

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

Tuesday, October 27, 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; Scott Anderson, Chief of Police; Rich Faith, Community Development Director; Elizabeth McCallum, Senior Planner; Erich Mueller, Finance Director; Debbie Stickney, City Recorder; and David Ross, City Attorney.

GUESTS: See Attached.

Mayor Kight asked are there any agenda updates?

Dave Nelson, City Administrator, stated we will be adding Items 1a and 1b, which are award presentations to an employee and to the City.

1a. AWARD PRESENTATION

Mayor Kight presented Sam Davis (Recreation Program Manager) with the 2009 Individual Fitness Leadership Award for her outstanding efforts in managing the City's Recreation Program. This is awarded by the Oregon Governor's Council on Physical Fitness and Sports. (Copy of the application submitted is included in the packet.)

1b. AWARD PRESENTATION

Mayor Kight presented the City of Troutdale with the 2009 Fitness Leadership Award for the City's Recreation Program. This is also awarded by the Oregon Governor's Council on Physical Fitness and Sports. (Copy of the application submitted is included in the packet.)

2. OATHS OF OFFICE:

Officer Christopher Darren Stephens.

Mayor Kight administered the Oath of Office to Christopher Darren Stephens, Police Officer for the City of Troutdale.

Scott Anderson, Chief of Police stated Officer Stephens is an extraordinary police officer. He competed against 89 applicants for this position. During the screening process his passion for becoming a Police Officer for Troutdale came through.

Chief Anderson welcomed Officer Stephens to the team.

3. VOLUNTEER RECOGNITION

Mayor Kight presented certificates to the volunteers that participated in the Mayor's Downtown Spring Clean-up event. The certificate reads, "The City of Troutdale would like to recognize (name of volunteer) for volunteering his/her time to participate in the Mayor's First Annual Downtown Spring Cleanup. This project focused on cleaning up the Marino Block, pressure washing Mayors Square and downtown sidewalks, mowing grass, removal of blackberry vines, and cleaning and painting vacant buildings in downtown. The City of Troutdale is indeed fortunate to have citizens of your caliber come forward to make improvements in the appearance of our community."

The following volunteers were presented with a certificate: Bob Whipps, Jim Whipps, Ty Beck, Preslie Beck, Cody Childs, Mike Childs, Corinn Childs, Joy Childs, Dale Norman, Adriana Wollney, Bill Lloyd, Frank Windust, and Dr. Jim Gurtisen

4. CONSENT AGENDA:

- 4.1 **RESOLUTION:** A resolution electing to remove the City from the jurisdiction of the Tax Supervising and Conservation Commission, beginning with Fiscal Year 2010-11.

MOTION: Councilor Wand moved to adopt the consent agenda. Seconded by Councilor Kyle. Motion Passed 7-0.

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

None.

6. UPDATE: An update from Reynolds School District.

Dr. Fisher, Superintendent of Reynolds School District, stated in 2007 the Reynolds School Board adopted 3 Goals: 1) The District will increase student achievement; 2) The District will provide present and future fiscal solvency; 3) The District will increase community competence in the District and District schools. This past February twelve measureable District objectives were adopted to focus on these 3 Goals (copy of the objectives are included in the packet). In June of 2008 a Final Report was provided to the Board and the

community with the achievements that were made on each of those twelve objectives (copy of the Final Report is included in the packet). In August of 2009 16 measurable District objectives were established to continue to focus on these 3 Goals. In this coming January the Superintendent will present a mid-year report to the Board and the community on the progress made on each of those objectives. In June 2010 the Superintendent will present a Final Report on the achievement of those goals.

Theresa Delaney-Davis, Chair of the Reynolds School District Board, stated in the last couple of years I have seen a new spirit of cooperation among all of the East County municipalities. Reynolds is the only district in the state that covers five municipalities. Troutdale has the most significant number of residents and students in our district boundaries. I have seen an increase in cooperation across the board with all of the city councils in working together to talk about shared commonalities and how to address the shift in population to East County. In that spirit this Board is putting together a new vision statement. We would like to invite you to consider holding a joint work session with the Reynolds School District Board. A second item that I want to touch on is the property here in Troutdale – Edgefield. I attended a Metro meeting where they defined that by December there is a possibility for them to decide whether or not to fund a corridor study for the off-ramp on 238th/242nd. We respect, understand and admire your reasoning for providing unity in the region around this topic, but we would ask that if it looks like that study is not going to be funded that the Troutdale City Council consider revisiting the topic of vacating that easement so that our District can maximize our use, or make a decision about what to do with the property. I am here tonight to thank you and reach out our hand in the spirit of partnering with our community leaders to do what is in the best interest of our students and our community.

Mayor Kight applauded the District for coming to the meeting. Dr. Fisher, you have made phenomenal progress in turning the ship around with the support of the Board.

Councilor Wand stated I appreciate you coming tonight and helping to give us this light at the end of the tunnel that I think our community really needs. It has always been my hope that we can build a new high school in the district. I think that overcrowding is an issue that can't be solved with cutting-edge educational theories. Who would be the best person for us to contact to put in motion some volunteer opportunities for our city with some of your high school students?

Dr. Fisher replied Andrea Watson and/or Jeff Gilbert (High School Principal).

Councilor Thomas stated I appreciate everything you have done to turn the District around. I think the Board has taken some great strides. I like the idea of holding a joint work session.

Councilor Kyle stated I think that you will find that our city council is eager to have a joint work session and lend a hand in partnering power where we can. Thank you for all that you have done.

Councilor Daoust stated I think a joint work session is a very good idea. I think we could share a lot of ideas on how to deal with tough budgets. I hope that the Council gets to the point where we can revisit the 242nd connector because I know how important it is for the

District to have clarification on a piece of property that you own. It is also very important to us, and I hope that someday we provide that clarification to you.

Councilor Hartmann stated I echo the sentiments of the Council. I applaud you for the hard work that has been accomplished.

The Council thanked Dr. Fisher and the School Board Members for coming to the meeting.

7. PRESENTATION: David Eatwell, Economic Development Director of the West Columbia Gorge Chamber of Commerce Consortium.

David Eatwell showed the Council a PowerPoint Presentation (copy attached as Exhibit A) giving an overview of what he has been working on which includes: **1)** Beginning benchmarks; **2)** Economic development strategy which is to: **a)** Promote industrial/commercial properties within the Consortium service area; **b)** Work with the Chamber and MHCC to grow existing businesses; **c)** Build a positive image of the Consortium service area within the region; **d)** Work with the Chamber to organize merchant groups within the Consortium's area; and **e)** Work with the Chamber to mount a coordinated tourism development.

The Council thanked Mr. Eatwell for coming to the meeting and keeping them updated on his work.

Mayor Kight called for a break at 8:15pm and reconvened at 8:26pm.

8. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Chapter 1 of the Troutdale Development Code pertaining to water quality and flood management definitions and Chapter 4.600, Flood Management Area, (Text Amendment No. 43) for compliance with the National Flood Insurance Program, and adoption of new digitized Flood Insurance Rate Maps and Flood Insurance Study.

Mayor Kight read the ordinance title.

Mayor Kight stated before we start I think I need to declare a potential conflict of interest, is that correct Mr. Ross.

David Ross, City Attorney, replied you and Councilor White asked me if you may have a conflict of interest by virtue of the fact that you reside in an area that is in the floodplain. The answer to that question is no because your interest is no different than anyone else in a class of people who all reside in the city. You do not have a conflict of interest that would prohibit you from participating in the discussion and deliberation.

Mayor Kight opened the public hearing at 8:29pm.

Elizabeth McCallum, Senior Planner, showed a PowerPoint Presentation that was prepared by the Federal Emergency Management Agency (FEMA) that contains information about the National Flood Insurance Program with respect to the new maps (copy included in the packet). **Slide 1: Purpose of the National Flood Insurance Program (NFIP).** The purpose of

the NFIP is to provide flood insurance, assign flood risk and insurance rates, create a partnership between local government and FEMA, promote floodplain management practices and set minimum floodplain construction standards. Our floodplain construction development standards are contained in the Troutdale Development Code (TDC), Chapter 4.600. **Slide 2: Ordinances – cornerstone of floodplain management.** Our codes must address the requirements in the Code of Federal Regulations (Title 44, Section 60.3 of the NFIP regulation). They are influenced by the level of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM). We currently have a flood insurance study unique to the City of Troutdale; the new study is county-wide so it addresses the cities of Fairview, Wood Village, Troutdale, Gresham and the unincorporated portions of Multnomah County. The standards must be legally enforceable, applied uniformly, and they must take precedence over any less restrictive conflicting laws, ordinances or codes. Oregon model ordinances are available but they are not mandatory according to FEMA. **Slide 3: Other benefits of participating in the NFIP are:** Communities and developers can determine safe areas in which to build. There are some dynamics in some of our undeveloped properties. Most of those properties are protected from the 100-year flood by the levy and the drainage ditches that are managed in Troutdale by the Sandy Drainage Improvement Company. Home and business owners can determine their flood risk and protect their property. Insurance agents and lenders can determine which properties are floodprone. **Slide 4: What is map modernization?** FEMA has produced digitized flood insurance rate maps and studies for communities nationwide that are more accurate, easier to use and more readily available. **Slide 5: Why modernize?** Most of the paper maps that FEMA has been using are 10+ years old. The date of our most recent map is 1998 so it is indeed more than 10 years old. In some instances there are physical changes in floodplains which are man-made and/or natural. For Troutdale FEMA did not have money to redo the hydrology and hydrologic analysis of the flood flows around the Sandy River, Beaver Creek and the Columbia River so they are based upon the prior information that we have. The digital format enables overlays and analysis of where the property line is in relationship to that floodplain elevation. It will be easier for FEMA to update maps. The maps are the foundation for flood risk reduction and insurance. **Slides 6 & 7: Current flood insurance study, March 19, 1986.** Multnomah County's flood insurance study was adopted March 18, 1986. Ours was adopted in 1988. Our current flood insurance rate map is dated August 3, 1998 and the flood insurance study for Troutdale was updated at that time as well to include a portion of Beaver Creek that was not previously mapped because it was all agricultural use. Some history for the FEMA flood insurance program is that it was a 1968 law that required FEMA to identify the nation's floodplains and establish a flood risk zone and to set insurance rates. The maps establish the Special Flood Hazard Area (SFHA) for lender requirements. The maps provide communities with the data on which to enforce the Flood Plain Management (FPM) ordinances required in the NFIP, and converts the community to the Regular Program. The flood insurance study is a narrative that includes stream profiles which are the graphs that show the 10, 50, 100 and 500-year floods. They include the most accurate Base Flood Elevation (BFE). The BFE is the point at which FEMA established in their data gathering as the 1% chance of a 100-year flood in any given year. So when we are referencing the BFE as the 100-year flood level, the elevation levels are based upon the 100-year probability. **Slide 8: When will it flood?** This is a chart that explains flooding probability. **Slide 9: What's new – Flood Insurance Study.** Multnomah County and the unincorporated areas in East County are now in what they call the new seamless mapping. The maps are a countywide format and the floodplain boundaries for all flooding sources were digitized from the effective FIRM and Flood Wave (FW) panel. In Troutdale the

FW and the FIRM were one in the same panel. Aerial photography and new topography data were used to adjust floodplain and floodway boundaries where appropriate and there is a Vertical Datum change. **Slide 10: Vertical datum conversion.** The maps and the studies are currently based upon the National Geodetic Vertical Datum 29 (NGVD 29). The new digitized maps will be the North American Vertical Datum 88 (NAVD 88) and that is based on an improved model of the Earth and it is more accurate. The conversion for Multnomah County is: NGVD plus the vertical adjustment of 3.43 feet. **Slide 11: Vertical datum change.** What you might see on the current FIRM for the BFE at 34', on the new map you will see 37.43'. They are using a new datum which is similar to using two different temperature scales – Fahrenheit vs. Celsius. Water freezes at 32° F and 0° C. It is not a different freezing point, it is one in the same. **Slide 12: Digital Flood Insurance Rate Maps – Vertical Datum and FIRMs (uses +3.43' conversion).** This slide shows an example of the BFE at 122.43' using the NAVD 88 and under the current map which is the NGVD 29 the BFE is 119'. It doesn't rise any higher on that piece of property or house, but it is a different number because we have a different reference point. **Slide 13: Digital Flood Insurance Rate Maps – digital format.** The digitized map has a number of layers that we can turn on and off as we look at them which include: Special flood hazard areas, land ownership (property boundaries), transportation, surface waters, other boundaries within the city, geodetic control, elevation and aerial imagery. **Slide 14 & 15:** These slides show maps comparing the paper FIRM to the new digitized FIRM for a section of Troutdale.

Elizabeth McCallum reviewed the remaining slides which contain information about the proposed Text Amendment #43. **(Slide 16)** The text amendments that go along with adoption of the new digitized FIRM and FIS includes adding definitions into Chapter 1 of the TDC to be consistent with the NFIP. **(Slide 17)** Other text amendments include adding development standards for uses that the State identified as necessary for compliance with the NFIP (those are shown in Exhibit C and they are summarized in the staff report on Page 4). **(Slide 18)** The text amendments also include changes to permitted uses as recommended by the Planning Commission (PC) which includes uses requested by the Port of Portland and the Sandy Drainage Improvement Company for the ongoing maintenance of their facilities. **(Slide 19)** The amendments also clarify existing standards like balanced cut and fill in the TDC 4.617 Development Standards, Section G (text is shown on page 42 of Tab C in the packet). **(Slide 20 & 21)** We have a new subdivision on the corner of Columbia River Highway and Jackson Park Road. The floodplain on that property is a really odd shape. The developer had sufficient land to build ten lots, but the question was how was he going to be able to get ten lots on that really odd shape of property. The Code currently allows balanced cut and fill but the amendments are clarifying what came out of the PC's hearing on approving that balanced cut and fill. The condition from the PC imposed on this development was that the balance cut and fill could not be a means to have increased density. In other words the surface square footage above the floodplain has actually increased because of the fill. The decision was based upon the net area as the Code is written (density is based upon net area). So this was not a means to increase the number of lots, they only have as many lots as was allowed by the net area, but they have a more buildable shape. **(Slide 22)** Additional housekeeping amendments include clarification of terminology and changes to procedures including listing uses that are exempt from a Flood Hazard Permit process. One of those exemptions is for the Sandy Drainage Improvement Company to maintain their ditches without obtaining a Flood Hazard Permit. Another exemption is for the Port of Portland to be allowed to cut down trees within the floodplain that may be necessary in order

to have a safe operation of the Troutdale Airport. **(Slide 23)** The PC did afford citizens the opportunity to submit written comments prior to their public hearing and/or to address them at their hearing. Neither written comments or oral communications were presented at their hearing specific to Text Amendment #43 and adoption of the new FIRM. **(Slide 24)** The TDC Text Amendment Criteria that needs to be met for changes to the text includes: **a)** TDC 15.050 A2 - The public need is best satisfied by this particular change. The main intent of these text amendments is for compliance with the NFIP. **b)** TDC 15.050 A3 – The change will not adversely affect the health, safety, and welfare of the community. Adoption of the new FIRM and FIS provides a tool to increase the safety and welfare of our community. **c)** TDC 15.050 A4 – In the case of TDC amendments, the particular change does not conflict with applicable Comprehensive Land Use Plan Goals or Policies. Our floodplain development standards carry out specifically Statewide Planning Goal 7, and the City also adopted Goal 7, which pertains to areas subject to natural disasters or hazards.

Elizabeth McCallum stated the options before the Council this evening include **(Slide 25)**: **a)** Confirm the recommendations of the PC (Tab B) and enact an ordinance adopting these amendments; **b)** Revise the recommendations of the PC, adopt additional findings to support the revisions, and enact an ordinance adopting the amendments as revised; **c)** Reject the proposed amendments recommended by the PC and adopt findings supporting this decision. Staff is recommending Option B because at your meeting two weeks ago on Text Amendment #42 (pertaining to Metro's Title 13 Nature in Neighborhoods) you tabled that ordinance indefinitely, and Text Amendment #43 that the PC considered that goes with the floodplain management standards corresponded in many places to the amendments that would have been adopted with Text Amendment #42. Two weeks ago you instructed us to revise the proposed Text Amendment #43 to exclude references to Metro's Title 13, and that has been done (shown in Tab C). That is why I am recommending that you adopt Text Amendment #43 with revisions to coincide with your prior action on Text Amendment #42. FEMA did send a letter (Tab A) reminding us that FEMA adopted these standards in June and that within six months we must adopt these because they will be effective on December 18th. For our continued participation in the NFIP the ordinance before you has an effective date of December 18, 2009.

Councilor Thomas stated you mentioned that our current maps were based on a previous technology study. Do you know when that was done?

Elizabeth McCallum replied it was 1986/87. Our first actual maps and flood insurance study have effective dates of 1988.

Councilor Thomas asked when we adopted the plan in 1998 they used the 1988 hydrology studies?

Elizabeth McCallum replied the 1998 amendment included additional information about the particular reach of Beaver Creek, and that was approximately from the east side of Troutdale Road to Stark Street.

Councilor Thomas asked has the 100-year floodplain been used as the base for a long time or is that a fairly recent event?

Elizabeth McCallum replied ever since the beginning of the NFIP the flood that they have been addressing, which affects the insurance and development, has been the 100-year flood.

Mayor Kight stated it has come to my attention that some of the folks that live on Jackson Park Road are going to appeal some of the mapping because they feel it is inaccurate. What is the appeal process for those people that are currently in the 100-year floodplain but previous to that were not?

Elizabeth McCallum replied they have the option of submitting their own letter of map revision to FEMA with all of the hydrological and scientific data if it is not just a matter of the land being higher than what it is shown on the map. For example, if the BFE is 40' and your property is identified as being in the floodplain but when you survey your property it is at 45', that is a map error because of the elevation. But if the position is that the actual hydrological study is in error, then that is another process. The city also has the opportunity to initiate our own additional studies and present that information to FEMA. FEMA is looking at re-studying the Sandy River in the fiscal year 2010, but when and how quickly that will be done, and whether they will rely upon the city to invest money to do the research, we don't have all of those answers yet. There is an appeal process for the mapping. An example is Councilor White has a Letter of Map Revision based upon fill because a portion of his land is above the established BFE and that is because there was fill put on the property after they mapped that area. If you are challenging the original hydrological study, that is a longer and more expensive process.

Councilor White asked on Page 22 under Tab C, Line Item 2 where it talks about the 1996 flood boundaries established by Metro, are those the maps that we refer to?

Elizabeth McCallum replied yes. Those are already adopted; that is what our current standard is and that is not changing. There is very little of the flooding area in the city limits of Troutdale that was any higher in 1996 than the established 100-year flood.

Councilor White stated again, my concern is that those maps were not "ground-truthed" and you are going to use them as a reference correct?

Elizabeth McCallum replied what our ordinance says (Page 21 of Tab C, bottom of Paragraph B in the light colored text) is, "Metro mapped the flood hazard areas from the FIRM and areas inundated by flooding in 1996 on the Title 3 map. The Title 3 maps, the FIS, and the FIRM are adopted for reference only. The applicant for development within this area shall be responsible for precisely establishing BFE and delineating the boundaries of the Flood Management Area based upon site-specific field surveys and delineations." That is not new information, that is our existing ordinance that has been in effect since November 2000.

Councilor White stated on Page 22 of Tab C, Item 4 we are changing the wording from "bankfull flow" to "bankfull stage". I just want to make sure that those mean the same and that the definition isn't changing.

Elizabeth McCallum replied we have a definition for bankfull stage in Chapter 1. This is housekeeping because when we use the term bankfull flow, it is not defined in the Code and it is bankfull stage that is intended and is used frequently elsewhere in the Code. You will

find that used most frequently in TDC Chapter 4.300 which was the subject of Text Amendment #42. We changed that to bankfull stage for consistency with the definition.

Dave Hendricks, Deputy Director for Multnomah County Drainage District, stated we manage Sandy Drainage Improvement Company by contract as well as the other two drainage districts along the Columbia River. I am here tonight to support Text Amendment #43, in specific the language that identifies the Sandy Drainage Improvement Company's routine maintenance and activities as permitted uses.

Mayor Kight closed the public hearing at 9:15 and stated that there will be a second hearing in two weeks.

9. STAFF COMMUNICATIONS

Dave Nelson stated the contract for the Arch was signed today so we will be having the Ground Breaking Ceremony on Tuesday, November 3, 2009.

Dave Nelson stated two weeks ago I mentioned to you that Mr. King, a resident, expressed an interest in moving the Tri-Met bus layover location. Travis Hultin has been working with Tri-Met and they have agreed to relocate their layover location to Glenn Otto Park.

Dave Nelson stated I would like to ask for some clarification on the work session that is scheduled for next week. There was some email traffic from Mr. Ross on whether or not we had a consensus from the Council to hold this work session.

Councilor Wand requested that the work session be rescheduled due to a conflict in his work schedule.

Mayor Kight asked Mr. Nelson, are you asking for some specificity as to the content of the meeting.

Dave Nelson replied I just want to make sure that there is a consensus to meet regarding renewable energy and the ZESC proposal that Councilor Hartmann has been working on with Ms. Zollinger.

Councilor Daoust stated I need a couple of things clarified before I feel comfortable having a work session on this. One of them is the documentation, which I did read. There seems to be a couple of unworkable documents that I can't get my hands around. The MOU specifically, in my own terms, is an unworkable document. It has too many red flags, too many possible impacts to city finances, and it has too many unclear paragraphs that I have a hard time understanding. If I am going to go into a work session to discuss this and be able to ask intelligent questions, I don't have something to work from in my mind and that is a problem for me. With the MOU I have as many questions as our City Attorney had. There are just too many questions. Secondly, who would we have come to testify? We agreed as a council to have a letter written to a certain individual to discontinue working with them. If we are going to have that individual testify with professional testimony to the Council, I need to have that clarified. What is the status, do we reconcile the letter that has not been withdrawn

with the possibility that we ask that person to testify before the Council. I need clarification on that. As far as I am concerned the letter is still in place and it has not been withdrawn. I think that person probably holds a lot of the answers to my questions but I feel uncomfortable having them at the meeting. Councilor Hartmann, I know that you have been giving us a lot of the information, but I don't know that you can answer all of my questions because I have some pretty tough questions. I am real uncomfortable with this work session. I don't feel like I can adequately prepare for it.

Mayor Kight stated since you referenced the individual that was sent a cease and desist letter on the part of our city attorney, since that time city staff has accumulated approximately \$10,000 in expenditures in staff time on the part of the city attorney, city administrator and finance director. I find it particularly egregious that we have spent this kind of resources on the part of city staff time. They have personally come to me and we have had multiple conversations and to say they are frustrated would be a mild term. I share that same level of frustration since it seems that we have contravened our own order and there have been secret meetings on the part of certain members of the city council with this particular individual. I personally would like to see us talk about renewable energy, or waste to energy, in a meeting without bringing up this particular individual who has been served a cease and desist order. I am still open to the idea of waste to energy but I personally don't think we ought to expend any more resources on the part of the city staff and their time contacting outside individuals in order to gain more information relative to this particular company and this individual. It is not fair to that individual as well because we are sending them a mixed message. I am open to the idea of having a work session to talk about waste to energy, but not to spending any more staff time to research this.

Councilor Thomas stated I think the discussion we need to have is whether the City Council in general wants to pursue alternative forms of energy. Once we establish what we want to do then we ask who we need to contact or how do we do it. The Council really hasn't discussed the various kinds of energy and which ones would we like to pursue, and how would we like to pursue that.

Councilor Wand stated I want to thank the Mayor. He has really taken the lead on the issue of green energy and renewable energy opportunities. He was the one who first brought us the ZESC technology and gave us the opportunity to consider what we can do as a city in this critical area. It seems to me we have had presented to us some technologies, such as wind, that are proven. I agree with Councilor Thomas. I really think that in order for us to get back on center where we need to be that we should have a work session to talk about whether this is a core function of the city that we want to pursue. I think that is where the discussion needs to be; it shouldn't be about this type or that type of green energy. We first need to discuss with staff whether or not green technology/energy is something that we want to pursue. Let's have that policy debate first.

Councilor White stated I am a little confused. At the last council meeting I thought we agreed to have that work session and we took a vote on that.

David Ross stated at the last city council meeting you did not agree to have a work session; the work session had already been scheduled. That did not occur at a public meeting.

Councilor Hartmann stated at the last council meeting we discussed supporting sending a letter of intent for the purpose of endorsements so that we could discuss it at the November 3rd work session.

Councilor Kyle stated I am very interested in the Council having a discussion on energy, particularly the waste to energy discussion. I support a work session.

Councilor Daoust stated I am all for a policy discussion. I just feel that I am not prepared to intelligently discuss CREBS and ZESC.

Mayor Kight stated it appears there is a consensus to hold a work session to have a policy discussion on green energy whether it is wind or waste to energy.

Councilor Hartmann stated I want to make sure we have the opportunity to review renewable energy projects. I have spent at least 100 hours trying to digest ZESC technology on the grounds that on May 26th the Council decided to do some due diligence on three particular areas. I have been very open and vocal with the Council along the way. I am surprised that it would be construed as secret. I know that I have probably made mistakes that may have come across that I was in some way trying to secretly achieve an agenda. If there is any agenda here to be had on my account it was to honor a citizen from Troutdale who came to our city and was given three months of discussion with our staff and with our council to consider a proposal. We promised that individual that we would do our due diligence. I believe that she, as well as the investor and all parties, deserve a fair shake. I can't say, up until recent months, that we were able to properly do that as a Council. I want to say that I do respect the Council for doing so recently. I will admit fault by misinterpreting a cease and desist and speaking out of turn. We are supposed to be a business friendly community and we will not get that recognition if we turn businesses away that come to us with a project. We have to do the due diligence that we say we will do. It is a matter of honor, character and reputation. So I appreciate everything that has been done and I would like to have a work session to continue discussions and to answer any of your questions.

Mayor Kight stated we appreciate your effort, work and tenacity. Mr. Nelson, do you have direction?

Dave Nelson replied I understand that you still want to have a work session but it will focus on a policy discussion regarding green energy. Is staff going to take the lead on this discussion or will someone on the council take the lead on this?

Mayor Kight asked the Council, do you want staff to take the lead or do you want me to establish a committee?

Councilor Thomas stated I think the council should take the lead. I would be willing to help with that.

Councilor Daoust stated I would volunteer to work with Councilor Thomas. The policy level is probably something that the Council should handle rather than ask staff to develop policy options.

Mayor Kight stated I am going to also include myself as part of that committee. So it will be up to me, Councilor Daoust and Councilor Thomas to work on this. The City Council work session will be scheduled at a later date.

10. COUNCIL COMMUNICATIONS

Councilor Thomas stated I am the Mt. Hood Cable Regulatory Commission (MHCRC) representative for Troutdale. We are going through the Verizon/Frontier transfer process. The MHCRC will be holding a public hearing on December 7th.

Councilor Thomas stated I am a member of the League of Oregon Cities Telecommunication Committee and they have asked me to continue my membership. I have asked the Mayor to consider supporting my reappointment to the committee for another 2-year term.

Mayor Kight stated BPA is going to have a new transmission site and a new substation. This will be located on a 7 to 10 acre footprint and is a \$353 million project. It will originate in Castle Rock, Washington and the substation will be in Troutdale. The first meeting for this area will be on November 5th from 4-7pm at the Gresham Holiday Inn.

Councilor Daoust stated the project that we have on S. Frontage Road; it appears to me that nothing has changed there. It appears that they have just paved over the same alignment of lanes and maybe added another lane on the north side to go north. Maybe these are temporary lines and they are going to change them, but the problem that we had still exists. That problem was with the lane going straight to the on-ramp going eastbound on I-84 and the cars would get backed up that were trying to go south on 257th. That problem still exists. I thought that this project was supposed to correct that problem.

Dave Nelson stated I will ask Mr. Warren if he can clarify that for you.

Mayor Kight stated myself, Mr. Nelson and Councilor Wand will be meeting with ODOT to talk about this project as well as other projects, so we can bring this up.

Councilor Daoust stated I noticed that we have a very impressive Political Action Committee called the Friends of Troutdale Police. They were formed several months ago with the purpose of looking into building a new police facility. They are targeting a bond measure for the November 2010 election. My question is has the council discussed this yet?

Mayor Kight replied we have not discussed this.

Dave Nelson stated today at our Management Team meeting Chief Anderson asked about scheduling a work session with the Council to discuss this topic.

Councilor Daoust stated we received an email from a resident about a rooster crowing. The residents called me to come over to their house and I did witness the fact that this rooster just doesn't stop. Multnomah Animal Control will not touch two-legged animals; they only deal with four-legged animals, so this falls back to the city. Could Mr. Hanna go out and talk to these folks again to see if there is any resolution to this problem?

Mayor Kight directed Mr. Nelson to have Mr. Hanna look into this issue.

MOTION: Councilor Daoust moved to appoint Mr. Nelson or his designee as the negotiator of the real property transaction discussed in the Council Executive Session held earlier this evening. Seconded by Councilor Thomas. Motion Passed Unanimously.

Councilor Hartmann stated when I went and began to question whether or not I should even do additional due diligence, at one point I consulted with different members of the council. One of the concerns that I had, and still have, is the cease and desist order. I would like to urge this council to be open to the idea that this individual is cooperative, and that you would be willing to reconsider lifting the cease and desist so that in the next few weeks if you have questions you would have the freedom to explore this technology. There is a lot to learn. I have seen a record of tolerance, respect and a different side to this individual than was originally cause for that cease and desist order. I am asking the Council and staff to consider a second chance.

Councilor Daoust stated I think we just need to sleep on that. I don't think we can decide that tonight.

Mayor Kight stated I agree.

11. ADJOURNMENT:

MOTION: Councilor Wand moved to adjourn. Seconded by Councilor Kyle. Motion passed unanimously.

Meeting adjourned at 10:00pm.

Jim Kight, Mayor

Approved January 12, 2010

ATTEST:

Debbie Stickney, City Recorder