

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

Tuesday, July 24, 2007

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Thalhofer, Councilor Kight, Councilor Ripma, Councilor Canfield, Councilor Kyle.

ABSENT: Councilor Thomas (excused) and Councilor Daoust (excused).

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Debbie Stickney, City Recorder; Olaf Sweetman, Engineer; and Dave Nelson, Chief of Police.

GUESTS: See Attached.

Mayor Thalhofer asked are there any agenda updates?

John Anderson replied yes, we have two updates. Item 2.2, the employment agreement for the City attorney, there are two dates that need to be changed: in the first paragraph, second line, change June 2007 to July 2007 and in Section 2-A in the first and third line, change July 30 to July 31. Agenda Item 2.3, the title of the resolution has been changed, the IGA is with the City of Gresham not the State of Oregon.

2. CONSENT AGENDA:

2.1 RESOLUTION: A resolution recognizing the completion of the East Historic Columbia River Highway Water Main Improvements project and accepting the completed water main and appurtenances into the City's Fixed Asset System

2.2 MOTION: A motion to approve an employment agreement for the City Attorney.

2.3 RESOLUTION: A resolution authorizing the Mayor to sign an Intergovernmental Agreement with the ~~State of Oregon~~ City of Gresham for grant funding for the East Metro Gang Enforcement Team.

MOTION: Councilor Ripma moved to adopt the consent agenda with the changes outlined by John Anderson, City Administrator. Seconded by Councilor Kight. Motion Passed Unanimously.

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

Erik Abbott stated I have some questions/concerns regarding your noise ordinance. Our entire neighborhood came together one night and we listened to all kinds of noises and there is nothing that we can do about it. Lately, while we are in our own homes, we have had to listen to very loud music which contains vulgar words that is coming from another home. Isn't there anything that we can add to our noise ordinance that would prohibit this? I understand some of the prohibited noises listed in the noise ordinance. It is reasonable but it looks a little outdated. During the day if people need to play loud music there should be a certain level that they need to keep it at. We shouldn't just control the level between 10pm and 7am. Basically our noise ordinance allows folks to play music and do anything as loud as they want between 7am and 10pm. This is not the way it is in Gresham, Fairview and Portland. I think Troutdale needs to catch up.

Mayor Thalhofer stated we can have Mr. Anderson and the Chief address this issue to see if there is anything that we can do and if they can't resolve the issue we can put this on a future agenda for discussion.

Connie Kinney stated it is not just the vulgar music, it is the loud music and it is off and on anytime of the day. Last night it lasted until 10:30pm when the police were called and then it stopped, but when the police left it started again. If it isn't the loud music then it is the kids that are playing outside, climbing on the fence or playing basketball. People are arguing and fighting with each other. It is a continual source of noise going on all of the time. If it isn't that then it is cars that are being towed home or being towed off. This has been going on for two years and it is now escalating because their cars are being towed so they are retaliating against the neighborhood in any way that they can.

Calvin Reese stated last night I made a call because of the excessive voice and when the police arrived the noise had already shut down because they know that they have about 15 to 20 minutes before the police respond. It takes about 15 to 20 minutes to get a hold of anyone in this town, by the way. During my call to get an officer to respond, another phone call within our neighborhood was requesting an officer. When the officer arrived I explained to him that those folks are very offensive and it is going on night after night and it has been going on for about two years. The officer responded to me, "I don't hear it now". I said to him that you had two phone calls, can you go over there and tell them that this isn't very neighborly like and you have had numerous complaints this month. I guarantee if you check on this address (721 40th Street) you will find numerous calls regarding this house. Hopefully you will take this issue up, at least on the noise ordinance. Hopefully you take this very seriously before someone gets hurt.

Marty McMahan stated I live next door to this house and I get quite a barrage every day and I have to close my windows and keep my kids inside. The other night the small kids were climbing on the fence at 2:30am and I had to yell out to them to stop. Last night they were out there until 11:30pm playing in the front yard, these are 7 and 8 year olds. The folks were out there and I had a very candid conversation with them and during the course of that conversation what became clear to me is that they were doing this very deliberately. They

have the times of the law down perfectly. He said that they are going to turn their music on and keep it as loud as they want and at 9:59pm they will turn it back down and there is nothing you can do about it. I have never been in a situation like this before with a neighbor and we are real close to moving.

Councilor Kight asked is this a rental property?

Marty McMahan replied no.

Member of the audience stated the house is owned by his mother.

Mayor Thalhoffer stated again, we will have Mr. Anderson and Chief Nelson work on this issue and if necessary we will take further steps to try to put a stop to this. We will inform you of when this item will be put on the agenda.

4. PUBLIC HEARING / RESOLUTION: A Resolution creating an exemption from competitive bidding requirements imposed by ORS Chapter 279C to allow the City to sole source the construction of storm sewer improvements associated with Tyson's Place subdivision.

Mayor Thalhoffer read the resolution title and opened the public hearing at 7:22pm.

Olaf Sweetman, Civil Engineer, stated looking at Exhibit A, to the left is the Sedona Park subdivision. The stormwater for Sedona Park is currently being discharged into drywells, which are currently not in accordance with state regulations due to ground water being present in those. We have a plan to remove the drywells in the future and replace them with a gravity storm sewer system. If you look to the right (on Exhibit A) there is an existing storm main in SW 257th Avenue. So the logical route of this future storm sewer system would be through the future Tyson's Place subdivision, which is expected to be constructed this year. If you look at the portion of the storm line, which is a solid line, that is just a single line which is required to be built by the developer of Tyson's Place. However, due to the additional storm water that will come from Sedona Park, that needs to be built larger and deeper than would otherwise be required. The developer has requested that we pay him the difference in the cost between what he would have to build normally and the larger and deeper storm line. The only logical contractor to build this for us would be the developer. There is really no other logical way to achieve this larger and deeper storm line, so that is why we are requesting a sole source exemption. The dashed line shown on Exhibit B is not required of Tyson's Place, however, it is required so that we can connect Sedona Park. We expect to construct that this year as well so that we can build that before the street is constructed in Tyson's Place. We also may wish to sole source this work to avoid any complications between having two separate contractors on the same project site and to avoid duplicated costs. An example of duplicated costs would be if the contractor for Tyson's Place were to construct that street and then due to construction timing, because it would take us some time to find a contractor to competitively bid that work, they may have built the street and then we would have to come back through and tear up that street to do our work and we would have to rebuild the street. There are a couple of requirements of the Council as the local contract review board to approve the sole source exemption which includes: 1) holding a public

hearing, which we are doing tonight; 2) publishing a notice, which we did on July 9th in the Daily Journal of Commerce; and 3) as the local contract review board you have to approve findings and the draft findings are attached to the resolution.

Councilor Kight stated I like when you have economies of scale like this with shared costs that saves the taxpayers money.

Mayor Thalhoffer asked is there any one here that would like to speak to us on this issue?

No testimony received.

Mayor Thalhoffer closed the public hearing at 7:28pm.

MOTION: Councilor Ripma moved to adopt the resolution creating an exemption from competitive bidding requirements imposed by ORS Chapter 279C to allow the City to sole source the construction of storm sewer improvements associated with Tyson's Place subdivision. Seconded by Councilor Kight.

Councilor Ripma stated this is a case that makes sense to do it this way and it wouldn't make any sense to do it by bidding out the project.

Councilor Kight stated what we are talking about here is taking advantage of a situation and sharing the cost with a developer as opposed to putting in a separate storm water line.

Mayor Thalhoffer stated cost sharing is always good especially when it saves the city money.

Councilor Kyle stated I support this particularly because I know that the dry wells are failing in Sedona Park.

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

Motion Passed 5 – 0.

5. DISCUSSION: A discussion regarding a City Council Email Policy.

John Anderson, City Administrator, stated this is one of the Council's goals this year. A copy of the draft policy was provided to the City Council earlier to review. The purpose of this policy is to provide a city email address for councilmembers so that you don't have to use your personal email address when doing city business. The options and fiscal impacts are outlined in the staff report. One comment on the fiscal impact, as we were updating computer systems a lot of these costs were incurred so that we could backup the emails for the city as a whole, not just for councilmembers. The primary purpose of the policy is to set

forth policy and procedures that comply with the public meetings law, the public record and record retention laws while at the same time supporting transparency in city official communications with the public and each other.

Councilor Ripma asked this is a discussion item, are you planning on going forward with this?

John Anderson replied we would bring this forward for formal council action, probably as a consent agenda item, if it is acceptable to the Council.

Councilor Ripma stated it is acceptable to me.

Mayor Thalhoffer stated it is acceptable to me.

Councilor Canfield stated it makes sense to do this. We all have city records/emails on our home computers now and I just remember what happened to the City of Beaverton when they were involved with litigation with Nike and they had their computers confiscated, and that is not a position I want to be in.

Councilor Kyle stated it looks good to me.

Councilor Kight asked what safeguards will be put in place to protect us from spam?

John Anderson replied it is the same that city staff has right now. Right now we have a system that can be calibrated to pick up very sensitive items or you can make that broader. The program identifies possible spam email and shows you who it is from and what the topic is and you can determine whether or not you want to open it.

Councilor Kight asked will there be a tutorial to show us how to use it?

John Anderson replied yes.

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

No testimony received.

6. STAFF COMMUNICATIONS

John Anderson, City Administrator, stated I have some additional information regarding the Clean and Green Movement coordinated with SOLV. The information we sent out said that the East Multnomah County communities would have the opportunity to join this successful event, referring to the one on the west side, scheduled for Saturday, October 20th. Projects include cleanup, beautification and watershed restoration activities. More than 600 projects have been completed in Washington County to date over several years. We would start with maybe 10 to 20 activities and we would be seeking private sector sponsors and Metro would help participate with a \$12,000 contribution. The City's role is that we would be a sponsor and we would be trying to provide some of these sites at which volunteers would work on. Councilor Daoust and Councilor Thomas, who are not here this evening, have both

responded and indicated they would be interested in pursuing this. I would like to hear whether the rest of you are also interested.

Council all agreed to go forward with this.

7. COUNCIL COMMUNICATIONS

Councilor Ripma reminded citizens that the City was incorporated on October 2, 1907 and will be holding a Centennial Celebration on Saturday, October 6, 2007. The city has a committee of volunteers working on planning our celebration and we have a lot of great things planned. One item that we worked on was a Treasure Hunt. Max and Sheryl Maydew are avid treasure hunters and they have devised a treasure hunt that involves clues that teach Troutdale history and the geography of Troutdale. They have hidden a fish somewhere in the City. Clues can be found every Saturday in the Gresham Outlook and will be available the following Monday on the City's web page. The prizes have been donated by local Troutdale merchants. I want to encourage all citizens of Troutdale to participate. The winner will be announced on October 6 at 2pm at the Centennial Celebration.

Mayor Thalhofer stated we had another successful SummerFest last Saturday.

8. ADJOURNMENT:

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

Meeting adjourned at 7:46pm.

Paul Thalhofer, Mayor

Dated: Approved Aug. 28, 2007

ATTEST:

Debbie Stickney, City Recorder