

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

Tuesday, June 23, 2009

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

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

ABSENT: None.

STAFF: Dave Nelson, City Administrator; Charlie Warren, Public Works Director; Debbie Stickney, City Recorder; Erich Mueller, Finance Director; Marc Shrake, Sergeant; and David Ross, City Attorney.

GUESTS: See Attached.

2. CONSENT AGENDA:

- 2.1 ACCEPT MINUTES:** May 19, 2009 Work Session and May 26, 2009 Work Session.
- 2.2 RESOLUTION:** A resolution recognizing the completion of the Parks & Facilities headquarters and accepting it into the City's Fixed Asset System.
- 2.3 RESOLUTION:** A resolution providing budget transfers and making appropriation changes for Fiscal Year 2008-09.
- 2.4 RESOLUTION:** A resolution adopting an Intergovernmental Agreement with Multnomah County for the use of the County's Mobile Incident Command Post (MICP).
- 2.5 RESOLUTION:** A resolution extending City of Troutdale Workers' Compensation Coverage to volunteers of the City of Troutdale for Fiscal Year 2009-10.
- 2.6 RESOLUTION:** A resolution continuing membership in the City County Insurance Services Trust.
- 2.7 RESOLUTION:** A resolution allowing the Mayor to sign an Intergovernmental Agreement with the City of Gresham for mediation services.

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

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

None.

4. MOTION: A motion to approve the Mt. Hood Cable Regulatory Commission's 2009-10 Budget.

Councilor Thomas, Chair of the Mt. Hood Cable Regulatory Commission (MHCRC), stated we are here tonight to present the MHCRC's 2009-10 Budget and to seek your approval. The Commission is an intergovernmental partnership among Gresham, Fairview, Portland, Troutdale, Wood Village and Multnomah County. Each jurisdiction appoints citizen representatives to the Commission. The Commission has regulatory oversight of the negotiation responsibilities for cable service franchises within the cities and the county. Over this past year the Commission has provided many services to Troutdale and its citizens.

Councilor Thomas reviewed the highlights of last year (contained in the proposed budget document which is included in the packet).

Councilor Thomas stated the budget is developed by the MHCRC Finance Committee and staff. The budget recommendation was approved by the full Commission in May. The budget responds to several challenges faced by the Commission for the upcoming year. One of those challenges is the addition of two active franchises (Verizon and Cascade Access) that serve only a portion of the MHCRC jurisdictions, whereas in the past Comcast universally served all MHCRC jurisdictions. The second is the requirement to conduct a community technology needs assessment to serve as the basis for the Comcast franchise renewal (the Comcast franchise expires December 2010), and the related fact that cable companies no longer fund renewal processes as was the case in the 1990's. Thirdly, the depressed economy and the resulting loss of an administrative support staff position for MHCRC due to budget reductions for the FY 09-10 budget. The Commission established two priorities to focus its resources on over the next 18-24 months. The first is to maintain the Commission's core responsibility of franchise management and regulation. The second is to conduct a high-quality community technology needs ascertainment and franchise renewal process with Comcast. On page 21 of the budget you will see the franchise fee revenue disbursements for FY 2009-10. Cable franchise fee revenue is projected to increase by about 5%. Dedicated grant and payback revenues from the cable companies are also projected to increase. The Commission's proposed operating expenses are reduced by about 4% from the current fiscal year. The bulk of this reduction is the result of eliminating a half-time position. Troutdale's net contribution to the MHCRC is \$16,474. Troutdale will be receiving roughly \$36,900 in franchise fees. The MHCRC respectfully requests that the Troutdale City Council approve the 2009-10 Commission's Proposed Budget.

Mayor Kight stated Frontier will be taking over part of the service from Verizon. What impact will that have on the service level?

Councilor Thomas replied the impact, other than the name change, should be negligible.

Councilor Daoust asked why is your Contingency Fund of \$2.2 million so much larger this year?

Councilor Thomas replied that is for the Capital Access Grant, which is a designated fund. Out of the 8% franchise fee, 5% is the actual franchise fee that the city collects, 1% goes towards I-Net operations, 1% is used for operational and/or capital outlay purchases between the two access providers (Portland Community Media and Metro East Community Media) and the other 1% is for the Capital Access Grants. Some of that money is left over because they are on three year contracts.

Councilor Daoust asked because we have two new franchises, Verizon and Cascade Access, what percentage of the total franchise fee comes from those two franchises? I am just curious what Verizon's customer base is since they just started here recently.

Councilor Thomas replied Cascade Access only serves Corbett.

Julie Omalacheck, Program Manager, replied I don't have that information here, but we could provide it to you for the two quarters that we have numbers.

Councilor Daoust stated you don't need to provide that now, next year would be fine because it is a little too early with only two payments from them.

MOTION: Councilor Daoust moved to approve the Mt. Hood Cable Regulatory Commission's 2009-10 Budget. Seconded by Councilor Hartmann. Motion Passed Unanimously.

5. REPORT: An update on the Troutdale Centennial Monument and discussion on the location.

Dave Nelson, City Administrator, stated at the December 9, 2008 Council meeting the Council agreed to take on the Centennial Arch as a City project. The Troutdale Historical Society (THS) had been managing this project and the fundraising since 2006. The exhibits in your packet contain an estimate from Bremik Construction, some maps and a notice that was hand delivered to the downtown merchants to inform them of the discussion tonight regarding the possible change in the location of the arch. At the December 9th meeting the Council agreed to spend up to \$141,857 to construct the arch based off of the estimate provided by Bremik Construction. Since that meeting we have been trying to move this project forward to get it constructed during this construction season. We have had a couple of obstacles. One of them was an easement which has since been resolved. As we sit here today we do have signed easements from both private property owners on the north and the south side of Columbia River Highway, which I will refer to as the original location. That location is up around the Caswell Gallery and Handy Investment Group property. While we were trying to obtain the easements we started to look at other possible locations for the arch. Staff looked at a number of locations up and down Columbia River Highway including: the east side of Plaid Pantry; the east side of Kendall and Columbia River Highway; the east side of Buxton and Columbia River Highway; the west side of Mayors Square Park; the east

side of Mayors Square Park; the middle of Mayors Square Park; and the original location. Staff also spoke with Multnomah County who would be providing the right-of-way permit for the arch and they also looked at all of those locations. In summary Multnomah County would support the original location or the location at the middle of Mayors Square. The other locations would pose some sight distance problems for oncoming cars. Some of the pros for the original location include: the design and engineering work is already completed; we have signed easements from both of the property owners; and this is the site that was marketed by the THS to the community. The cons for the original location are: the north side is a little bit more difficult to build on because of the slope; for the folks driving from 257th underneath the arch there wouldn't be as much time for them to see it. The Mayors Square location provides a little bit different look and would complement the downtown and it would work with Mayors Square. Since this is a city project and it would be our responsibility to maintain the arch staff felt the maintenance would be easier at the Mayors Square location because we would be able to close off Columbia River Highway at Dora and Buxton and reroute traffic rather easily. We are making an assumption that there may be less vandalism at the Mayors Square location because the original location would be near a bus stop. All of the pros and cons are listed on pages 3 and 4 of my staff report. One of the directions we received was regarding lighting. The original design did not include lighting of the arch so staff was directed to look into that. Regardless of the location it is my understanding that it would cost about \$14,000 to design the lighting for the arch and that is currently being worked on. The primary purpose of this meeting is to get direction from Council regarding where you want the arch to be located.

Mike McCulloch stated I am the architect that was hired to design the arch. I was asked to address the possibility of relocating the arch. There are three different issues involved with relocating the arch. The first one is that the arch would be located in the middle of the town instead of at the edge of town. The second part of that is at the Mayors Square location the span of the arch would be slightly different and we would have to adjust the arch just slightly. I have included a couple of options for adjusting the arch. Thirdly, I was asked to look at adding lighting to the arch and I have a concept for that. The first issue that I would like to address is moving the arch. Initially everyone was shocked that it wouldn't be located at the western edge of the city but instead in the center. The more we talked about it I really think that the Mayors Square idea is a better location. Having it in the center of the city marks the park and I think it calls attention to the center of the town. Also, you would have a little more time to see the arch as you approach it. The arch wouldn't be centered on the street it would lean slightly into the park which is a really nice dimension. The other advantage is that the foundation on the north end of the original site is something of a challenge because of the subsurface. The subsurface is more stable, we believe, at the Mayors Square location and it would simplify the foundations and construction.

Mike McCulloch showed the Council drawings of what the arch might look like at the Mayors Square location (drawings were not submitted into the record). The arch would be exactly on the centerline of the park and it would allow people to walk underneath it and the present sidewalk would stay exactly as it is. On the north side we would lose one parking space by creating a bump-out and the column base would be in the zone between the present curb and the bike lane; the bike lane would be uninterrupted.

Mayor Kight asked if the arch is moved to a different location and you didn't have to put the pilings in, would there be a cost savings?

Mike McCulloch replied that is the hope and assumption but the contractor would be more aware of the details of that than I am.

Dave Ridel, Bremik Construction, stated your assumption is correct. If we don't have to put in micro piles, pending any major conflicts at the Mayors Square location, it would be less expensive.

Mayor Kight stated initially this was designed without any lighting and at the direction of the Council we decided it makes a lot of sense to add lighting. My understanding is that at the original site there is an issue regarding access to electricity.

Dave Ridel replied it would be more of a challenge to get power to the original site than it would be for the Mayors Square location. Even though it is an added scope to include power to the arch, it would be less expensive at the Mayors Square location than at the original location.

Mayor Kight stated there appears to be two cost saving areas, the pilings and the access to electricity. Are there any other additional cost savings that you see with the Mayors Square location?

Mike McCulloch replied I don't think that there would be other significant cost savings. There is one other issue and that is that we had to do the soils investigation at the original site and it is my recommendation that we do soil borings on the Mayors Square site to make absolutely sure that we know what is happening under there. That would cost \$6,000 to \$6,500.

Mayor Kight asked is there an indemnification issue between the original site and Bremik Construction, or has that been resolved?

Dave Ridel replied I believe that it has been resolved.

David Ross, City Attorney, stated the issue has not been resolved with Multnomah County yet because it is there right-of-way.

Mayor Kight stated irrespective of the site we would have to deal with Multnomah County.

David Ross replied yes. Although with the Mayors Square location, as I understand it, we would actually be anchored in the County right-of-way on the northern end as opposed to being on private property.

Mayor Kight asked is that a plus or a minus?

David Ross replied the County legal counsel has not yet weighed in on that issue.

Charlie Warren, Public Works Director, stated for the Mayors Square location there is an additional cost to construct a bulb turnout on the northern side. We estimate that cost to be somewhere between \$5,000 to \$10,000. We have done line locates in the area and we don't see any conflicts on either the north or south side.

Councilor White asked if we change the location will that breach the contract that we currently have where the costs are fixed right now?

Dave Ridel replied the costs aren't fixed, it is GMP with all of the savings going back and it won't increase the GMP. The only thing that will increase the GMP is when we finalize the electrical design we will have to address that. By changing the location there should be dollars coming back for the micro piles.

Councilor Kyle asked on the right-of-way with Multnomah County, are we dealing with right-of-ways at either location?

Charlie Warren replied some of the right-of-way for the supports are within Multnomah County right-of-way at either location but the only place that it is fully within the right-of-way is on the north side at the Mayors Square location.

David Ross stated you are crossing County right-of-way no matter where you place it.

Councilor Daoust stated if my math is correct it looks like the site by Mayors Square may actually cost more. There is a cost savings of \$14,000 for the pilings at the original location, but there are two additional costs for the Mayors Square site for the soil borings and the bulb-out which is \$16,000.

Charlie Warren stated you are talking about the difference between \$14,000 and \$16,000. Technically those figures aren't nailed down yet so I would say it is a push.

Councilor Hartmann asked what costs have been incurred so far with redesigning the actual structure of the arch?

Mike McCulloch replied so far it has been my own work to create what I have just shown to you (drawings). I am trying to minimize the changes to the arch for a lot of reasons, one is that it has been accepted by the community and everyone likes it. That cost is in the neighborhood of \$3,500.

Councilor Wand stated so we have the subsurface soil testing at the original location already done and to the extent that we know what we are looking at, we already know. Is that correct?

Mike McCulloch replied yes.

Councilor Wand stated but that is unknown at the Mayors Square site.

Mike McCulloch replied that is why I am recommending to do the soil boring.

Councilor Wand stated which would cost \$6,000 to \$6,500. The cost of adding the lighting is \$14,000. When did we take action on approving that? I don't remember the Council taking action or approving that.

Dave Nelson replied I think it was more of an informal direction which wasn't taken at a council meeting. It was during a meeting that took place with the Mayor and some staff when we were looking at the electrical component. There had been multiple discussions about adding power to it, but that was not in the original design.

Councilor Wand asked Mr. McCulloch, have you incurred any costs yet in designing or adding the lighting to the arch?

Mike McCulloch replied yes, I have started to work with the lighting design.

Councilor Wand asked Mr. Ross, have we gone through a proper process to add the lighting?

David Ross replied I don't know. We do not have a signed contract with Bremik yet.

Councilor Wand stated I mean for the costs that have already occurred.

Mike McCulloch stated I was given a letter by Travis Hultin asking for a proposal for my services and I sent him that letter. Subsequent to a meeting on the site the other day with a group of representatives from the City, we agreed to proceed due to the tight schedule.

Councilor Thomas stated it sounds like most of the preliminary engineering work is done for the original site. I would assume that there would have to be some more engineering work in addition to the borings for the Mayors Square site.

Mike McCulloch replied actually it would just be the foundation. The structural engineer is saying that as long as we are within 10% of the same size it wouldn't require any changes other than some architectural drawing changes. It wouldn't require any recalculation by the structural engineer.

Councilor Thomas asked how many parking spaces would we lose if we moved the arch to the Mayors Square location?

Charlie Warren replied it is debatable, but it is probably going to be 1 to 1½.

Mayor Kight asked is there anyone here to speak to us on this issue?

Max Maydew, resident, stated I have been involved with the arch project for over two years. It first got its conception at a meeting we had downtown at Caswell Gallery concerning all of the vacancies in the downtown buildings. One of the things that came out of that meeting was

a sketch that Rip Caswell and his folks came up with of an arch and everyone really liked the idea. I was involved in the site selection and the design work with Mike McCulloch, along with several other people. This is a great project and I would support any location. However, I really think that the original location that we selected for this is the best location. One of the complaints that all of the merchants had was that the signage into Troutdale is really not very good. A lot of people just zip on up 257th and don't even know that this is the entrance to the Columbia Gorge and downtown. A big monument that they can't miss seeing is really a major positive. They aren't likely to see it if it is several blocks down the street. My understanding is that the engineering at the original location is complete. We have the site design, a plot plan that shows that there is 5' of clearance on each side of the sidewalk, and the soil testing has been completed. We understand the issues. These micro pilings are going to be needed on the north side; that is a sure thing. With the Mayors Square site these things are an unknown. I know, having built the buildings that are down there, that there are a lot of unknowns about what is underneath that ground. You would probably still need the micro piles if you move it to a new location, but the fact is we don't know. The County has given a formal approval to the original site; it meets the City and County Codes. We are not causing an obstruction to anything. The surveys and legal descriptions were done voluntarily by a surveyor marking the exact location of where the base of the arch will go. All of that would have to be done again for the new site. Another issue is that the monument is one-sided in a way. You can't read it very well from the back side. If it was in the middle of the town pictures would be taken from both sides (west and east) and if they are taken from the wrong side they will not look right. At the original location there is only one direction to take a picture of the town, and that is framing Broughton's Bluff. One additional issue that was brought to my attention is the potential stop light at Buxton. If that did happen it would obscure the view of Mayors Square. I am really glad you are going ahead with the project and I would support any location, but for all the reasons I just mentioned I think it should be left at the original location.

Paul Thalsofer, former Mayor, stated I have been pushing this arch every step of the way. An arch is a gateway, not a midway to anywhere. If you go under the arch you are in downtown Troutdale. If the gateway site didn't work then of course the Mayors Square site would be okay. But since it will work and all of the effort and money has been spent on the original (gateway) site then I think it should be at the original site. We all intended it to be the gateway to downtown Troutdale. The cost is virtually a push between the two sites, as mentioned earlier. But the point is all of the work has been done at the original location and it is ready to go as I understand it. Now all that needs to be done at the original site is to get some legal issues resolved and you are ready to roll. We have all been working on this so long we want to see this move forward.

Terry Huston, Executive Director of the Troutdale Historical Society, stated as far as vandalism goes the Plaid Pantry is open 24/7 and that is one of the busiest stores. There is nobody in the downtown in the middle of the night so vandalism in Mayors Square would be an easier target than the original site. You would be losing 1 to 2 parking spaces downtown by moving it to Mayors Square. We couldn't get a library in downtown because everyone said there wasn't enough parking. The merchants will suffer from losing those 2 parking spaces. There is a lot of traffic on Buxton from the folks heading to and from I-84 to go to work every

day and they don't come to downtown Troutdale. I think by having them travel under that arch every day it will bring new interest in possibly exploring downtown. On the weekends they travel out the top of the hill to Gresham and they don't necessarily come downtown. There are folks who have lived here for fifteen years and they don't know that we have three museums in Troutdale.

Diane White, resident, stated I am here to speak as an artist. I like the original location because it introduces the city as well as the gorge. At the original location the arch sits alone and there is less distraction so you can focus on the arch. The arch will have fish on it; so does the fountain in Mayors Square. What your eyes will naturally do is look at the arch and see the fish on the arch and the fountain and you will see one visual element instead of two separate. I think aesthetically it is better to disburse the fish and balance them around town. I think the original site is an excellent way to showcase something that is awesome in Troutdale, and that is Rip Caswell's Gallery. The fish will be his creation and it will be in front of his gallery as well as being the entrance to the City. For those reasons I think the arch should be in the original location.

Terry Orme, resident, stated I wanted to express my concurrence with all of the comments related to leaving the arch in the original site. As former Mayor Thalhoffer stated it is a gateway to the City of Troutdale. I like the argument of it standing alone; it will stand out. I think it would be lost if it is put in the center of downtown. All of the interviews that were done, the consensus from your public was to put it in the original site.

Jill Dorrough, owner of Troutdale Dental, stated our office is right in front of where the proposed secondary location is for the arch. The two opinions that I have heard are exactly what we feel as well. Aesthetically and artistically an arch is a welcoming element and belongs at the entrance to something and not in the middle of something. It would be our strong opinion to keep the arch at the original location.

Dave Ripma, Troutdale Historical Society Board Member, stated I want to thank the Council for supporting the Troutdale Centennial Arch project. Others have been involved since the beginning and I have been involved with it for a very long time. I am glad we are down to deciding where it goes and not if we are going to build it. The last hurdle has been crossed. The City now has all of the necessary elements and can start to build it. It was good to have an alternative location if the original location wasn't possible. I, and all of the supporters of the arch, would agree to the Mayors Square location in preference to not building it. But now the original location is available and for the reasons that others have stated, it should be built where it was designed to be built. It is a beautiful work of art. Lets showcase it as the entrance to downtown. If we have to start over with a new location it would cause delay and expense and it would all be to move it to a secondary location, the alternative location. We have a beautiful design, lets build it where it will benefit Troutdale the most, which is the original location.

MOTION: Councilor Thomas moved to leave the arch at the original location as designed. Seconded by Councilor Daoust.

VOTE: Mayor Kight – Yes; Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Hartmann – Yes; Councilor Wand – Yes; Councilor Thomas – Yes.

Motion Passed 7 – 0.

6. PUBLIC HEARING / ORDINANCE: An ordinance amending Troutdale Municipal Code 8.28, Nuisances, adding a provision to prohibit camping and making other changes.

Mayor Kight read the ordinance title.

David Ross, City Attorney, stated there is one typo in the staff report. The second paragraph, fifth line reads, "...of the owner or party entitled to possession thereof, and in an event for more than 24 hours..." The word "an" should read "no". This request to amend the ordinance comes from Code Enforcement to deal with the growing problem of transient camping in the city. The criminal justice system is not designed to deal with this issue and that is why it might be best to deal with it in the context of a non-criminal nuisance that can be abated by the city if necessary. We have added this as a nuisance to Chapter 8.28 of the Municipal Code and we have added it to the list of those nuisances that must be abated within 72 hours, rather than within the normal 10 days. While we were amending this Chapter we took the opportunity to do some housecleaning. We have fine tuned the definition of vehicle to include those vehicles that may not necessarily be designed for over the road use. We have added personal service as a way of serving notices. We have also changed Director from the Community Development Director to the City Administrator or his designee, which is currently the Chief of Police, to accommodate the change that took place a little over a year ago shifting Code Enforcement from Community Development to Police, and to also allow for any future modifications that may be deemed necessary.

Mayor Kight asked Mr. Hanna to explain what prompted this amendment.

Jack Hanna replied this is an attempt to clean up a situation where we have transients in the business area on Frontage Road as well as in downtown. The only code that we have that restricts camping currently is that we restrict living in a motor home, travel trailer or similar for longer than 14 days. What we are finding is the transients are living in tents, concrete sewer pipes, and cardboard boxes none of which we could enforce because it wasn't called out as a violation. The way we were moving them around was using the illegal dumping or liter violation in the nuisance code, which was 30% effective if we could convince them that they were in trouble. We would get them to move but we always found them somewhere else because we couldn't deal with the camping issue itself. This proposed ordinance covers living in tents, sheds, etc. so that we can deal with the issue immediately.

Sergeant Shrake stated what we are after is an ordinance with some teeth to it to allow us to deal with this issue. This ordinance will make it simpler for the officers to address this issue and get rid of the problem we have and help make our streets livable and clean for our tourists and our citizens.

Councilor White stated the only concern that I have is that there are legitimate reasons for pulling over and sleeping in your car such as being too tired to continue driving. Another reason would be when I-84 is closed due to weather. How would we address that?

Sergeant Shrake stated there is language that talks about permission of the property owner which would address Travel Centers of America where they do allow people to stay overnight in their vehicles. Where there is an emergency situation we can use our discretion to enforce it.

Councilor White stated can you explain the new language about personally delivering the notices.

Sergeant Shrake stated it just gives us another way to deliver the notice and it can speed up the process.

Mayor Kight stated a lot of these people don't have a residence for us to mail it to because they are homeless.

Councilor White asked what is the penalty for a repeat violator?

Jack Hanna replied the fine is up to \$1,000 per day that the violation exists under the nuisance ordinance. If they are charged with the same offense a third time they become a habitual offender and they are fined no less than \$1,000 for each violation thereafter.

David Ross stated that is not what we are looking at here. We are looking for something that will give us the ability to try and deal with the issue short of citing them for criminal trespass, which is a misdemeanor. When we do that they come to court and plea non-guilty and they request a court appointed attorney, and then when they do not appear we have to issue a warrant, and we get into this constant cycle that the criminal justice system is just not designed to deal with.

Councilor Daoust stated so one of the affects of this will be to move transients. A few years ago there was a problem with transients camping in the Sandy River Delta area. If we enforce this ordinance it could cause them to move back over to the Sandy River Delta area. Just out of courtesy we should notify the forest service law enforcement that we may be creating a problem for them in the Sandy River Delta area.

Sergeant Shrake replied we address that yearly with the County and participate in the sweeps of that site as well. We do coordinate with them. I don't know where they are going to go. It is a tough situation all-around. We are responsible for making our community safe and livable.

Councilor Wand asked Mr. Ross, are you satisfied that we are not going to have any complaints about the constitutionality of this type of a provision? Is there good case law that supports this?

David Ross replied I am fairly certain that we are going to be okay with this.

Councilor Wand asked if folks don't pay the fines can that at some point result in an injunction or a bench warrant?

David Ross replied I think we would try to abate the nuisance as opposed to making it a court case. Going to court on these is the last resort and that is why we want to make it part of the nuisance code.

Councilor Wand asked Sergeant Shrake and Mr. Hanna, are you satisfied that this is a solution that is workable?

Jack Hanna replied yes.

Councilor Thomas asked the change to allow personal delivery of the notices, is that for all notices?

Jack Hanna replied it is for any notice that I can personally deliver.

Councilor Thomas asked so it is not just for the camping?

Jack Hanna replied no.

Councilor Thomas asked so this would cover the folks staying in their trucks at the truck stops?

Jack Hanna replied correct, they would have permission to stay there from the property owner.

Councilor Thomas asked how does that work for someone who wants to stay in their RV on a parking pad next to a house?

Jack Hanna replied that is already covered in the ordinance. They are allowed to camp on their property for no longer than 14 days in a six month period as long as they are not obstructing the public sidewalk or they are not parked in the street.

Mayor Kight asked could this be considered as an emergency ordinance so that it would go into effect immediately?

David Ross replied there would need to be a finding that it is necessary and then it has to be a unanimous vote from the council.

Councilor Wand asked have you seen a substantial and recent increase in the amount of activity that would violate this proposed ordinance within the last week or two?

Jack Hanna replied we have moved the transients five times because we have received complaints from businesses on Frontage Road and the merchants downtown. They have a camp now and we know where they are but they are not anywhere where they are going to bother anyone right now. They know that we know that they are there. So we have an understanding with them right now.

Councilor Wand asked if we had a population of approximately 20 transients for the past six months and all of a sudden five days ago we had 200 move in, that would be an emergency in my mind. Have you experienced anything like that?

Jack Hanna replied no.

Councilor White stated I am concerned with the personal notification. I don't have a problem with it regarding this camping ordinance but I do have a problem with it regarding other types of violations. I think it would be more appropriate to receive a letter in the mail stating that your grass is too tall rather than having someone come to my door and hand deliver that to me.

Sergeant Shrake stated it is an added option that we can use. Some of the stuff will stay the same. It is a customer service issue and I would rather have the conversation and educate the public then send a blanket letter out. That personal contact may not even result in a correction notice; it may just be a face to face educational conversation that is just a little bit more of a personal approach.

Mayor Kight opened the public hearing and asked if there was anyone here that would like to speak to us on this issue?

No testimony was received.

Mayor Kight closed the public hearing at 8:40pm.

7-A. PROCLAMATION – July 2009 National Guard Month

Mayor Kight amended the agenda and added a Proclamation to recognize July 2009 as National Guard Month.

7. STAFF COMMUNICATIONS

Dave Nelson discussed scheduling a work session on the Metro Title 13 Code Amendments.

Council agreed to hold the work session on September 15th.

8. COUNCIL COMMUNICATIONS

Councilor Hartmann asked the Council if there was any interest in having a retreat with departments this summer or early fall to align what needs the City has and what issues we

are going to be facing. Could we direct staff to organize something where we could do this over a weekend to address these issues that are coming before us in a more proactive way? I think there are ways we could mitigate these issues before they become a crisis and we could create a long-term plan.

Council discussed the format, the need for a facilitator, and when to schedule this. Council agreed to work towards scheduling a retreat in October.

Mayor Kight presented Erich Mueller with a letter of appreciation from the City Council to thank Erich for his hard work and dedication to the City during the budget process.

9. ADJOURNMENT:

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

Meeting adjourned at 9:10pm.

Jim Kight, Mayor

Approved September 8, 2009

ATTEST:

Debbie Stickney, City Recorder