained, restored, and in use.

**MOTION: Councilor Daoust stated move that we adopt 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, and amending Section 7.180(L) Design Requirements for Land Divisions, relating to Task 5 of the City's Periodic Review Work Program. Seconded by Councilor Allen.**

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

**Motion passed 6 – 0.**

**10. RESOLUTION: A resolution providing for current FY 2010-11 budget transfers and appropriation changes.**

Erich Mueller, Finance Director, reviewed his staff report.

Councilor Allen asked do we get reimbursed for the flood insurance at a later time?

Erich Mueller replied yes. We receive that reimbursement from ODOT.

Councilor Allen asked what's the affect of this on our 2011-2012 budget?

Erich Mueller replied this is all relating to our 2010-2011 budget.

Councilor Allen stated correct but does it affect our 2011-2012 budget as far as carry over or anything?

Erich Mueller replied it will affect whatever ends up being the ending fund balance this year that will roll into next year. But it doesn't actually affect the budget that's been adopted because there was an estimate made in that and it won't change based on the actual amount.

**MOTION: Councilor Daoust moved to adopt a resolution providing for current fiscal year 2010-2011 budget transfers and appropriation changes. Seconded by Councilor Anderson.**

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

**Motion passed 7 – 0.**

## **11. STAFF COMMUNICATIONS**

Craig Ward, City Manager, stated I committed to provide an update on the Sam Cox Building and unfortunately its schedule has slipped a bit. We have Summer Camps with very young children at the building. We had scheduled to go forward with construction while those young children were in close proximity. I can't go into specifics but it was felt very strongly by our Recreation Program Manager that noisy construction operation would have a detrimental effect on the camp and the well being of the children so we needed to delay that. We pushed the schedule out and we're probably looking at a 2 week delay which will put us into early August. The other item I had was that the Council was informed that there is an appeal of Metro's determination to give us an extension on Title 13 compliance. That appeal requires a public hearing which is currently scheduled for July 28<sup>th</sup>. We're requesting some delay of that. Also, David Ross is asking that a member of the Council be present that can speak to the policy issues that you have. Otherwise should any questions arise to the City's position regarding Title 13 then staff will have to portray that position in the best form possible. We would request a Councilor to be available for the hearing.

Councilor Thomas stated I would be willing to do that if the rest of the Council would be ok with it.

Councilor White stated if the Council would approve, I would be willing to attend that meeting.

David Ross stated I'm not limited to just having one Councilor attend.

Councilor Thomas stated I would be happy to back up Councilor White.

Councilor Daoust stated I think we should have a couple Councilors there.

## **12. COUNCIL COMMUNICATIONS**

Councilor Daoust stated I have a daughter that attends Reynolds High School and she was horrified that the trees in front of the school got cut down. Does anybody know why?

Craig Ward replied the City was approached by the principal of Reynolds High School with concerns regarding the safety, particularly the heavy vehicular movement after school. One of the concerns was the berm that the trees sat upon. They approached us and we made it clear that we couldn't assist with actions regarding the berm because it was on School District Property. We clarified that the trees were within the original conditional use modification for the expansion of the high school and therefore we didn't have any code that would prohibit the removal of the trees, but their landscaping plan would require that the trees be replaced once the berm is removed. It was action of Reynolds High School for safety reasons.

Councilor Daoust asked what was the safety reason for removing the berm?

Craig Ward replied it's because of the sight distance. They felt the berm was responsible for the fact that people couldn't see well when turning.

Councilor Thomas stated I've heard several complaints about those trees being cut down.

Councilor Ripma stated on Saturday, July 2<sup>nd</sup> it is the 100<sup>th</sup> Anniversary of Edgefield and there will be an all day party. At 11:00am Sharon Nesbit will be telling us about it's history and we are being offered champagne. The festivities start at 11:00am and go until about 5:00pm. The Troutdale Historical Society has a collection of artifacts from the Edgefield history that will be on display in Blackberry Hall. The public is invited. I wish everyone a happy 4<sup>th</sup> of July.

Councilor Anderson stated I would echo Councilor Ripma sentiments about a happy 4<sup>th</sup> of July. In regards to the Reynolds issue, the School District put up a statement on their website that is very explanatory. I recall that some of the trees were even diseased.

Councilor Thomas stated to wish everyone a safe and happy 4<sup>th</sup> of July. I wanted to give the Council a quick update on what's happening with MPACT. Most meetings have been canceled. The big thing that's going on right now is HB2001 which has to do with green house emissions. What MPACT has been doing over the last several sessions is looking at that and coming up with a proposal to find out how the study will go forward to determine the impact of green house emissions for transportation, alternative transportation, building, water use, and those types of things.

Mayor Kight stated this year July 4<sup>th</sup> is on a Monday and Springdale Job Corps is having a pancake breakfast fundraiser run by Kiwanis and others. It starts at 7:00am and goes until 11:00am. If you are looking to go out to breakfast and help the Job Corps Center and other

groups this would be a great time to support. A lot of people turn out for this event. This Friday we have our First Friday Art Walk. Also, Shirley's Tippy Canoe is doing a Cruise In every Tuesday and there's no cost.

### **13. ADJOURNMENT**

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

Meeting adjourned at 9:11pm.

**Mayor Jim Kight**

**Approved September 13, 2011**

**ATTEST:**

**Sarah Skroch, Deputy City Recorder**