

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

Tuesday, October 28, 2008

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

Mayor Thalhofer called the meeting to order at 7:02pm.

PRESENT: Mayor Thalhofer, Councilor Kight, Councilor Ripma, Councilor Thomas, Councilor Canfield, and Councilor Daoust.

ABSENT: Councilor Kyle (excused).

STAFF: John Anderson, City Administrator; Rich Faith, Community Development Director; David Ross, City Attorney; Jim Galloway, Public Works Director; Travis Hultin, Chief Engineer, and Sarah Skroch, Deputy City Recorder.

GUESTS: See attached list.

Mayor Thalhofer asked is there an agenda update?

John Anderson, City Administrator, replied there are no updates.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: October 7, 2008 Special Council Meeting.

2.2 RESOLUTION: A resolution designating specific financial accounts for the City of Troutdale, repealing all previous resolutions, and designating authorized city officials of all such accounts.

2.3 RESOLUTION: A resolution approving a mutual aid and assistance agreement for the provision of emergency services related to water and wastewater utilities.

2.4 RESOLUTION: A resolution to approve the City's Identity Theft Prevention Program.

2.5 RESOLUTION: A resolution providing for budget transfers and making appropriation changes for Fiscal Year 2008-09.

MOTION: Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Kight. Motion Passed Unanimously.

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

None.

4. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Section 12.04.025 of the Troutdale Municipal Code allowing the installation of self-contained toilet facilities in certain outdoor recreational areas.

Mayor Thalhoffer opened the Public Hearing at 7:06pm.

Travis Hultin, Chief Engineer, stated this was originally brought up by the folks at McMenamins. They've done quite an expansion to their golf course expanding it quite a distance to the west towards 238th. They realized as they were making that expansion that folks on the golf course were going to need some facilities. The location of those facilities would be very remote from the rest of the Edgefield property. Currently our code requires that anytime you have a new structure or are expanding an existing structure that requires the discharge of sewage and that property is within 1,000 feet of a sewer main then they would have to connect to it. The Edgefield property is quite large so it is well within 1,000 feet of a sewer main but the toilet facility itself would be quite remote. They asked if there was a way that the code could be amended to allow these certain types of self contained toilet facilities not connected to the sewer system in these types of situations. We took a look at the code, considered their request and determined that it would be reasonable to allow these in certain circumstances. The code language would basically allow these self contained facilities in outdoor recreational areas where the facility is more than 300 feet from the sanitary sewer system. These are sometimes called waterless toilets. Ones that you commonly see now would be composting toilet facilities that are at some State Parks. Passing this ordinance would allow these to be constructed in certain situations. It would not allow these to be placed on septic systems. Our recommendation is that the Council adopt the ordinance as proposed after a second reading next month.

Councilor Daoust asked do they know where they want to place them?

Travis Hultin replied they had some very conceptual sketch maps when they originally laid out the golf course. Certainly they might adjust that a little bit when the time comes to actually build them.

Councilor Daoust asked how far away is it to the nearest sanitary sewer?

Travis Hultin replied there were two proposed. One was probably just outside of the 300 foot mark and the other off to the west was several hundred to 1,000 feet from their onsite sewer system. Keep in mind that the existing language says if the property is within 1,000 feet of a main that they would have to connect. Because their property goes right up to Halsey, they are well within 1,000 feet even though the facility itself might be 1,000 feet away.

Councilor Kight asked are we going to look at this on a case by case basis?

Travis Hultin replied they would have to meet what we've put in the code. It would have to be solely connected to an outdoor recreational use, more than 300 feet from either the existing private system or the public system.

Councilor Kight asked is this a stand alone building? We aren't talking about Port Potties are we?

Travis Hultin replied no, this is a permanent structure.

Councilor Kight asked what arrangements are going to be made as far as vandalism?

Travis Hultin replied that would be up to the property owner.

Councilor Kight asked do you see any down side to this at all?

Travis Hultin replied no. We considered this carefully and determined that as long as it was limited to these types of uses then we don't see any harm in it. If they are willing to go to the expense to have it pumped out periodically, which regardless of the type that they use it would be needed, then we felt it was reasonable.

Councilor Kight asked how many of these are we looking at?

Travis Hultin replied right now McMenamins has proposed 2. It would potentially be allowed in other areas but there aren't that many candidates in the city. We don't have another golf course for instance. Maybe our own Parks Department would wish to use those on part of the trail system or something similar.

Councilor Thomas stated what I don't see in here is any language stating that it needs to be a certain distance from the property line. These can emit odors. My concern is if they place one of these right up against a property line that abuts a neighbors property.

Travis Hultin replied it's not currently in the language. We can take a look at the possibility of filling in some sort of setback requirement.

Councilor Thomas stated I'd say it should be at a minimum of a few hundred feet away from the property line to give space for the smells to disperse.

Travis Hultin replied we can go back and take a look at requiring 200 feet or so and make that revision for the second reading.

Councilor Daoust stated it would depend if it's an odor producing facility. They may have facilities that don't produce that much odor.

Mayor Thalhoffer asked what kind of regulations do we have requiring property owners to keep these clean and in good condition? I was on my way to central Oregon and stopped at a restroom at Frog Lake. It was maintained by the State, it wasn't self contained, and I've never seen a restroom that was in worse shape than that one.

Travis Hultin replied there's nothing that I'm aware of in any city code that regulates the maintenance of any restroom facility. I think that would be really difficult to enforce. I would have a hard separating that from regulating how Flying J or Burns Brothers maintain their restrooms. The only difference is that this is away from the main building. None the less it's a restroom and the owner of the property needs to maintain it and if they don't then they will see their customers being unhappy.

Mayor Thalhoffer asked the property owner would build them, own them, and maintain them?

Travis Hultin replied correct.

Mayor Thalhoffer asked if they don't maintain them properly, what is the City's recourse?

Travis Hultin replied it would depend on the maintenance issue. If they were allowing sanitary sewer to escape the facility then I think the City would take an interest in that. If it's just a matter of not keeping it clean then I don't know that the City would get involved.

Mayor Thalhoffer stated does the State of Oregon do health inspections or anything like that?

Travis Hultin replied I don't know the answer to that.

Councilor Canfield asked how is Outdoor Recreational Facility defined in our ordinance?

Travis Hultin replied it's not. We could probably try to put a definition on it but it would be difficult because there can be such a range of things. You could give examples but it's hard to know what's going to come down the pike. There will probably be some interpretation involved at some point. If there are certain uses that you specifically want included then I think that would be easy enough to do. It's the other side of the equation because you can't necessarily capture everything that's going to come along. You could say for sure what's in but it's hard to say what's out because you don't know what the possibilities are.

Councilor Canfield stated your intent of not including a definition is to leave it open just in case because you don't know what is going to come down the pike. You don't want to have to change the ordinance every time somebody asks to use this ordinance.

Travis Hultin replied with a definition there are two ways you could go. One is a limiting definition which would say it would only include certain things and it's very clear. The second is that you leave it somewhat open and maybe even throw in a few examples. But that still leaves an open interpretation for anything that's not on the list.

Councilor Kight asked can you look into how these things are vented? We are trying to cure a problem but we don't want to create a nuisance.

Travis Hultin replied we can look into it. People are coming up with new stuff all of the time so it's hard to pin that down. There are also different types of facilities that can qualify.

There is the standard tank facility which needs to be pumped out all the time, there is the composting style facilities which reduces the waste down and doesn't have to be serviced nearly as often from a removal standpoint. There are different manufacturers and they're all going to have a different design. In my experience composting facilities have much less odor.

Councilor Kight asked could we get very specific as to the type of facility that we would allow?

Travis Hultin replied we could probably specify some performance criteria which would be very difficult with odor. I'm not sure that we could specify a manufacturer, a specific model, or a brand. That's a tough one. I understand your concern. The difficulty with regulating that is that odor is very hard to regulate because it's hard to measure.

Councilor Kight stated I wonder if you could take a look at the different manufacturers. I'm concerned about someone putting in the cheapest facility they possibly can to meet their minimum requirements. Can you find out how other cities are handling this same type of thing?

Travis Hultin replied I can look into the rating criteria that the manufacturers use. We might be able to find something to latch onto there.

Councilor Ripma stated this ordinance exempts these buildings from having to be hooked up to the sewer systems. I assume they'd be built under some sort of building code. Do you know if that's right?

Travis Hultin replied all this does is remove the requirement to connect to the sewer system.

Rich Faith, Community Development Director, stated with the McMenamins proposal it was part of a larger project, mainly the expansion of their golf course. So it did go through a land use review. We would have been able to address this if it had been allowed at the time. If it was something that was just being proposed as an add on to an existing trail, for example, I would say given the nature of it we would want to do some kind of a land use review to look at set backs from the property lines and where it's going to be situated. In all likelihood I think it would be appropriate for us to at least put it through a minimal level site and design review. As far as building permits, currently they only apply to structures that are 200 square feet or greater in area unless it's considered commercial.

Councilor Ripma stated it would be good to research the need or benefit of having some codes for these particular types of facilities. I'm ok with this ordinance with the addition of Councilor Thomas's suggestion.

Travis Hultin stated it doesn't change any of the requirements that would've been on a bathroom out on the golf course otherwise.

Mayor Thalhoffer stated I think we ought to take a look and see if there are requirements that other jurisdictions have for these types of facilities.

Councilor Canfield stated we should caution ourselves and not over bureaucratize what is a simple structure.

Mayor Thalhoffer closed the public hearing at 7:27pm.

5. PUBLIC HEARING / RESOLUTION: A resolution approving an evaluation of the Troutdale Comprehensive Land Use Plan and a Periodic Review Work Program to be submitted to the Oregon Department of Land Conservation and Development.

Mayor Thalhoffer opened the public hearing at 7:27pm.

Rich Faith, Community Development Director, showed the Council a PowerPoint Presentation (attached as Exhibit A to the minutes).

Rich Faith reviewed slides 1 through 7.

Councilor Thomas asked in regards to Task 1, the question to ask is “do we desire to expand our city limits beyond the current Urban Growth Boundary (UGB) to our south and southeast”. Let’s assume we were to say yes. What would that mean?

Rich Faith replied it means that we need to express that in some way. It doesn’t necessarily mean that we’ll get our way but if we don’t express it then we won’t be a player at all.

Councilor Thomas stated if we decided that we’d like to expand to the south then we’d just say that we’d like you to consider these areas for possible expansion and that would be part of the answer that we’d send to the State?

Rich Faith replied no we’d be sending that to both Multnomah County and Metro.

Rich Faith reviewed slides 8 through 9.

Councilor Kight asked was affordable housing ever identified?

Rich Faith replied I think there are differing definitions of that. The most common one that I’ve seen talks about household incomes that are between 50% and 80% of the median income level for your jurisdiction. The issue of affordable housing would be, do you have a supply of housing at a price range that is affordable to people in that income group. Don’t hold me to this as the only definition because I’m sure there are those that would say that you should also be looking at those that make less than 50% or what about the homeless.

Councilor Kight asked so there is no standard definition of what affordable housing is?

Rich Faith replied there are probably many definitions. Maybe it would come down to us trying to select the one that we think is appropriate. I would propose that we be talking about the 50% to 80% of the median. This topic of affordable housing did raise some concern with the Planning Commission (PC). They had similar types of questions in terms of what is the definition, how are we going to analyze this, and what will the outcome be if we look at this. I don't have answers to those types of questions but they are legitimate questions. I will also say that the topic of affordable housing permeates State laws, the statutes dealing with housing. If you look at the metropolitan housing rule and the Oregon Administrative Rules (OAR's) dealing with housing, that is a very key element that they mentioned in terms of what jurisdictions are supposed to address in their comprehensive plans.

Councilor Kight stated we're assuming this is a home owner but this could also include rental properties.

Rich Faith replied absolutely.

Councilor Kight stated I understand that our density currently exceeds the density that's required by Metro.

Rich Faith replied no we haven't exceeded the density. We have exceeded our housing allocation target.

Councilor Canfield asked couldn't we get a new quota so to speak from Metro that could change the requirement of at least 50% of new residential units to be attached single-family or multiple-family housing?

Rich Faith replied Metro has no control over that. Those are built into the OAR's pertaining to housing. Metro is only looking at providing sufficient land inside the UGB to meet a projected 20 year demand. When they run the numbers and say we have a 20 year need for 200,000 new housing units then the question would be how are those housing units going to be distributed around the region. That's when they start looking at each jurisdiction in terms of how much can you accommodate.

Councilor Canfield asked but it is Metro that decides which area within their jurisdiction that gets the allocation, correct?

Rich Faith replied Metro would say that they'll decide that in collaboration with the local governments.

Councilor Canfield stated it's possible that our allocation could be a number larger than we might want to accept.

Rich Faith replied possibly, yes.

Rich Faith reviewed slides 10 through 14

Mayor Thalhoffer asked would that include the backage road?

Rich Faith replied I don't think the backage road was necessarily put in there to meet the transportation planning goal. We just need to take a look at the specifics of the transportation planning goal which is an OAR. We'd need to see if there have been any amendments made to the OAR in the last 3 to 4 years and make sure our plan is in compliance. I don't think anything in the transportation planning goal would say that the backage road was put in there to meet the transportation planning goal. I'm not sure that we could make that argument. It was more to relieve the congestion problems that we have on Frontage Road.

Mayor Thalhoffer stated but it's part of our transportation.

Rich Faith replied it is in our transportation plan.

Councilor Kight asked is the transportation plan comprehensive in that it takes in Federal, State, County, and local roads?

Rich Faith replied we've looked at all of those as part of our transportation network. We do address I-84 and Frontage Road which are both part of the State roads in that plan with input from those agencies.

Councilor Kight asked you are just talking about fixed assets as far as streets and roads?

Rich Faith replied not necessarily. It could deal with maintenance. Our current transportation plan talks about imposing, as a remedy for paying for maintenance of our streets, a street utility fee. You may want to look at that and act upon that.

Councilor Kight asked does this also include mass transit?

Rich Faith replied all modes of transportation are addressed in our transportation plan.

Rich Faith reviewed slide 15.

Rich Faith stated the Citizens Advisory Committee (CAC) added "protection of scenic views" to the Task Issue at their public hearing on October 1st. When it was brought to the PC at their meeting a couple of weeks ago, contrary to the CAC, they were quite concerned about this aspect of this task. The work program that you have is as recommended by the CAC because they are the ones assigned to our Citizen Involvement Program to assist with periodic review. However, the PC as a courtesy was also apprised of these and allowed to make comments but no changes were made to reflect any of their comments.

Mayor Thalhoffer asked what do they mean by scenic views? Are they talking about houses with views?

Rich Faith replied that's exactly the question that the PC raised. If we tackle this as a work task in the work program our first order of business will be to help define what we mean, what it is that we're trying to preserve and protect. Otherwise it can get out of hand.

Mayor Thalhoffer stated it's a worthwhile pursuit to protect scenic views for people that have scenic views and bought their houses with that in mind and later lost their scenic views.

Rich Faith stated I think that's the very thing the PC is concerned about. That it will open up a can of worms.

Rich Faith reviewed slide 16.

Councilor Kight asked are there other Cities that have come up with answers to the questions that we're asking tonight?

Rich Faith replied yes. I think when we talk about evaluating methods that's another way of saying let's do some research of other jurisdictions.

Councilor Thomas stated just because we have protection of scenic views in the work plan doesn't mean we necessarily have to answer that question.

Rich Faith replied if you leave it in the work program then we're obligated to do it.

Councilor Canfield stated what troubles me is that we'll have to identify scenic vistas and their view points. The very fact of doing that would open the can of worms.

Rich Faith replied if you don't do that then there is no way you can determine how you're going to protect them.

Councilor Canfield stated maybe we should remove that.

Rich Faith replied maybe all it will amount to is views our Mt. Hood. Perhaps it could be that the scenic vistas and view points are limited to within Sunrise Park where there is a vista point and we want to protect that. Maybe we could define it that narrowly.

Mayor Thalhoffer stated at the same token, the Washington Hill could be one. That's a spectacular view also.

Councilor Canfield stated this is the can of worms I'm speaking about. Every Troutdale resident with a view of Mt. Hood from their property would have to be identified.

Councilor Daoust replied but it's an issue of local concern. If any city is going to address this, Troutdale should. You could limit it to views from public properties such as streets or parks. You don't have to open it up to everybody's front window.

Councilor Thomas stated I think you are on the right track. It really has to be narrowed down. We have to be careful to use a definition that clearly defines what it is because otherwise it will be a wide open can of worms.

Councilor Daoust stated if we wanted to protect the view of the Sandy River along the esplanade, we'd say we won't plant trees along the esplanade that would block the view of the Sandy River. From Sunrise Park we're not going to block the view of Mt. Hood by planting trees.

Mayor Thalhafer stated why only at Sunrise Park? Why are the people that live above Sunrise Park anymore special than others?

Councilor Daoust stated I'm just using public property as an example.

Mayor Thalhafer stated we can look at it. I'm sure other cities have addressed these issues. It would be good to keep it in here and check it out.

Rich Faith reviewed slides 17 through 19.

Rich Faith stated in closing, the CAC has been assisting with this work program and the evaluation that is attached to the resolution. They are recommending that they be submitted to Department of Land Conservation and Development (DLCD) for approval and staff also concurs with that recommendation and would recommend adoption of the resolution.

Councilor Kight asked what is the time frame for the package to be completed?

Rich Faith replied when the work program is approved by the State, we'll have 3 years to complete all the tasks. I'm assuming that approval will take place in late December. So I am figuring that we will have until December 2011 to complete them.

Councilor Kight asked what work is the council going to perform throughout the course of this?

Rich Faith replied we have 6 tasks and we'll be tackling these tasks in some sort of chronological order. If you look at Attachment 2, at the end of each task I have a submittal date to DLCD. One of the requirements is that we have to put a completion date on each task. I tried to stretch these out over the course of the 3 years. I would expect that we would complete a task and then it would come to you for a review and approval. If it's actually going to be folded into the Comprehensive Plan update then the actual ordinance that would amend or adopt a new Comprehensive Plan will take place at the end of the 3 year period. There would be milestones along the way in which perhaps by resolution you would be adopting something with the understanding that it will formally be embodied into a new Comprehensive Plan at the end of the process. This is just a thought and I haven't worked it out completely.

Councilor Kight asked will that be done at a work session or a formal City Council meeting?

Rich Faith replied it could be a little of both. I could see in some cases it might necessitate a work session and others it might involve a public hearing for people to comment.

Councilor Ripma asked how long did we have to complete the last periodic review? Did we meet that deadline?

Rich Faith replied at the last periodic review we were given notice on January 20, 1988 and it was finalized on April 11, 1994. It took us 6 years and 3 months. That's why we are operating under new legislation. One of the problems that was being raised about periodic review in the past was that it was so onerous that it was taking jurisdictions several years to complete. The new process is supposedly more streamlined and although it hasn't been tested yet, the theory is that it should be easier to complete within this 3 year time period. There is the ability to request extensions along the way so we aren't absolutely locked into 3 years.

Councilor Ripma asked the program that you outlined is less onerous?

Rich Faith replied yes, supposedly.

Councilor Ripma asked how many cities are under periodic review right now?

Rich Faith replied there are so many that they had to batch them and stagger start them. In October of last year, notice was sent out to 5 jurisdictions: Forest Grove, Kaiser, Portland, Hermiston, and The Dalles. In May we received notice along with Baker City, Lake Oswego, and Roseburg. This month Happy Valley, Milwaukie, and Tigard are supposed to be notified. Once that happens there will be 12 cities throughout the State in periodic review. Before this is all over with there will be 13 Cities in the Portland Metropolitan region under periodic review.

Councilor Ripma stated I noticed the letter we received in May was also addressed to the County.

Rich Faith replied I think as a normal procedure they notify the County so they are also aware that there is a periodic review process going on and it may necessitate the County weighing in if it in fact results in a UGB expansion.

Councilor Ripma asked do Counties have to do periodic review?

John Anderson replied yes they do.

Rich Faith stated I would like to recommend one change that came to mind today on Task 1 which is on page 1 of Attachment 2. I put the submittal date as March 31, 2009. I think we might need to extend that to perhaps the end of May. The reason I say that is because we are going to want to do some kind of evaluation of our utility systems and I haven't even

checked with Public Works to see if that's something they will need to farm out. We'll need to allow a little extra time if we're going to look at the area to the southeast of us.

Councilor Ripma asked why not extend it to November 30th?

Rich Faith replied in order for us to get in synch with the Urban Rural Reserve Designation process, Metro and the Counties are going to be analyzing these areas and making preliminary decisions in about May. This would be a good time for us to have a report to submit to them in terms of what our preference would be.

Councilor Thomas stated in regards to going through this process you mentioned the need to update rules and regulations as far as ordinances. Does that have to be done at the same time that we go through this or is this just identifying what needs to be changed?

Rich Faith replied whenever there is a subtask that says "amend the zoning map and development code", I've always qualified that with an "if necessary". If the outcome is that we will need to amend the map or the code then we have to do that in order to have satisfied the task.

Councilor Canfield stated I have a question on the Periodic Review Evaluation, Attachment 1. On page 5 there is a paragraph relating to climate change. According to this evaluation it is not required by the State for periodic review. Is that correct?

Rich Faith replied no it is not required.

Councilor Canfield asked is there any State, County, or Metro requirement that we look at this issue?

Rich Faith replied no and in fact you won't even see it addressed in the work program. In my opinion it was an appropriate response to Factor 3 that there are issues of Regional or Statewide significance affecting land use which may be addressed. I threw that one in there because I figure it is of statewide significance. In the paper today it said that is a priority of the State. I acknowledged it but it's not reflected in the work program.

Councilor Canfield stated to me that reflects a political situation and not a scientific situation or something that the City should even get involved with. This is not a settled issue and I don't think we should even touch this.

Rich Faith replied all that I can say is that it's not reflected in the work program. There is nothing in the work program that say's we're going to tackle this.

Councilor Canfield stated if we approve this resolution then we're saying that we approve the entire contents of this evaluation.

Rich Faith replied that is correct.

Councilor Canfield stated in my opinion that doesn't belong in our evaluation.

Councilor Thomas asked are you thinking that they can come back and say that we need to add that to our work plan?

Councilor Canfield replied no. This isn't something that the State is obligating us to do so I think we should strike it from the evaluation.

Councilor Thomas replied I agree with you.

Mayor Thalhoffer stated I think it should be in there. The State's whole pitch now is it is going Green. I don't know why we wouldn't want to be involved in that process.

Councilor Canfield replied because it's a political issue. We aren't the State, we're the City of Troutdale. There's no convincing evidence that this reflects the views of our community at all.

Mayor Thalhoffer asked the State effort of going Green is political?

Councilor Canfield replied it's absolutely political and it's been driven by a political agenda. It has nothing to do with the Comprehensive Plan.

Mayor Thalhoffer replied I disagree with that.

Councilor Thomas stated I think we would be addressing that under other situations and it doesn't necessarily need to be here. I think there will be things coming from the State that will require us to address specific issues as they mandate new rules and regulations. I don't see the value of having this as part of the periodic review.

Councilor Daoust replied I think it should stay in. Any City can take steps to reduce carbon emissions. The steps to take and how to do it have been pretty clearly spelled out. It's not political.

Councilor Canfield stated with all due respect it is entirely political. The folks that say it is not political are doing so to stifle the fact that it is political. It doesn't belong in the evaluation of our Comprehensive Plan.

Mayor Thalhoffer stated people can make it political but I don't think it is. I think arguing about it is serving no purpose.

Councilor Daoust stated I totally disagree. Climate change is not a political issue, it's a scientific proven issue. If you look at the glaciers that are melting it's pretty clear.

Kelly Dowhan, Troutdale Resident and CAC member, stated I am here as a resident and just wanted to encourage you to accept Task 5.

Councilor Thomas asked what was the conversation that the CAC had around this task?

Kelly Dowhan replied my personal thought was preserving public vistas. Anything from a residential standpoint didn't even occur to me. It came up and it appealed to me, I looked into it, and I thought it was something that was worthy of consideration. I would just like to see it explored.

Mayor Thalhoffer closed the public hearing 8:35pm.

MOTION: Councilor Canfield moved to approve a resolution approving an evaluation of the Troutdale Comprehensive Land Use Plan and a Periodic Review Work Program to be submitted to the Oregon Department of Land Conservation and Development with the deletion of paragraph 2 on Attachment 1, page 5 related to local climate change and to change the Submittal Date to DLCDD on Attachment 2, Task 1 to May 31, 2009.

Councilor Kight asked what is the down side of eliminating this paragraph?

Rich Faith replied I don't see either a pro or con. The evaluation is done to address the four required factors. I merely responded to the terms of Factor 3, what are issues of regional or statewide significance. Those are then supposed to relate to what you put in your work program. Obviously there's a disconnect because I didn't follow through, nor did anyone on the CAC, with this paragraph and include it in the work program. I don't know if there would be a risk in having this mentioned in the evaluation to where DLCDD could say that it ought to be addressed in the work program. I raised it because I thought it was a legitimate response to the factor but I didn't necessarily want to get into it as a work task.

Councilor Kight asked even though we have this in here we aren't really committing ourselves to anything?

Rich Faith replied you will not see anything in the work program that addresses this.

Councilor Daoust stated I don't think it would be that hard to address even if we tried. When we had the presentation on the Police Building the architects and designers came up front and said this will be a LEED certified Green building which means that they've made an attempt in the City of Troutdale to design and develop a LEED certified building.

Councilor Canfield replied in that instance to get LEED certified you just pay money to a non-profit organization which has certain guidelines which our building code

already meets to get the political Cadillac Green LEED certification. It has nothing to do with what we're discussing here at all.

Councilor Daoust stated there's a reason that the State has it as an issue. I know of no agency that's not addressing this. They're all addressing sustainability and Green issues.

Councilor Canfield replied that's where it's a political issue because you'll notice it is the governments that are involved in this. The scientific community is divided on this issue. The only people that are pushing this through are the politicians. The architect admitted that the only thing LEED is, is that you pay money to a non-profit organization to get a label.

Rich Faith stated even if we take this out I don't think that there is a guarantee that this isn't going to be addressed in some form. If you look at the land use planning goals, Goal 13 is Energy Conservation. When we get into Task 6 which is an update of the Comprehensive Plan we're going to be looking at every one of the statewide land use goals. Just because this paragraph is taken out doesn't mean that it is still not fair game to talk about when we get into Goal 13 and look at issues related to energy conservation. Any citizen could come forward and say that they think it's entirely appropriate to address this. It doesn't have to be in our evaluation to occur.

Councilor Thomas seconded the motion after the above discussion.

Councilor Thomas stated the reason that I seconded this is mainly because a lot of those things will probably be addressed as part of Goal 13. Having it specifically here, I'm concerned that DLCDD would look at this and say that we have to create a task to do this. If we are going to address these issues I'd like this to be a separate project and not wrap it into all of this. When you get into looking at this it can be very complex. I think as a City Council it would be better to take this as a separate project, address it as a separate project, and deal with it as a specific issue on how we think it should be handled and keep it out of the periodic review process with the exception of what would need to be addressed in Goal 13. Having it specifically stated in the evaluation, DLCDD could potentially look at it and say why didn't you add it to your plan. I don't see the disadvantage to taking that paragraph out being that it's not part of the original request.

Councilor Daoust stated it's obviously a regional and statewide significant issue. I've been to panels where scientists are discussing this and they aren't arguing anymore, they're agreeing that there is an issue. I've listened to some of the best scientists discuss this issue. To take it out for thinking that it's a political issue is the wrong reason to take it out. We can easily address this. We might want to think about purchasing hybrid cars for example. The LEED certified Green buildings wouldn't be that difficult to put in our Comprehensive Plan. To take it out because one of the Councilors thinks it's a political issue is the wrong reason to take it out. Let's

address it because it's a significant issue that probably every city will have to address.

Councilor Kight stated I'm for leaving it in. I think Mr. Faith articulated very well the necessity of looking at it. When you look at Goal 13 it talks about energy conservation. I think this type of thing is going on on a worldwide basis. I think we need to be more conscious of it and as leaders in the community we need to be on the forefront of addressing these kinds of issues. It may be political initially but overall I think people are embracing the idea of conservation.

Councilor Ripma stated I'm not going to favor the motion because I think we should leave in the paragraph that was put in Attachment 1. Whether or not it is political doesn't really matter. A lot of things in here are political such as the UGB expansion. This is real and we're going to have to address it sometime. I think this statement in conjunction with the way Rich handled it responds to the factors without putting anything specific in the work plan. It's a good compromise.

Mayor Thalsofer stated I'm going to vote against the motion. I think this paragraph should be left in. The State of Oregon has a campaign of going Green. I think every City and County will be going Green as time goes by. We're going to have to conserve our precious resources in this Country, State, and County. I think we're going to be moving into the direction of sustainability whether it's timber, construction, cars, you name it.

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

Motion Failed 2 - 4.

MOTION: Councilor Kight moved to adopt a resolution approving an evaluation of the Troutdale Comprehensive Land Use Plan and a Periodic Review Work Program to be submitted to the Oregon Department of Land Conservation and Development and to change the Submittal Date to DLCD on Attachment 2, Task 1 to May 31, 2009. Seconded by Councilor Daoust.

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

Motion Passed 5 - 1.

6. EXECUTIVE SESSION: An Executive Session will be held under ORS 192.660(2)(e) – Real Property Transactions.

Mayor Thalhofers recessed the Regular Council meeting to convene the Executive Session at 8:54pm.

Mayor Thalhofers reconvened the Regular Council meeting at 9:20pm.

No direction was given to staff with regards to the Executive Session.

7. STAFF COMMUNICATIONS

Rich Faith stated I wanted to share a report that I received today from Abe Farkas concerning his contacts with potential developers. He informed me that he's talked to about 2 dozen developers since our last session with him here. The unfortunate thing is that most are not interested in pursuing this project. He said that they'd given a lot of reasons including anything from they're tied up with other projects, they have other properties that they want to concentrate on, they're not taking on anything new right now, and they don't think this site is very promising compared to others. He did say that there are 3 firms that informed him that they'd like to think about it a little bit more. He shared with them as much information as he could about the site. He told me that it might be another 2 or 3 weeks before he hears back from those 3 firms.

Mayor Thalhofers asked is there anything that we need to do to help get these firms excited?

Rich Faith replied Abe did share with me that in most of the conversations he's had the question that keeps coming up is, is there any predevelopment money that the City is willing to spend on this. Obviously I think they are all looking for incentives of some kind. The answer to your question would be to sweeten the pot.

John Anderson stated in predevelopment they would spend some money with an architect and the people that do market analysis. That front end cost is what they're looking for. Some communities have done that in the past. It's not like a tax incentive. It's paying them the cost to do the research.

Mayor Thalhofers asked could we have Abe come before us at an Urban Renewal meeting to lay it all out?

Rich Faith replied he's certainly willing to give you a full report when he hears back from the 3 firms.

Mayor Thalhofers stated if we have a report from him maybe we could give him some direction as to whether we'd want to give some incentives to have them get serious about the site. I think we're in the day and age where you have to give incentives to almost everybody in this economy.

Councilor Canfield stated I believe that a lot of these developers may be out because of financial reasons due to the national financial situation. That could change on a dime.

Yesterday's no could be tomorrow's yes or vice versa. I think it's premature to discuss giving predevelopment money.

Mayor Thalhoffer stated Rich said there are 3 that are interested. I think we ought to show some interest in those 3 firms. But I would like to have Abe come forward and discuss those 3 firms with us first.

Rich Faith stated let me add that those 3 firms do not want their names divulged. Abe would not share those with me because they requested not to have their names divulged.

Mayor Thalhoffer stated he doesn't have to tell us their names. He can just tell us where we are as far as incentives are concerned.

John Anderson stated we could schedule an Urban Renewal meeting in November and have Abe give you a report.

Councilor Daoust asked has Abe talked to Junki Yoshida?

Rich Faith replied I don't know.

Councilor Daoust stated in informal discussions with Junki, he might be interested if there is access through the Outlet Stores. I don't think we should ignore that informal statement. Abe could just check in with him to see if he would be interested.

Rich Faith replied I will give that message to Abe and line him up for a November meeting. There is one other thing that I want to apprise you of and that is that I received a call from Metro on behalf of the University of Oregon (U of O) School of Architecture. They are looking for sites for their architectural design studio. They are interested in sites located along bodies of water and the Sandy River is one that came to mind. Their connection with Metro is their Nature in Neighborhoods program. Metro sponsored a competitive program for concepts on integrating habitat in site design. The U of O folks are looking for a site that they would do concept designs which incorporate these habitat conservation concepts. They've asked whether our former Sewage Treatment Plant (STP) site could be considered as a potential candidate for their design studio. Bear in mind that it will be a design team of students that will visit the site and come up with models and drawings in terms of how they envision this could be designed to integrate habitat along the river.

Mayor Thalhoffer asked could we have them make a presentation?

Rich Faith replied if the site were selected I'm sure they would be glad to. I could ask them.

Mayor Thalhoffer asked if you are going to form a partnership wouldn't you like both partners to get to know each other a little bit?

Rich Faith replied they are just looking for a site that they can do a design studio for. As they do it I'm sure they would be glad to share what they're doing.

Mayor Thalhoffer stated my point is why can't we hear from them. What's to stop them from giving us a pitch on what they're doing?

Rich Faith replied if this site were selected I don't think they would have any objection to coming down here and talking to you about what they are doing. They are only looking for candidate sites from which they will pick one. We may not even be selected.

The Council was interested in having the U of O School of Architecture consider the former STP site for their design studio.

John Anderson distributed a handout from Joseph Gall, City Administrator for the City of Fairview, in regards to the Verizon Franchise. A copy of the handout can be found in the meeting packet.

8. COUNCIL COMMUNICATIONS

Councilor Daoust stated I drove to Sun River this morning to make 2 PowerPoint presentations and then drove back to be here with you tonight.

Councilor Kight stated Halloween is upon us. We hope that parents go out with their kids and don't let them run out in the road. Be safe and dress appropriately so cars can see you. From 4:00pm to 6:00pm this Friday the downtown merchants will be doing trick-or-treating. The Outlet Mall will also do trick-or-treating.

Councilor Ripma stated don't forget to vote. There is an election next Tuesday.

Mayor Thalhoffer stated there will be a retirement luncheon here at City Hall tomorrow for John Anderson at 12:00pm. There is a conflict with the FedEx ground breaking which is at 12:30pm in the Sundial Road area. I encourage the Councilors that can to come down for John Anderson's retirement lunch and then go to the ground breaking. Also, there is a City of Troutdale bond measure. I want the people to know that this is something that's really necessary. It's a \$4.5 million project. It will cost the citizens some money but it will be well worth it to have a new police facility with the appropriate space for the appropriate functions of a police department. One of the most significant things that will happen with that is handicap access which is pretty bad at the current police station. Security to the police vehicles is also important and at the new facility they will be fenced in. This isn't going to cost the tax payers very much money compared to the benefit that they will receive. They will get a more efficient police department although we probably have one of the best police departments in the whole State right now but they are so cramped that it's really hard for them to do their job efficiently. I would ask Troutdale voters to look kindly upon their excellent police department and vote for this new police building. I believe the Troutdale Police Department is the only State certified agency in Multnomah County and one of the few in the State of Oregon. Our department is one of the best. Vote yes on bond measure 26-99.

Councilor Canfield stated I'm really annoyed with the vast amounts of direct mail, television ads, and radio ads of the negative variety this election season. Although this has gone on since the days of George Washington, I am very happy that this year our mayoral candidates have run very quiet, issues based campaigns with none of the negative hoorah associated with other campaigns. I would encourage those filling out a ballot to take the time and vote for one of these two fine gentlemen. Don't forget to vote for your local candidates.

9. ADJOURNMENT

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

Meeting adjourned at 9:42pm.

Paul Thalhofer, Mayor

Dated:_____

ATTEST:

Sarah Skroch, Deputy City Recorder