

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

Tuesday, September 28, 2010

1. ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Kight, Councilor Wand, Councilor Thomas, Councilor White, Councilor Kyle, and Councilor Daoust.

ABSENT: None.

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

GUESTS: Raymond Mabey (ODOT), Bryon Perry (OBOP), April Curtis, Richard Allen and Frank Windust.

Mayor Kight asked is there an agenda update?

Craig Ward replied you have received a revised agenda at your desk with two added agenda items.

Mayor Kight stated those items are the ODOT presentation and a Fire Prevention Week Proclamation.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: September 14, 2010 Regular Meeting.

2.2 RESOLUTION: A resolution supporting the Sandy River West Bank Trail project and authorizing the submittal of an ODOT Transportation Enhancement Program grant application.

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

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

April Curtis, resident and parent volunteer at Reynolds Arthur Academy, invited the Council to a fundraiser that is being held for Reynolds Arthur Academy. This is the first

of what will hopefully become an annual event. The money raised this year will be used to put in an actual basketball court with in-ground hoops.

4. MOTION: A request for advance approval of Council expenses for a League of Oregon Cities Workshop per Troutdale Municipal Code (TMC) Section 2.08.240.

Erich Mueller, Finance Director, stated the Council looked at council expenditures for quite a period of time last year and adopted a new ordinance that became effective July 1st. It clarified what items the council was going to provide for in terms of approved expenditures, and it clarified the use of the stipend. This request for attendance to a League of Oregon Cities workshop was not directly provided for as part of the council expenses section of the code. That section of the code does however provide for other expenditures provided they are approved in advance. When this request was submitted to me I consulted with Councilor Daoust, the Chair of the committee that had worked on the council expense policy, to discuss the process since this is the first request since the adoption of the new ordinance. We felt as though it was appropriate to put this item in the packet in advance rather than having you hit cold during council communications at the meeting, so the documentation may be more elaborate than might seem appropriate for a \$150 registration. However, the council has made it clear that they are going to closely monitor their own expenditures and as such they have also put me in the role of ensuring compliance. With that I am currently in the situation of not being able to authorize this or pay it based on the current ordinance, but if the Council approves this expenditure this evening I would be able to process such. When I put this together for the packet I did not estimate anything for lodging or meals, so I would suggest adding an additional \$150 to the \$325 amount I put in the staff suggested motion bringing the total to \$475.

Councilor Thomas asked do we need to add mileage reimbursement?

Erich Mueller replied I estimated mileage in addition to the training which is where I came up with the \$325.

Councilor Daoust asked is anyone else attending?

Mayor Kight replied not that I am aware of.

Councilor Daoust stated looking at the course topics on the brochure, I can understand the economic development training but a lot of the course topics listed we have already started working on or we already have it in place. My interpretation of the training is that it will be rather elementary and will cover a lot of the stuff that the Economic Development Subcommittee is already covering. Why do you want to go to this particular course and wasn't there one offered at the League of Oregon Cities conference?

Mayor Kight replied I thought that this particular seminar had value. I have attended these seminars before on economic development and I come away with the idea that if

there are one or two things that we can implement then the course would pay for itself. There may be some information that is redundant or we are already past, but I am looking for that piece of gold out there, maybe a contact or learning about money that is available for cities for revitalization of the downtown. You are right, maybe not all of the information would be applicable, but I thought it had value.

Councilor Daoust stated I would like to make a quick comment on how this was processed and presented to us. I don't know that it will need to be this formal in the future as far as having a staff report prepared. I think all we need is an informal report with the cost and information about the request without having to do a full staff report.

Council agreed.

Councilor Thomas stated I am wondering if this course is available locally or online versus spending \$400 to go there. One of the things I have found in many of these classes is that they don't always give you the nuts and bolts of what you are really looking for. It sounds like to me that you are looking for the nuts and bolts and you might find that better online or working with the partners that we already have doing this work like East Metro Economic Alliance and the consortium we just joined. There are a lot of local resources available to us versus spending money to go to Eugene. I don't see a direct benefit to the city for this.

Councilor Wand stated I remember when I first got appointed to the budget committee I came to a city council meeting to testify about something and Mayor Thalhoffer was talking to me and I mentioned to him that I thought that it would be helpful for the members of the committees to have the opportunity to get a little bit of education. When we start on the committees we don't always know what all of the rules are and it would be helpful to go to some classes. Mayor Thalhoffer responded to me that the city budgets money every year to educate ourselves and the members of our citizen committees because it is important; the money is there and anytime you want to attend a class all you have to do is ask. When we were looking at the reimbursement issues the types of things that we were talking about and had concerns about didn't involve educating ourselves. This is in the budget and it is an economic development class that is put on by the LOC and it is within our goals.

Councilor Kyle stated an important issue to me is I don't believe that we ever get enough information on identifying what businesses need from local governments. We may get it locally but I always wonder if it is jaded a little. I do see some value here. I don't think we can ever be educated enough to do a good job.

Mayor Kight stated if any of the councilors see a seminar that you feel is important for you to do a better job or become better educated, I think it would be a great idea for you to take advantage of these seminars that are put on by the LOC throughout the year.

Councilor Daoust stated I think we need to watch how many of these sessions we go to simply because we have an interest in them. I am okay with this one but I don't want us to get into a habit of choosing a training session so that we have quite a few requests just because we have an interest in things; that could easily add up to a lot of money.

Councilor Wand stated I couldn't agree more Councilor Daoust. Upon your return I would like to see the material circulated to the rest of the council so that we all have a chance to read through it. One of the things that has been done in some of the businesses I have been in is we make sure that everyone goes to different classes and everyone reports back to the group so we don't have overlap and we don't incur unnecessary costs.

Councilor Thomas stated that is one of the things that we haven't done very well with the LOC conference. A lot of us go to different classes but we have never done a debrief upon our return.

MOTION: Councilor Kyle moved to approve the advance of these dollars for council expenses for the LOC Workshop in the amount of \$475. Seconded by Councilor White.

VOTE: Councilor Thomas – No; Mayor Kight – Yes; Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Wand – Yes.

Motion Passed 5 – 1.

5. REPORT: A report from ODOT on the possible property impacts from the I-84 Sandy River Bridge construction project.

Raymond Mabey, ODOT Engineering Manager, stated we are here to discuss and review a presentation that we gave last night to those citizens in Troutdale who are affected by our bridge project. With me tonight is Byron Perry who is an engineering manager with a firm called the Oregon Bridge Delivery Partners; they are helping us deliver this program.

Raymond Mabey provided the Council with a copy of the presentation that was shown to Troutdale citizens (copy is included in the packet). The presentation was regarding the Sandy River Bridge project (the I-84 Bridge over the Sandy River) and covers the following topics: The projects potential effects on the river levels; how ODOT is responding to these potential impacts and how ODOT wants to assist the community with responding to that; and how ODOT is contacting and working with property owners to help them prepare.

Raymond Mabey stated slide 4 is an aerial view of the project. In the larger circle you can see the Sandy River Bridges that carry I-84; those will be fully replaced in this project. The bridges to the right (in the smaller circle) are the Jordan Road Bridges and

those will be strengthened and widened. This project is one in a larger program, the Oregon Transportation Investment Act III, which is a program to repair and replace 365 bridges statewide. The bridges are actually repaired, but those repairs are temporary. Without those temporary repairs the bridges would be restricted for trucks and the trucks would have to detour over 200 miles to deliver their goods throughout the Gorge and that could have severe impacts on not only the local community, but the state and region. The existing bridges have many piers in the water; the new bridges that we will put in will have only three piers, which is a reduction of about six or seven. With the new bridge the river flow will actually be improved. In the case of a 100-year flood we expect those impacts to be a decrease in the flood level of up to 1½ feet, which we believe is a positive impact.

Slide 5 – Construction over a river. If you have been around the site you know that there is a temporary bridge to carry the interstate traffic that is being constructed between the interstate bridges right now. That is necessary to carry the interstate traffic as they demolish and rebuild the bridges. There is also a temporary work bridge just upstream which is necessary for the contractors to demolish and rebuild the bridges. It is important that this structure be there because the contractor cannot work in the water and this allows them to work outside of the water and not impact the riverbed. The environmental regulations due to the threatened and endangered species in this waterway only allow for a 6 week in-water work window that begins in the middle of July and ends the end of August. The only work we can do in the river is in that window of time, which makes this project a three winter project or four years.

Slide 6 – River conditions at bridge site. During each of the next three winters there will only be two temporary bridges in the river. When we first looked at this project we did our best to estimate how a contractor would build a bridge and we knew that they would need temporary bridges. We also envisioned those going in at the same time to minimize the construction period. Realizing the river flow impacts and seeing what our contractor proposed, we saw that the potential impacts to the river levels were more than we had realized. What are those impacts and why are they there? The temporary bridges for carrying traffic and for work bridges are on piles or piers and each one of those piles and piers that are in the waterway create a small restriction for the river flow and if you add them up they can create an accumulative effect that causes some backwater or raising of the water level upstream. In a normal event that effect is minimal. In a large storm event like a 100-year storm (which is what we are required to look at for FEMA purposes) that effect with the first proposal from the contractor was quite large. We have worked with the contractor and found some ways to minimize that.

Slide 7 – Risk and mitigation. The 100-year event is a very small probability event but it is high impact. Knowing that FEMA requires that we use that as a reference point to identify potential affected landowners, we believe that it is planning for the worse but hoping for the best. The folks that we met with last night were identified by using that 100-year flood for the river levels plus the project impacts.

Slide 8 – Risk and mitigation. One thing that we knew that we needed to do was to look at the project itself and do everything that we could before the rainy season to make sure that we were minimizing any impacts from our temporary piles and piers. We made sure that we were only going to put in two temporary bridges (not the three originally proposed by the contractor). We are also removing portions of the work bridge. Right now it has a deck surface on it where the contractors work. The deck surface level is beneath the 100-year flood level and that itself would create a restriction, so prior to the rainy season the contractor is going to remove that deck completely. He is also going to remove piers in the water on the main channel to minimize debris building up and causing further restrictions. We have also included in the contract to come up with a debris removal plan. After we looked at what we could do to minimize the impact of the project we also decided that we needed to work with the regulatory partners to see if we can get some leeway on the six week in-water work window. We believe that we have done all that we can to mitigate the impacts of the project and still actually build the project. We are also partnering with Multnomah County and the City on emergency preparedness.

Slide 9 – Helping property owners and residents. Knowing that we have potential threats with a storm event, landowners could be more affected than would otherwise. Folks living in the 100-year floodplain may see higher water levels. Folks that are just outside the 100-year floodplain area may be impacted where they wouldn't have otherwise because of the increased backwater from our project. We took this seriously even though we believe there is a very low probability of an event. We thought it was prudent to work with landowners and offer them a few things. One is to help them acquire FEMA flood insurance if they don't have it. For folks that already have it we have offered to reimburse them for their premiums beginning October 1st for the duration of the project. For the folks that need to acquire it we will help them obtain an elevation certificate which is required, and reimburse them for purchasing their FEMA flood insurance. We will also be reimbursing them for any deductibles resulting from claims due to an event that could be affected by this project. We feel this is a prudent thing to do; it is unprecedented for the agency, but then again so is this situation. We have encouraged the residents that attended the meeting last night, and others through our mailers and door hangers, to begin the process to acquire the FEMA flood insurance as soon as October 1st. We are encouraging this because it takes 30 days for this insurance to become effective. We will continue to reach out to folks that haven't responded.

Byron Perry reviewed Slides 9 and 10 which review the process for applying for flood insurance and how to get reimbursed for flood insurance.

Mayor Kight stated one of the issues that came up last night is that there are certain things that FEMA won't cover. A number of people indicated that they have large decks on their home. If I heard correctly, ODOT said that they would reimburse for items that were not covered by FEMA, is that correct?

Raymond Mabey replied the process is a claim process through our Department of Administrative Services for losses that aren't covered by FEMA. I can't say how that recovery will go, but we provided the address and contact information of where to submit those claims.

Mayor Kight stated one of the other questions that came up from the folks that live on Jackson Park Road is that there is a privately owned bridge that goes across Beaver Creek. If that bridge is affected by flooding is there any reimbursement possible for that? I think you said that you were going to research that.

Raymond Mabey replied I am. That is something that FEMA wouldn't cover in a homeowners policy. What I have discovered from talking to folks last night was that bridge is longer than 20' and it is open to the public, although it is privately owned. In that circumstance that bridge should be counted in the National Bridge Inventory. It is inspected and it is part of our system. If it was damaged I am going to check on the availability of emergency funds to repair it.

Mayor Kight stated you indicated that you are going to be surveying the properties. Are you going to survey all of the properties? What if they already have a certificate?

Byron Perry replied we may not survey it if it already has a certificate because there is really no benefit. We are looking to inventory finished floors, so if the existing certificate doesn't have a current finished floor elevation or if the date of the finished floor is in question we will be trying to update that information.

Mayor Kight stated besides the main homes that folks live in, there are auxiliary buildings such as sheds, garages and barns.

Byron Perry stated we are trying to pick-up all of those permanent structures.

Councilor Daoust asked how many total homes have you identified that could possibly be affected?

Byron Perry replied we have identified approximately 76, and I think there may be up to five more.

Raymond Mabey asked what portion of the 76 is already in the 100-year floodplain?

Byron Perry replied I think there is between 36-41 in the 100-year floodplain right now.

Councilor White asked is ODOT going to contact FEMA once the new bridge is in place for a reduction in the floodplain elevation, or is that something we should plan on doing?

Raymond Mabey replied I am not sure of the process to do that, but we will ask who needs to initiate that. Given the change we would definitely suggest following-up on that process and we will see how we can help with that.

Byron Perry stated FEMA is not adjusting the floodplain based on the temporary impacts that will occur over the next 3 to 4 years during the construction.

Councilor White stated I think it would be smart to send out additional information as we get it such as the plan for the debris removal. I think it may comfort the property owners if they had some idea of how that process is going to work. We had an article in the Champion about flooding and it gave some good suggestions of preventative things that property owners could do themselves ahead of time. In 1996 our Public Works Department did a real good job and they opened up their gates and allowed anyone who needed it to come in and get sandbags and gravel. Prior to our wet season we should re-evaluate some of that and make sure that is going to continue.

Mayor Kight stated the existing I-84 east and west bound bridges each have nine piers. How many additional piers will be in the water during the construction process?

Raymond Mabey asked the temporary piers?

Mayor Kight replied yes.

Raymond Mabey replied I don't have that number but I can get that to you. It is several more.

Mayor Kight stated the reason I bring that up is because that is where the debris will collect. You indicated that on the east side you are planning on opening it up so that there is a free flow. In the worst case scenario I assume that additional piers could be removed to move the debris through there.

Bryon Perry stated if things get really bad it is likely that those piles will fold over. If you pile up debris on a cylinder pile like that it will fail; it is not designed to handle that load. But we are assuming for our planning purposes that it stands.

Raymond Mabey stated the other thing that our regulatory partners have allowed us to do is between the interstate bridge and the railroad bridge is proactively remove debris that is there now that could wash downstream.

Mayor Kight stated at the meeting last night you asked folks that if they have debris in front of their home on the beachfront to also remove it.

Councilor Daoust stated I know how sensitive this is but I can't help but think that the respect for ODOT would increase with this. This mitigation program is one of the best well thought out mitigation programs that I have heard of. I think that raises the respect for a state agency. I really commend you because we are talking about the smallest possible chance of anything happening but yet you are frontloading this with a real respectful mitigation program with landowners. I do appreciate that very much.

Councilor Thomas stated I want to also thank you. This is the best piece of proactive involvement I have ever seen from any kind of agency. My compliments to ODOT and both of you.

Raymond Mabey stated working with the city staff has been very positive through this process and will be integral in us being successful, so please recognize them as well.

Councilor White stated if there is anything that the City of Troutdale can do to increase that six week building time let us know.

Mayor Kight stated Councilor White brings up a good point. I think we could also partner with Union Pacific because they have a bridge in the water and they would be adversely affected if they were not able to use their bridge. We have some very good contacts and we have a good relationship with them. I am sure that they would be interested in partnering and doing a collaborative effort along with the City of Troutdale.

6. PROCLAMATION: 2010 Fire Prevention Week.

Mayor Kight read the proclamation.

7. STAFF COMMUNICATIONS

Craig Ward, City Administrator, stated Union Pacific Railroad has approved the plans for Drovers Trail Road, however we will still need to enter into an agreement with them to construct it, but this is an important step. We hired a new plumbing inspector, Bill Woods who is very experienced; this is a ¼ time position. October 29, 2010 is the deadline for submitting applications for committee vacancies.

8. COUNCIL COMMUNICATIONS

Councilor Thomas provided the Council with an informational brochure that was produced by the Mt. Hood Cable Regulatory Commission (MHCRC). MHCRC is trying to give you an idea of where we are at as far as the value of what we get through our cable television, and also how the community sees the needs and what it provides. The franchise expires on December 31, 2010. Right now it doesn't appear that it will be done by then so the MHCRC is proposing a six-month extension to the existing franchise while they work through the issues between Comcast and the various jurisdictions for the franchise renewal.

Councilor Daoust stated last Thursday I gave a 30-minute presentation to the Reynolds School Board on Troutdale's proposed Property Tax Rebate Program. This is a program that the Economic Development Subcommittee is working on. The process, with the partnership of the City of Troutdale, Multnomah County and Reynolds School District Board, if we can get all three entities to agree, will be to rebate the property taxes paid on a new development for the three years after it is completed. Reynolds School Board, after many questions, was willing to administer that program of rebating the property taxes to qualifying businesses. The next step will be to approach

Multnomah County to see if they will agree to this same process of rebating their portion of the property taxes.

Mayor Kight stated the media has picked up on our "Troutdale's Open for Business Program". We have received coverage on a variety of venues. Wood Village has also adopted a similar program so now we have three out of the four East County cities that have a fee holiday for vacant buildings.

Mayor Kight stated I am very concerned about the Reynolds High School and Walt Morey Middle School kids crossing 257th. Because we now have a full connection of four lanes from I-84 to Highway 26 I am seeing more commercial truck traffic and passenger vehicles using 257th as a direct route. As a result of that I am concerned about children and pedestrians crossing 257th. I was informed of a "Safe Route to School" program at the League of Oregon Cities (LOC) Conference where there is federal funding available and hopefully the City of Troutdale, along with ODOT and Multnomah County, can make application for the grant. I know some folks are anxious to wait until the corridor study is done, but I am really concerned about creating a safe-haven for folks crossing 257th. I attended a tour in Eugene where they have what is called a "Z" crossing which has flashing lights and naturally causes vehicles to slow down.

Councilor Thomas stated that will dovetail well with getting the 257th Boulevard project done that has been on hold.

Mayor Kight stated I would be happy if we just had one safety island by 28th because it is a long way from Hensley all the way to Stark Street.

Councilor Wand stated it is Homecoming Week for Reynolds High School (RHS). There will be a football game this Friday night at 7pm at Mt. Hood Community College. I hope that the Reynolds Alumni will show up. Principal Gilbert, as well as the new head football coach, has made great strides in building a stronger community at RHS and Homecoming is a big part of it.

Councilor Wand stated Multnomah County will be taking up the final vote on the East County Courthouse. That will take place on Thursday, October 28, 2010 in the morning. This is several decades in the making and the more people from Rockwood, Troutdale, Fairview and Wood Village that can attend to see history happen the better.

Councilor Daoust stated this Saturday, whether you agree with the police bond or not, there is going to be a lot of folks walking door-to-door talking to people about the police bond, both the pros and cons. They are going to meet at the old Thriftway store at 10am; police officers (off duty) are also joining.

Mayor Kight stated one of the concerns that we have in the winter is warming centers for those people who don't have a place to live. Two of our pastors, David Brown and

Jerry Stitzel are working with our Police Chief on how to best handle this and they are going through a training process.

Mayor Kight stated we all received an informational email from Ms. Stickney regarding amusement devices. I would like to add this to the next city council agenda, or if that is too soon we can put it off until the next meeting.

David Ross, City Attorney, asked is there a particular function about the amusement devices that you want us to be considering?

Mayor Kight stated one of the issues that came up is that if someone buys the permit for an amusement device and it is mid-year they end up paying the full price as opposed to a pro-rated fee. Another issue that has come to my attention is that in our current economic climate we might want to provide an economic incentive for our small businesses.

Council discussed and agreed to have this issue taken before the Economic Development Subcommittee first.

Councilor Thomas stated I received the email with the information but I am unsure of what the question is.

Mayor Kight stated I am sure that some of the folks will come forward who are interested in this and they will share that with the Economic Development Subcommittee.

9. ADJOURNMENT:

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

Meeting adjourned at 8:16pm.

Mayor Jim Kight

Approved November 9, 2010

ATTEST:

Debbie Stickney, City Recorder