

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

Tuesday, May 13, 2008

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

Members of the Armed Forces (Army, Navy and Marines) Posted the Colors.

PRESENT: Mayor Thalhofer, Councilor Kight, Councilor Ripma (7:10pm), Councilor Canfield, Councilor Kyle, and Councilor Daoust.

ABSENT: Councilor Thomas (excused).

STAFF: John Anderson, City Administrator; Rich Faith, Community Development Director; Dave Nelson, Chief of Police; Debbie Stickney, City Recorder; David Ross, City Attorney; Travis Hultin, Chief Engineer; and Amy Pepper, Environmental Specialist.

GUESTS: See Attached.

2. RECOGNITION OF ARMED FORCES DAY:

Mayor Thalhofer stated Saturday, May 17th is Armed Forces Day. I invited members of the armed forces to attend our meeting tonight in honor of Armed Forces Day.

3. CONSENT AGENDA:

3.1 ACCEPT MINUTES: April 8, 2008 Regular Meeting and Work Session.

3.2 RESOLUTION: A resolution dedicating Tracts A and B in the Northridge Subdivision as public rights-of-way for road purposes.

3.3 RESOLUTION: A resolution granting an easement to Yoshida Family Limited Partnership to allow installation of a Fire Department connection pipe on City property.

3.4 RESOLUTION: A resolution authorizing the City Administrator to enter into a Lease Agreement with the YMCA for use of office space at the City Conference Building (CCB).

MOTION: Councilor Daoust moved to adopt the Consent Agenda. Seconded by Councilor Kight. Motion Passed Unanimously.

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

Dave Munson, Troutdale Sweetbriar Home Owners Association, stated we have had issues with different streams and there needs to be some way to report to the citizens if there is a problem, whether it is in the Sandy River, Sweetbriar Creek, Beaver Creek, Salmon Creek, Arata Creek, or any of the drainage systems. It is the City's responsibility to oversee that and I haven't seen any notice/information on how or when to report any of those things.

Mayor Thalhofer asked Mr. Anderson to follow-up on this issue with Mr. Munson.

(Councilor Ripma arrived at 7:10pm.)

5. APPOINTMENT: Appointment of Troutdale's representative on the Mt. Hood Cable Regulatory Commission. (MHCRC)

Mayor Thalhofer stated Norm Thomas has been our representative for a long time and he has done a very good job. I would recommend that we reappoint Norm Thomas to be our representative on the MHCRC.

MOTION: Councilor Canfield moved that we reappoint Norm Thomas to be our representative on the MHCRC. Seconded by Councilor Kyle. Motion Passed Unanimously.

6. PRESENTATIONS:

a. East County Urban Parks and Trees Summit

Shirley Craddick, Gresham City Councilor, stated I am not here this evening representing the City of Gresham, I am here because of my interest in the value that trees have to our cities. Lee Dayfield is helping to organize the Urban Parks and Trees Summit that will be held in October. We would like to describe the program to you and hopefully get your support. Also with me tonight is Bruce Stannard, a Troutdale resident that serves on your Parks Advisory Committee. We would like to make this summit an East County event.

Lee Dayfield, Chair of the Gresham Tree Preservation Committee, read the attached Exhibit A into the record, which provided information about the East County Urban Parks & Trees Summit.

Shirley Craddick stated we know a lot about trees and their relationship to the environment, but there hasn't been a lot of discussion about the value of trees in relation to economic vitality and reducing crime. The goal of this summit is not to just focus on the value of trees in relationship to the environment, but it is more about what can trees do for East County to help us improve our economy and to reduce crime. We want to increase our urban forests and there are a variety of ways we can do that. There are three things I want to ask of you: 1) we would like to have you participate and be a supporter of this event; 2) we would like you to circulate information about the event to your community in the various ways that your city has available to you so that your citizens are aware of this summit and will attend; and 3) we would like to have your financial support in the amount of \$500.00 to help us pay for the honorarium/speakers.

Councilor Ripma stated Troutdale is second to none in its love of trees. How much of the summit is going to be devoted to the topics of enhancement of public safety and reducing crime and traffic accidents, rather than promoting trees? Those seem kind of different.

Lee Dayfield stated I don't think they are different. I would be happy to provide you with additional information about what part trees and landscaping play in making areas more safe and reducing crime. The one speaker that we have lined up will tie all of these topics together; parks, trees, safety, and economic value.

Councilor Ripma stated I look forward to hearing more about it. Another topic listed on the flyer was, can East County better optimize its investments in a greener and a safer community. All of our cities have to invest if we want to have greener and safer communities. Can you expand a little more on how this topic will be approached at the summit?

Shirley Craddick replied the whole purpose of the summit is to bring that to the attention of East County. There is a lot of research showing the relationship that trees have on the economy. We know that neighborhoods with significant tree canopies have higher home values. We know that areas that have a good tree canopy have less crime. The whole purpose of the summit is to have these discussions.

Mayor Thalhoffer asked how much of this summit is going to be about parks? We have had presentations before from the People for Parks and we have always chosen to stay with our own parks system which we feel is pretty well developed.

Shirley Craddick stated the role I see regarding parks in this discussion is that parks have a lot of trees in them. The discussion around that would be the value that trees and parks can bring to our communities.

Mayor Thalhoffer stated we value parks in Troutdale.

Lee Dayfield stated and you are a Tree City USA.

Bruce Stannard suggested that the Council get involved in this summit on behalf of Carolyn Taylor who was an active member of our community. She was a watchdog for Beaver Creek and an avid supporter of Earth Day making sure that we had trees to plant.

Councilor Canfield stated to have a discussion about trees, economy and public safety and how they go together would be an excellent benefit for the community. I support this.

Councilor Kyle stated I look forward to participating in this.

Councilor Daoust stated I was on the Gresham Tree Preservation Committee for six years so I know what the committee does and how they are involved. I work for the US Forest Service and the Forest Health Protection Program and within that program there is an urban forest health program. There is a possibility that I could provide you with a list of speakers, if you

are looking for panel members. The Forest Service offers grant money for pilot projects for urban forests inventory and monitoring. I would encourage the City to get involved with this and support it financially; it is a good thing for Troutdale to do. I am willing to help out with the event.

Councilor Kight asked what is your main goal?

Shirley Craddick replied we know that there is value in increasing the overall canopy and there are a variety of ways we can do that along our streams, open spaces, new development and with street trees. The overall goal is what can we do to increase our urban canopy. There are many reasons why we might want to do that. One of the reasons is the environmental reasons and the bigger one is the value that these trees bring to our economic vitality by what they do to the housing values and how they help to reduce crime.

Councilor Kight asked are you trying to change policy within the governing bodies?

Shirley Craddick replied I don't know if I would change it, but help educate. This is more of an educational opportunity or outreach.

Councilor Kight stated and to have the other three cities obtain the Tree City USA designation. Is that the final goal?

Lee Dayfield stated we really didn't plan that, but now that you have said it.

Councilor Kight asked are the members of your own council supportive of this?

Shirley Craddick replied yes.

Councilor Kight asked how about the Tree City USA designation?

Shirley Craddick replied we are in the process of obtaining that designation.

Councilor Kight stated I would support this. I think we all understand the benefit of trees.

Lee Dayfield stated all of the sponsors will have their logos on all of the material promoting the event, so if you sponsor the event your logo will be included.

Councilor Kight asked along with our Tree City USA designation?

Lee Dayfield replied that is fine with me.

Councilor Ripma stated the weekend you have picked for the event is the anniversary of our Centennial. We are building a Centennial Arch which we plan to dedicate on that weekend. Is there any chance the date of the summit could be changed?

Shirley Craddick replied we can sure consider that. I don't know the answer. The confirmed speaker is coming from out-of-state.

MOTION: Councilor Daoust moved that we support the East County Urban Parks & Tree Summit and donate \$500 towards the honorarium expenses. Seconded by Councilor Kight.

Councilor Daoust stated I am very supportive of this event.

Councilor Kight stated I hope as part of the public policy the other three cities embrace the idea of having the Tree City USA designation, requiring developers to put in street trees, or have your own crews do it, as well as expanding the greenspace you have within the city.

Councilor Canfield stated I will support the motion.

Councilor Kyle stated I will also support it.

VOTE: Councilor Ripma – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; and Councilor Kight – Yes.

Motion Passed 6 – 0.

6. PRESENTATIONS:

b. AMR's Annual River Safety Program Report

Randy Lauer and Scott Campbell showed the Council a PowerPoint presentation (copy included in the packet)

Randy Lauer stated training for the 2008 program started this week. This is the tenth year of this program and there have been no lives lost since we started the program. The program will run from Memorial Day weekend through Labor Day from 10am to 8pm daily. Glenn Otto is normally staffed with two river rescue technicians except during high use periods. We found that last year more often than not we were staffing with three people due to the increased use of the area. We are continuing the tradition that Jack's Snack and Tackle started of loaning out personal floatation devices; the utilization is very high especially for the young folks. Prevention is probably 90% of the reason for the success of this program. 10% is probably getting in the water and intervening. In 2007 there were over 30,000 attendees to the park during the time period that we are there. Last year there were four police requests; one call for an ambulance; twenty-four minor medical issues that we took care of; three out of area requests; seventy-seven assists; and fifteen rescues.

Councilor Ripma stated congratulations on another great year.

Mayor Thalhofer stated I am extremely proud of this program. You have done a wonderful job.

Councilor Canfield stated many thanks to AMR for your participation in this and congratulations on your success.

Councilor Kyle stated I live close to the river so I especially appreciate you because the sound of the sirens were stressful for those of us that live close to the river. Thank you.

Councilor Daoust stated I, along with others, were in on the ground floor when this program first got started. I was so proud of the program that I became involved with the Troutdale Booster Club and they donated \$40,000 to this program. As treasurer, I can say that there are additional funds if AMR needs additional funding for equipment. The Boosters are very proud, along with the Council, to support this program.

Councilor Kight stated everyone has already pointed out what a great job AMR has done. It really has been phenomenal. What a terrific successful program you have. Along with Councilor Kyle, I also live along the river and when we would hear the sirens we knew it was going to be a body recovery. I called the Mayor and asked him to come down here and he and I both watched as they did that body recovery and I think it is something that the Mayor and I will never forget. My hats off to the Mayor who spearheaded putting together a program and working with you folks and getting the River Safety Program started. It is the cooperation from both bodies to make this all come together, but the Mayor is really the one who started putting it together. Hopefully this program will continue on for many years. We appreciate all that you have done.

Randy Lauer invited the Council to the Kick-Off Barbeque which will be held on Tuesday, May 27, 2008 at 12pm at Glenn Otto Park. The media has been invited to arrive at 10am.

Mayor Thalhofer stated we will be having a 10 Year Anniversary Celebration of this program at SummerFest and the Troutdale Lions Club has chosen to award AMR and the Troutdale Boosters as co-recipients of the Humanitarian Award.

7. RESOLUTION: A resolution approving the agreement with McMenamins Edgefield regarding their Concert Series.

Chief Nelson stated this is the third year that we will be working with Edgefield on their summer concerts. We have had a number of work sessions meeting with the public and with McMenamins Edgefield to work out the details of the agreement. Most of these issues have been raised either by members of the community, staff, council or Edgefield themselves. In researching this issue I reviewed the minutes of the April 24, 2007 Council meeting. In the minutes there was an issue raised regarding the language declaring all of the events at McMenamins as events of citywide interest. The minutes indicated that this language would be researched or fixed in the future. To our recollection and research, that issue has not been brought back before you for further discussion. I am not prepared to discuss that issue tonight. My recommendation is that at some point we bring that issue back to you at a work session to review the language. I have highlighted the primary issues that have been raised in my staff report. One of the bigger issues was the traffic. We have a different traffic management plan this year. We are actually going to have officers staged at 238th and

Halsey, Exit 16, Halsey and 242nd, and at the main entrance of Edgefield. Edgefield will have an additional 500 parking spaces on the north side of Halsey this year and we think that will help to alleviate some of the traffic concerns on 238th and Halsey. Amplified sound was another one of the main issues raised. The agreement outlines that there will be no amplified sound during the Summer Concert Series prior to 2pm and the system and sound checks conducted after 2pm will be limited to the minimum time required, but will not exceed three hours, which would be approximately one hour for the system check and two hours for the sound check. Also in the agreement it is stated that there will be no concerts at Blackberry Hall this year and the concerts will end at approximately 9:30pm but not later than 10pm. At the March 18th meeting there was discussion about the number of concerts. At the time we prepared our staff report there were twelve concerts scheduled. I checked today and they have added one more that will be held on Saturday, September 27th. I believe that we have addressed all of the issues to the best of our ability.

Councilor Ripma asked number three in your staff report, the Dbl limit of 87 at the Distillery Bar, how will that be checked?

Chief Nelson replied McMenamins Edgefield will have staff at that location with sound check meters. They will also have staff that will be up in the residential areas, as they did last year, checking the sounds to make sure they are not exceeding the limit. I don't recall that any of the concerts last year exceeded that 87 Dbl. I think the primary concern has been that low-end bass noise that travels. Edgefield is addressing that issue by not inviting that genre of bands.

Councilor Canfield stated in Section 3.0, Remedies, of the agreement you list TMC 8.24 and TMC1.04.095. Before I vote on this I would like to know what those are.

David Ross, City Attorney replied these are financial remedies. 8.24 is the noise control ordinance, so it would be whatever the remedy is for violating the noise control ordinance.

Chief Nelson stated it is either \$500 or \$1,000 per violation.

David Ross stated that TMC 1.04.095 states that any person violating a provision of an agreement with the City, a permit issued by the City or a condition imposed by the City may be ordered to pay a fine in an amount up to but not exceeding \$1,000 and more importantly to engage in conduct or to disengage in the conduct that constitutes the violation.

Councilor Kyle stated if you refer to the March 18th work session minutes, page 9, there was discussion about the end time for the concerts. In the fifth paragraph Chief, you stated that you would have the language in the agreement that the concerts would end at 9:30pm. I see that the language in the agreement (Section 2.6) says the shows end at approximately 9:30pm but not later than 10pm.

Chief Nelson stated we had lengthy discussions about that. We originally were at 9:30pm, but TMC 8.24, noise ordinance, indicates 10pm. We felt that we needed to fall in line with our

Code. They are working to try and end the concerts at 9:30pm the best they can. Most of the performances last year ended between 9:15pm and 9:45pm.

Councilor Kyle stated my only thought is that this is not just a noise, it is a huge noise. I noticed some inconsistencies in some of the testimony from the residents, what we said we were going to try and do, and what ultimately ended up in the agreement.

Councilor Daoust stated this is a pretty comprehensive agreement and I thank you Chief for working with everybody on this. Just so everyone knows, there are four out of the thirteen concerts that will be during the week nights, so they are not all on the weekends. Are they going to implement the parking on the north side of Halsey for the 2008 concert series? What do they have to do to park on the north side of Halsey?

Chief Nelson replied I don't know what they have to do physically. I know that they were going to have to make some gravel improvements or something. I just know that they have access to use that property which will accommodate about 500 vehicles which will take some pressure off of the east lot and help us get cars off of the highway.

Councilor Daoust asked are they planning on utilizing that even for the June concerts?

Chief Nelson replied I am not sure.

Councilor Kight asked item number 9 in your staff report talks about the systems and sound checks. On page 10 of the March 18th meeting minutes Bill Flynn asked what is the duration of time needed for the pre-recorded music and Jimi Biron answered that they can test very quickly, 30-minutes. Now all of a sudden the 30-minutes turned into an hour, and the composite is 3 hours.

Chief Nelson replied that is a result from our meeting that we had with the Edgefield staff. The systems check is for the equipment and the sound check is testing specific instruments and playing some music. The reason there is some latitude in that is the amount of time needed depends on the number of performers that are in the concert and the number of instruments/equipment in those bands.

Councilor Kight asked so it could be an hour or less?

Chief Nelson replied it could be.

Councilor Kight stated one of the complaints was regarding the content or language that people in the neighborhoods could hear that was not appropriate for families. How are you addressing that?

Chief Nelson replied that is something that we can not address; that is a freedom of speech issue. What we have asked them to do is to not book bands that play that type of music. I think the primary issue was not so much with the music that the bands played, it was the pre-recorded music and they will not allow that to happen.

Davis Ross stated I may be more responsible for that than the Chief. I did not want to start getting into regulating content. McMenamins has made a promise that the content will or will not be of a certain kind this year and we are going to hold them to their promise and we will see if they keep their promise at the end of the season.

Councilor Kight stated can you give us an example of a situation where you would utilize the provision in the agreement (2.2) to stop a concert.

Chief Nelson replied the one that jumps out at me would be exceeding the 10pm end time. We would then contact Edgefield staff and tell them the concert is over. Keep in mind there will be five officers there and up to 5,000 attendees, so we will not make that decision lightly. If it is a violation of the 10pm time we are going to tell them to shut it down. We have had that specific discussion with Edgefield.

Councilor Kight stated in the agreement I noticed that the City is responsible for providing the items listed as 1.1 through 1.7. Are we being reimbursed for anything other than being at the event, such as some of the administrative time involved?

Chief Nelson replied no, we are just reimbursed for the time associated with the concerts specifically.

Bill Flynn, Troutdale resident, stated I think this is a fine agreement with a couple of little minor things that we need to talk about. We had a very lengthy meeting on March 18th and we came to an agreement that made everybody happy. We walked out of here fairly positive about the McMenamins Summer Concert Series. We shared the results of this meeting with neighbors and they were okay with it. Yesterday afternoon I received an email that was forwarded to me that contained an attachment regarding the specifics of the agreement and I was unable to open the attachment. About an hour and a half before this meeting started I found out that there were a couple of extremely key elements in the agreement that raised fundamental differences between what we agreed on at the March 18th meeting and what is being present to you tonight for approval. I would like to strongly urge you to consider approving what we agreed to at the March 18th meeting and not the modified version. I understand some negotiations occurred after we had the March 18th agreement and I am a little irritated about that because we all sat down and came to an agreement. We made an agreement with McMenamins to do something and they said yes they would do it. Now we come here and we find out that they are not; they want to change the ending time. I am very annoyed about this. This is something that we came to agreement on at the March 18th meeting, 9:30 closure. We told the representatives from McMenamins that we will withhold our complaint about the higher number of concerts if you agree to end your concerts at 9:30. The two representatives from McMenamins sat right there and they said we can make that happen; that would be fine. We will stop the concert music at 9:30pm. Now we come here and we find out that the Chief has met with them, without our involvement or any of our input, and changed it. This is completely unacceptable. I strongly urge you to approve this with the agreement that we all came to after months of effort. This is very important. We don't want a repeat of the racket we were bombarded with last year. One of the key elements was the

late noise and we all came to an agreement that 9:30 would be the end of it. Make it 9:30. Make it what we agreed to on March 18th. This is something so basic and fundamental; coming to an agreement and sticking to it, not sneaking around behind our backs and changing it. That is underhanded, it's kinky, it's sleazy and there is no business having that kind of nonsense being presented to you. This is completely unacceptable.

Mayor Thalhoffer stated our Chief of Police is a very honorable person. I think you are perhaps a little over-jealous in your description and the activity by the Chief of Police, or by McMenamins for that matter. Your point is well taken about the time. Our Chief is an excellent employee.

Chief Nelson stated during the discussions with McMenamins after our March 18th meeting, the primary reasons for this language was one, that the TMC says 10pm. The other reason, which wasn't discussed at the March 18th meeting, was that a number of the agreements were already in place with the bands and the promoter of the bands, and I don't know if Edgefield knew this at the time of the March 18th meeting or not. You have Edgefield who owns the property and who leases the property to a promoter who then brings the bands in. When City staff met with Edgefield staff after the March 18th meeting to negotiate this agreement, one of the issues that was raised was that some of the agreements, maybe all of the agreements, listed on the exhibit to my staff report were already signed and there was no 9:30 end time noted in those agreements, there was a 10pm end time. I don't know if Edgefield knew that at the time of the March 18th meeting because they didn't negotiate that, the promoters negotiated that. We didn't receive that schedule until I believe April 28th.

Steve Able, Attorney for McMenamins, stated the Chief is right with respect to the discussion that went on as to the end time. Although I didn't draft the contracts, my recollection was that the contracts that had been signed were signed with closing times in the neighborhood of 9:30 to 9:45pm so that is what led to the 9:30 end time and the no later than 10pm language. I am told that some of the contracts later, and certainly the contracts for next year will be changed to an earlier end time in order to meet that 9:30 end time. We understand the message from the neighbors. There is an important part of that, and that is your noise ordinance does speak to 10:00pm as the time when the decibel limits change. The goal is to close those concerts at 9:30. Another thing that is important is the level of cooperation between the Police Chief and the McMenamins folks is excellent. In the conversations that have taken place the straight forward discussions that have occurred between the Chief and McMenamins representatives, I find personally comforting. That communication between the Chief and the onsite folks at McMenamins is probably the most important element of the relationship in making sure that things go smoothly, or as smoothly as they possibly can. I think in retrospect, this language that we struck, which is that they will end at 9:30 but no later than 10pm, makes good sense for this season because of those prior commitments. I think the goal for next year will be to get this more fine tuned.

Councilor Ripma asked how many agreements have been made that say 10pm?

Steve Able replied I don't know that any say 10pm. I think they said more in the neighborhood of 9:30pm. What happens with the bands is the contract can say 9:30pm, but

we know there may be a few minutes where they go over because the song sets ran a little longer so we say for the purpose of this agreement 9:30 close time but no later than 10pm. I did not see the contracts with the bands, so I don't know if I am speaking correctly. I do know that those contracts could have 9:30 and some could have 9:45, I just don't know. I know that moving forward we understand that 9:30pm is an important time.

Councilor Ripma stated it is true that at the March meeting McMenamins folks did say that 9:30 was going to be okay. For me when I read the agreement I didn't react to it with quite as much concern in that it does say around 9:30. I guess my feeling is we are tying this to see if we can continue to have these concerts. McMenamins knows that is an important factor. I thought that the Chief's explanation that our ordinance doesn't kick in until 10pm and that is when we can really impose the noise ordinance was a reasonable explanation and certainly I didn't see anything underhanded. It didn't really even strike me as very different from what we talked about in March. I guess you are hearing from me and from the neighbors that it is important that it work and approximately 9:30 means pretty close.

Steve Able replied I am hearing that and I do believe that in the conversations that have taken place between the Chief and McMenamins that message was there as well.

Mayor Thalhoffer stated we did talk about ending at 9:30 and that is the goal. Next year can you be involved in drawing up the contracts to make sure that they end at 9:30pm.

Steve Able replied I hear that and I can make sure that message gets passed along. What I will say in Jimi Biron's defense is, I am not to certain if I were to ask him, did you think that the March 18th meeting was any more than some form of a work shop to understand and flush out the issues, I don't think that he would say that he was here negotiating an agreement on that particular night. Had that been the case, they probably would have asked me to be here to provide some guidance. That is why there was a subsequent conversation with the Chief, City Administrator and City Attorney which aired out the issues and I think we came to an agreement that makes good sense.

Councilor Canfield stated Mr. Flynn's point is very well taken. I was here when the McMenamins representative said 9:30. Just for discussion purposes, Mr. Ross, if we put in this agreement that the concerts had to end at 9:30 what kind of risks would there be to the City if there are contracts out there with the bands that say 10:00pm and we put in this agreement 9:30pm?

David Ross replied I haven't seen the contracts so that would be a difficult question for me to answer.

Councilor Canfield stated I respectfully disagree with Mr. Able, the neighbors were at the table when McMenamins said that they were not at the table when this agreement was set up. This is something we should look at, 9:30 is 9:30 and that is what they agreed to.

Councilor Kyle stated I already mentioned my concern over the time. I am uncomfortable with not keeping the agreement.

Councilor Daoust stated I was not at the March 18th meeting but looking at it from the outside and reading the minutes and listening to the testimony tonight, I would say that the agreement that we have here adequately reflects the negotiations with McMenamins, the City and the neighbors. It seems reasonable to me. It says 9:30, it just adds no later than 10pm just to add some flexibility with performing groups. If the contracts are signed already and our noise ordinance says 10pm, my neighbors have to follow the 10pm rule and I have some noisy neighbors. This just makes sense to me. It is a common sense agreement that everyone agreed to and I think we should go forward with it.

Councilor Kight read a statement from the March 18th minutes (page 9) where Bill Flynn stated, "I would say that almost all of the bands stopped by 9:30pm; there were just a couple of them that went as late as 10pm. Why can't we put it in writing that they have to stop at 9:30pm?" Jimi Biron replied, "That is okay with us." Chief Nelson then stated, "We can just tighten that up and add language in the agreement that they will end at 9:30pm". This may be a pivotal point with the neighbors. My recommendation would be to change the language in the agreement by striking out the language, "at approximately 9:30" and add language that will address the situations where you have existing contracts that have already been signed that would allow those pre-existing contracts to go until 10pm, but from this point forward any contracts signed would have an end time of 9:30pm for the concerts. Even if we have language requiring the concerts to end at 9:30, we know that some of these concerts are going to run 5 to 10 minutes long, but at least that is our target.

Steve Able replied again, that is why we wrote the language with the approximate time of 9:30pm as our target end time. If we want language in there that is something to affect that McMenamins will use its best efforts to assure that the concerts end at approximately 9:30pm or something like that, we will do that. We can do our best to control the bands at the concerts but when you get down to the difference between 9:30 and 9:35 it is pretty hard. They are not going to stop right at 9:30 in the middle of a song. I would expect that if we do violate the agreement we will have enforcement actions brought against us which will cost money. I can't tell a client today that they should go on with that risk and have enforcement brought against them. They don't want that to happen. They want to live under a contract that they can live with, and this language is something that they can live with.

Councilor Canfield stated and that is why the word approximately is in there, is that right?

Steve Able replied yes.

Councilor Canfield asked wouldn't it be better to have approximately 10pm rather than 9:30pm? As Councilor Kight pointed out, make exceptions for the existing contracts that allow them to go to 10pm.

Steve Able replied the existing contracts may not even say 10pm, they may say 9:30pm and knowing the possibility that they may go a few minutes more we need that approximate time.

Councilor Kight asked why not split the difference, 9:45pm.

Steve Able asked which time? The show would end at approximately 9:30 but no later than 9:45?

Councilor Kight replied correct.

Steve Able replied I would like to get this contract done. I could get myself beat up by my client, but it seems to me that we could do something like that.

Michael Mainridge, resident, stated I want to compliment Chief Nelson. I thought he did an excellent job of putting the agreement together. It looked very familiar to what we had talked about. I just had a couple of questions. Number one on my list was the time issue; trying to enforce 9:30pm but knowing how bands are I think you need a little leeway. I don't think we should change the time to 9:45; we should leave it at 9:30 and keep what was in the agreement. My second point is that we talked several times on March 18th about assessing a penalty of some sort if they failed to comply. I didn't see any of that in the agreement.

David Ross stated the remedy section is for the entire agreement.

Michael Mainridge asked what are the penalties for that?

David Ross replied it would be up to \$1,000 per occurrence, and an order to stop engaging in the offensive conduct.

Michael Mainridge asked if they violate multiple points of the contract is that \$1,000 per each or \$1,000 for the whole concert?

David Ross replied if they do a sound check that goes for 3 hours instead of 2 hours, that is a violation. If the concert goes to 10:15pm that is another violation.

Michael Mainridge stated there are nine concerts on the schedule so far. Last year we were at seven, so I think they are on track for meeting fifteen pretty easily. I think there is a good chance it could get closer to twenty concerts. I asked the Council on March 18th to try to set a cap or limit on the number of concerts. Although it is not in the agreement I would still like to go on record that I think the number of concerts is still an issue. We will see how things go. I appreciate the Council and the work that Chief Nelson has done.

Councilor Kight asked Chief Nelson, was there any mention in the conversations you had with McMenamins as far as a cap on the number of concerts?

Chief Nelson replied no. The direction of the Council at the March 18th meeting was to not cap the number of concerts.

MOTION: Councilor Ripma moved to adopt a resolution approving the agreement for the Edgefield Concert Series. Seconded by Councilor Daoust.

Councilor Ripma stated the real remedy for failure of McMenamins to comply with the public sentiments that were expressed at the meeting and the Council's sentiments that were expressed, is that we have the power to terminate these concerts. If we impose enough limits on it they won't hold them anymore or we could ban them. McMenamins knows that and we know that. I think the neighbors are being very reasonable in their requests. The reason that we didn't limit the number of concerts to twenty at the time was because they heard our sentiment that we didn't want that many, but they didn't want to limit it and we ended up agreeing to that, or at least agreeing not to impose a limit. The way I read the resolution/agreement on the time of the concerts, and what was said tonight and in March, is we would like the concerts to end at 9:30pm. I am okay with approximately 9:30 just because it really wouldn't be possible to pull the plug at exactly 9:30 in the middle of a song. I just think it is reasonable. McMenamins knows that if we receive complaints about them running past 9:30pm, they are not going to have the concerts again. We are trying to make this work. It wasn't my opinion that the meeting on March 18th was a formal negotiation where they were conceding contract points. Usually the City Council is not involved in that, it is more like what the Chief did with McMenamins in working on the exact wording. I think the language as stated here, approximately 9:30pm, is good enough. We have expressed to McMenamins that is when we want the concerts to end but we are choosing not to make it an absolute violation of our ordinance. They realize that they are not going to have any more concerts next year if they do that. Same thing if they have too many concerts, or they violate other provisions we have remedies. But the real remedy is ending the concerts. I don't want to see that happen because so many people enjoy them. I understand they are a burden for some people; it is hard to reach a compromise but I think this is a good one.

Councilor Daoust stated this agreement to me has enough limits in it. There is going to be a neighborhood meeting planned after the second concert to see how things are going. There are check-in points, there are limits, and there are penalties. In my mind this agreement covers all of the basis to deal with a musical event. It is not a parade; it is a musical event and I think we should allow some flexibility in. It is a yearly agreement, so we will have the opportunity to revise it if necessary next year. This agreement is pretty thorough in my mind.

Mayor Thalsofer stated I will support the motion.

Councilor Canfield stated the March meeting was very productive and the end result is this agreement. I can abide by 99% of this agreement. The wording, approximately 9:30pm and not later than 10:00pm, sort of went through the cracks because of these so called other contracts. I would rather work from approximately 10:00pm to stop instead of approximately 9:30pm. Having said that, this is 99% or 30 minutes from perfection and that is pretty close, so I will support this.

Councilor Kyle stated I am going to support this because it is for this year only. Under Section 2.1.1 of the contract, we have the approximate ending time of 9:30pm. I am

sure we will hear from the residents of Sedona if it is anything other than that and we will be back at the table again this fall.

Councilor Kight stated I am not going to support this. I think we are very close to having a document that addresses all of the needs of the neighborhood. I think one of the critical features is a cap on the number of concerts. They already have a dozen concerts scheduled and easily that could climb up to twenty. That is a lot of noise for those neighborhoods to put up with throughout the course of the summer. I think we are making a mistake by not setting a cap. I know this is only a one year agreement. If McMenamins doesn't try to address the problems with the neighborhoods they could end up losing the concerts. Nonetheless, I think it is important to have that language in the agreement putting a cap on the number of concerts.

VOTE: Councilor Ripma – Yes; Mayor Thalsofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; and Councilor Kight – No.

Motion Passed 5 – 1.

Mayor Thalsofer called for a break at 9:02pm and reconvened the meeting at 9:15pm.

8. RESOLUTION: A resolution to consider expansion of the Columbia Cascade Enterprise Zone to include certain properties within the City of Wood Village.

John Anderson, City Administrator, stated the City of Troutdale and Fairview applied to the State of Oregon last year for a two-city enterprise zone which was approved in September. Recently the City of Wood Village has been approached by a new industry so they have become interested in the possibility of having our two cities expand our enterprise zone boundary to include them. Wood Village's interest was triggered by a manufacturing firm that is interested in moving into the Merix facility, which recently closed and there were over 100 employees who lost their jobs. They are working on a fairly tight timeline. They would like to make the enterprise zone tax abatement available to the new industry that is proposing to move into that location. As recently as last year the four cities (Troutdale, Fairview, Wood Village and Gresham) worked on the Columbia-Cascade River District Plan and part of that plan calls for joint planning and marketing. It also talks about using enterprise zones as one of the marketing tools. This is an official request from the City of Wood Village to have Troutdale and Fairview pass a resolution that would be sent to the state to consider the boundary change. With regard to the process, the City of Wood Village is required to notify the other taxing jurisdictions, which they have done. They plan to add to the enterprise zone primarily industrially zoned property. Exhibits to my staff report show the proposed change to the enterprise zone boundary. The City of Wood Village is not in a position to apply for their own enterprise zone. As you may recall I think there were three or four still available when we applied last year, they have since all been allocated.

Councilor Ripma asked would allowing Wood Village to join the enterprise zone in anyway affect our criteria for granting tax abatement in Troutdale to anyone?

John Anderson replied no.

Councilor Ripma asked and there is no cost to us?

John Anderson replied there is no cost.

Councilor Ripma stated if they want to go ahead with this I see no reason to block it by not supporting this. My opinion on ours is well known; I was not in favor of it and I am still not in favor of it. It would be mighty un-neighborly, when there is no cost and it doesn't affect us by allowing them to join.

Mayor Thalhofler stated I support the resolution.

Councilor Kight asked by providing an economic zone for Wood Village, does that put us at a competitive disadvantage, i.e. by providing more property for developers to choose from?

John Anderson replied it is our opinion that we would actually be in a more competitive position. In marketing the Columbia-Cascade area the larger number of parcels that we have, and the more parcels that have incentives available, will attract more developers.

Councilor Kight asked what are we looking at as far as staff time for Troutdale employees to bring Wood Village on board?

John Anderson replied approving this resolution is the bulk of it. We haven't, and don't plan to, spend a lot of time on activity in the City of Wood Village, their staff would handle that.

Mayor Thalhofler asked is there anyone here that would like to speak to us on this issue?

No testimony received.

MOTION: Councilor Canfield moved to adopt a resolution requesting the Oregon Economic and Community Development Department to authorize a boundary expansion of the Columbia Cascade Enterprise Zone by adding industrial properties within the City of Wood Village. Seconded by Councilor Kight.

There was no discussion on the motion.

VOTE: Councilor Ripma – Yes; Mayor Thalhofler – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; and Councilor Kight – Yes.

Motion Passed 6 – 0.

9. PUBLIC HEARING / RESOLUTION: A resolution adopting the Public Works Department Capital Improvement Plan and rescinding Resolutions No. 1757, 1813 and 1874.

Mayor Thalhofler read the resolution title and opened the public hearing at 9:25pm.

Travis Hultin, Chief Engineer, stated this is the annual update of our Capital Improvement Plan (CIP), which is required by Oregon law. Any city that charges system development charges also has to maintain and update their CIP which is the basis for those charges. This covers the major utility systems that the City operates (water, sewer, storm and streets). The Plan contains two sections. The first section is capital improvements that the City is planning in the foreseeable future which are funded in whole or in part from system development charges that we charge to development within the City. Section two deals with maintenance and repair projects which are not funded by system development charges. Significant changes to the Plan from last year are summarized in the report, so I will not go through the list.

Councilor Kyle asked where is the Husky Pump Station located?

Travis Hultin replied I don't recall the exact location; I can look into that and email you the location.

Councilor Kight asked why is the project to construct Zone II Interconnect to Jackson Park Road (water service on the private portion of Jackson Park Road is not a public system) being deleted?

Travis Hultin replied the reason that was originally in the CIP, as I understand it, is there was a thought at one time to actually extend water service all the way down Jackson Park Road. It was decided that was not going to be the case. That line would have gone all the way down Jackson Park Road. The idea would have been to add another intertie so that you would have a loop system so if there was a break in the line you wouldn't be without water and fire protection. Since it was determined that the system would not be extended, the loop is no longer needed.

Councilor Kight asked so I don't have fire protection on my street?

Travis Hultin replied you have fire protection because there is a hydrant near where your house is.

Councilor Kight stated that is because I put it in.

Mayor Thalhoffer stated Councilor Kight has a fire hydrant but the rest of the people don't.

Travis Hultin replied there is one fire hydrant that was placed immediately across the bridge as I recall; that is the end of the line.

Councilor Kight stated I paid to put that in, so I own that fire hydrant.

Mayor Thalhoffer stated so if there is a fire the rest of the people are just out of luck.

Travis Hultin replied they are like any other rural community.

Mayor Thalhoffer asked where do they get there fire service from?

Travis Hultin replied from Gresham Fire and Emergency services. For example, where I grew up we were outside of town and we were on well water and there was not a fire hydrant within miles. If we had a fire the fire department would rely on tanker trucks or nearby rivers or creeks. I have not discussed this with the fire department, but I would be confident that they have contingency plans for those situations.

Dave Munson stated Bob Ewald is on the Board for the Sweetbriar Homeowners Association. We noticed that you have \$30,000 in the Plan to repair a culvert in our area and there is \$100,000 to do something with Sweetbriar Creek that we were not aware of. We have been sending emails and letters back and forth to City staff in regards to our water feature at Sweetbriar Creek and whether or not it was a wetland and that sort of thing. That was done I believe in 2005 by the state so we sent that information to the City. Other than that we had a presentation by city staff some years ago and unfortunately the City requested some things that the Board was not willing to give to the City, so as a result we came to a stalemate. I would hope that perhaps in the future we won't have that problem.

Bob Ewald stated I should be better prepared before addressing you. However, at this meeting we did discuss the issue that Mr. Munson just brought up, the fact that there was some request made for permission to do studies on an area in one of our greenways; a delineation of waterway rather than wetlands. This delineation had already been finalized. A recent communication to the Old Sweetbriar Farms Homeowners Association was sent asking for permission for a specialist of some sort to come in and determine what the property delineation should be for this one drainage area; whether it was to be designated as a waterway or a wetland. Further discussion came as a result of discovery of a drainage culvert that for a long time was not even identifiable apparently, and I guess it has now been deemed that it really does in fact exist. The request for reconsideration alarmed us a bit because we feel that this is ground that has already been plowed. We can't progress assuming one thing with the knowledge that it could be changed midstream. This is the reason for our concern. This concern is probably accentuated by the fact that in past dealings we have found that some verbal commitments have not been totally adhered to or complied with or performed upon. During a storm less than a year ago Mr. Munson and I visited the area in question where these culverts and drain repairs are talked about and found that the water running off of Old Sweetbriar Farm from above was not murky, it was not cloudy, it was flowing mud and it was a mess. We traced that clear down the side of the Sandy River banks. This after having been assured that the quality of drainage would be controlled during the construction process of the new subdivision just to the south of us, which is uphill. We have concerns when we get surprises about things being done that we questioned prior to the fact and now they are announced as being planned. Do you understand what I am trying to say? We feel that it is unnecessary for another research to be done to determine the status of a drainage area to change it from a waterway to wetlands or vice-versa. There are so many implications to allowing this. We find that it is unnecessary; it impinges in the access that we have to a greenway area which we maintain. Subsequent to

an agreement, we would lose control to one of the greenways and we are not about to let go easy.

Councilor Daoust asked are you wondering about the basis for doing the \$30,000 and the \$100,000 projects?

Dave Munson replied the \$30,000 project we already agreed to because it is an existing thing and you probably have an easement for it. The \$100,000 project we have no idea. Last time the City approached us they wanted easements for the entire property which consists of quite a bit of acreage. Considering the past response of the City regarding the development south of us; we came to City Hall and we explained that we had problems and that person wasn't here that day so therefore we didn't have a problem, nothing was done and the people were not fined. Another time just about a year ago the stream had turned milky I came to the City with a water sample; we had verification from several of the neighbors and we had pictures. I talked to the Code Enforcement Officer and he said not my problem have a good day. I put together a memo and dropped it off for Amy Pepper and I asked her to let me know what happens. By the time she saw the memo and the water, and she went out to the stream, well the problem had occurred on Saturday and she didn't get the sample until Monday and so when she went out to the stream it looked fine, so end of program. I had another issue where I called DEQ with a problem and it took them three days to return a call. Maybe that is why I am a little frustrated with the City, DEQ, etc. No matter where we go it is stonewall, but give us the property.

Councilor Ripma stated the \$100,000 project obviously is not going to be done in an area where the city doesn't have an easement or own the property. It may not be the area that you are talking about. It says enhance drainage in the area of Sweetbriar Creek, but it has to be on an area where we have either an easement or own the property.

Dave Munson stated it is a culvert that drains quite a bit of acreage and where the culvert ends is where the City easement ends to my knowledge.

Councilor Ripma stated as I recall the issue was the City needed your permission if we wanted to do anything and you didn't want to give it for your own reasons. We are not arguing about your reasons, but for that reason we weren't able to do anything in that particular area.

Dave Munson stated I guess at this stage you might ask City staff.

Travis Hultin stated the \$100,000 is to address drainage concerns within Sweetbriar Creek. What Councilor Ripma just said is correct. This is a problem that Mr. Munson has brought up a few times over the last few years and we have made several attempts to try to address it but we've never really got what we needed from the Homeowners Association in order to do so. That includes an easement for access to do work in there; it includes permission to bring professionals onsite to do different types of assessments that are needed. With respect to the previous study that they have referred to, that didn't cover all of the basis that needs to be covered. You have to determine the jurisdiction over the wetland to determine what kind of

permits are needed in order to go in there and do work. Any kind of in-stream work is going to require permits from state regulatory agencies. We have made attempts to work with these folks; we haven't always got clear and consistent responses from them as to what exactly they want. We are putting money in and we hope to work with them and we hope to get something done.

Councilor Ripma stated this is being budgeted in case you receive whatever permissions are needed.

Travis Hultin replied correct. The CIP is money that is planned for future projects. Some of those projects may pan out and some don't. We put them in believing that they will and with every intent to make them happen. But circumstances can change that, whether it be cooperation from property owners or regulatory issues or whatever it may be.

Councilor Ripma stated Mr. Munson, realize that nothing will be built if you don't give the needed permissions.

Bob Ewald stated I wish I could be comfortable with that, but I am not. I heard you refer to wetlands. This is part of the problem. The way that the improvements would be handled in this one area would be vastly different if they were delineated as wetlands as opposed to waterways. The type of equipment that would be used to do the work, as it was explained to us, would require quite a bit of damage to the area if it was a wetland. The delineation that was done three or four years ago established this as being a waterway not a wetland. This is what concerns us. Contrary to what you are saying, I am going to challenge what you are saying. We have tried to gain your ears and we have not been successful. We are not here to make a fight, but we are concerned because we feel we are at a dead end street. We would like to see some improvements done, but lets talk. It is one way. I don't know where your communications are going but we are not getting them.

Travis Hultin stated whether it is a wetland or a waterway, there can be jurisdictional issues involved and the different types of permits that are needed are not our decision. We can't just decide that we are going to ignore those regulations. We have to know what is required before we can go in there and do any work.

Bob Ewald stated the delineation that was made was done by the state.

Travis Hultin replied it is my understanding that delineation did not determine jurisdiction of the waterway, and we need to know that.

Bob Ewald stated that is not the understanding I had.

Travis Hultin replied then we have a difference of understanding or opinion. With respect to the communication issue, I would respectfully disagree. We have made several attempts over the years to try to get something moving on this and what keeps happening is Mr. Munson comes to us with a problem and we say we want to do something about it and we go to them asking for an easement or other permissions and they are not forthcoming. It is never

clear to us if Mr. Munson is speaking for the Homeowners Association or if he is just speaking for a group of folks from the neighborhood. We have never received formal responses from the Homeowners Association and so that is what I mean when I say that we haven't received consistent and clear responses from those folks. We have been trying to do something. We have put \$100,000 in the CIP so it is our intent to try and do something but we can not do it without their cooperation.

Bob Ewald stated I don't pretend to know everything that goes on with the Board, however, I would request a much clearer definition of what constitutes an adequate communication because what you are saying doesn't gel. I am not calling you a liar; I think we have a breakdown in communication. If Mr. Munson was here to speak for the Board, it was because the Board authorized him to be here and we have done that.

Travis Hultin stated all we were asking for, and I don't know if we have receive this yet, but as recently as a few months ago we were just asking for something from the Board on paper stating that Mr. Munson speaks for the Homeowners Association.

Dave Munson stated everything has gone through the Board to our secretary.

Mayor Thalhoffer asked did you make the communication to public works?

Dave Munson replied not as an individual.

Mayor Thalhoffer stated I mean from the Board saying that you speak for them.

Dave Munson replied no. This last group of communications has been by letter and it has been by Board approval. I have not done anything as an individual.

Mayor Thalhoffer stated we are not going to spend all night trying to referee this issue. Mr. Munson the last time you were here you brought a lot of issues to us and we listened to you very carefully. Public works said that you wouldn't give us permission to come on the property, so that kind of stopped it as far as we are concerned. Then we (the Council) didn't hear from you again after that. What say you about that?

Dave Munson stated the original contract that the city approached us with asked for easements out of three parcels of land where we couldn't build fences or erect structures; there were all sorts of restrictions. In improving the stream we would be responsible as land owners for any hydraulic leaks or pollution in the stream, not the city. We sent the paperwork to our attorney and he said that was crazy; there was no chance that was going to happen. So that was the end of that game. I thought it was never going to happen with the city.

Bob Ewald asked what would you describe as adequate communications?

Mayor Thalhoffer replied there ought to be a way that you can talk to each other and have a meeting of the minds as to what is necessary. Public works has an obligation to enforce the laws not only of the City of Troutdale, but the State of Oregon. You want to protect your

homeowners association; that is understandable. If public works asks for something from you; you communicate an answer. They get that answer and they might ask another question of you, and you communicate. If you ask a question of them, they need to communicate. Does it have to be in writing; is that what we are missing here?

Dave Munson replied I would recommend it be in writing.

Mayor Thalhofler asked by email or regular?

Dave Munson replied I would go for the regular mail service, not even email.

Mayor Thalhofler stated there has to be a way to get the parties to be able to communicate. If by letter will work, why don't we try that and see if that works.

Travis Hultin stated I believe we have been doing that. Certainly most of our recent communications, with the exception of Mr. Munson coming by and talking to us at our offices, have been in writing.

Mayor Thalhofler asked do you have copies of the letters?

Travis Hultin replied I am certain we do. I would be happy to provide that to Council.

Councilor Kight asked do you want this problem fixed?

Bob Ewald asked what problem are you referring to?

Councilor Kight stated well we are looking at a \$100,000 expenditure to improve what ever the issue is; we are not sure exactly. Obviously there is an issue or a problem and the City is willing to spend \$100,000, does that sound reasonable?

Bob Ewald replied I appreciate the commitment that the City has to rectifying the problem, whatever the problem is. I think that it is preliminary to the problem that we are concerned about in not knowing if it is going to be delineated as a wetlands area. That introduces a different set of circumstances. If it is going to be delineated officially by the state or whoever does it as a waterway, our answer would be forthcoming quite quickly, but we can't get a straight answer.

Councilor Ripma stated well you want the answer in advance. The City actually has to do a study and we need your permission to do the study and the outcome will be determined by the facts.

Bob Ewald stated the delineation was already taken care of several years ago by the state.

Councilor Ripma stated as Travis Hultin stated we need to know the jurisdiction that needs to be consulted in order to get the permits to work in the wetlands. These rules change over the

years, and the City has to absolutely follow the rules. We can't tell you the answer in advance until it has been studied. Is that correct Travis?

Travis Hultin replied correct.

Councilor Ripma stated you like the old answer and you have the right to refuse to grant easements. All this CIP does is allow the expenditure of \$100,000 if we reach some kind of agreement to make it happen.

Mayor Thalhoffer stated have you tried using East County Mediation Service?

Travis Hultin replied up to this point I don't think it has really been that kind of an argument.

Councilor Canfield stated I appreciate what you are saying and I mostly understand what you are saying but I don't think we can solve your problem tonight. We could direct staff to ensure that there is good communication between your Neighborhood Association and the City. That is as far as we can probably take it tonight.

Dave Munson replied right now neither one of us have the position where we are talking as Board members, we are just citizens.

Mayor Thalhoffer stated your association has an attorney and we have an attorney, why don't you let the attorneys figure out how you can communicate with each other. We want you to be able to communicate and get this problem solved. We are trying to help you solve it.

Bob Ewald stated the question was asked, do we want this situation fixed. We are looking at the possibility that there may not be any reason at all for the City to spend \$100,000. The outcome of the professional survey would determine that. We would be happy if the City did not have to make that \$100,000 expenditure. We understand the \$30,000 project and we have already given approval for that, but we still have these big questions. I don't know what the shelf life is for a delineation. I am reticent to the advice of hiring an attorney to work this out. I think with communications we could do it.

Mayor Thalhoffer asked how are we going to do that by letters back and forth, is that the way you want to do it?

Bob Ewald replied with a barrage of letters, lets let it happen.

Mayor Thalhoffer stated public works has said that they have written letters. Did you understand what they were saying in the letters?

Bob Ewald replied I have a pretty good grasp of the English language, yes.

Mayor Thalhoffer asked well have you communicated back in response to those letters in writing?

Bob Ewald replied I am not privy to those because we do have an administrative assistant that receives those and most of the communications would be directed from her to the president, which I am not. I think that the best we can do would be for us to vow that we would communicate with you if you will communicate back.

Travis Hultin replied I certainly don't have a problem with that. I believe we have been trying to do that.

Mayor Thalhofler stated you have to show us that you are representing the Homeowners Association.

Bob Ewald stated I am not here tonight as a designated representative of the organization, however two meetings ago I was elected to the vice-president position.

Councilor Daoust stated with this project there are certain steps that have to be done. The \$100,000 is going to cover, first of all certain things. I assume there will be a contract for professional services or a delineation made or something. Just letting the Homeowners Association know what steps are going to be taken and when, would help I am assuming. The fact that a new delineation will be made is part of the process.

David Ross asked with whom is public works supposed to communicate with?

Mayor Thalhofler stated I just covered that. Public works has to know that they are speaking with the association when they deal with either of you. You have to have some kind of authority from the association to act on their behalf and public works needs to see a copy of that authority.

Bob Ewald stated our communication point is still with our post office box; that would be the best.

Mayor Thalhofler stated we need something from your Board giving the two of you the right to represent them.

Bob Ewald stated that is reasonable and acceptable.

Councilor Kight stated maybe another way to do this is to have all of the stakeholders get together and sit around a table and work the problem out.

Bob Ewald stated in addition to writing that certainly is not a bad idea.

Travis Hultin replied that would certainly be a step in any project that we process.

MOTION: Councilor Ripma moved to adopt a resolution adopting the Public Works Department Capital Improvement Plan and rescinding Resolution No. 1757, 1813 and 1874. Seconded by Councilor Canfield.

No discussion on the motion.

VOTE: Councilor Ripma – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; and Councilor Kight – Yes.

Motion Passed 6 – 0.

10. STAFF COMMUNICATIONS

None.

11. COUNCIL COMMUNICATIONS

Councilor Ripma stated the final engineering plans are being prepared for the Centennial Arch Monument. We have accepted a bid for the steel and the aluminum. We are working with the City to get the permits; the City is actually going to apply to the County for the permits. The fundraising efforts are going very well. The students from both Sweetbriar Elementary School and Troutdale Elementary School each raised \$1,000 in pennies and so their school names will appear on the Smelt level plaque. Construction will start in July and should be done by the end of August. A dedication will be held in October. Anyone who submits a donation to the Troutdale Historical Society to the Centennial Arch Fund will have their name on the plaque if it is received by July 15th.

Councilor Canfield reminded everyone to get their ballots in.

Councilor Kyle asked folks to vote for Barbara Kyle for House District 49, State Representative.

12. ADJOURNMENT:

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

Meeting adjourned at 10:10pm.

Paul Thalhofer, Mayor

Approved May 27, 2008

ATTEST:

Debbie Stickney, City Recorder