

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

Tuesday, September 11, 2007

1. ROLL CALL

Mayor Thalhofers called the meeting to order at 7:26pm.

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

ABSENT: None.

STAFF: John Anderson, City Administrator; Rich Faith, Community Development Director; David Ross, City Attorney; Debbie Stickney, City Recorder; Clyde Keebaugh, Parks and Facilities Supervisor; and Jack Hanna, Code Compliance Officer.

GUESTS: See Attached.

2. DISCUSSION: A discussion regarding policy issues for Waste Management's franchise agreement renewal.
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Rich Faith, Community Development Director, stated I'm back to raise issues related to the solid waste franchise. The most important decision made thus far is the decision not to go for an RFP for a new solid waste hauler but that we would renew our franchise with Waste Management and make necessary provisions. What we need is clear direction from the Council on five issues. I brought these questions to the Citizens Advisory Committee (CAC) last week. I felt it would be helpful to you if I put these questions before them and have them make a recommendation. The first issue was regarding mandatory garbage service for all residents of the City. We learned that there are approximately 300 households in the City that do not have this service. If all of the households were required to have this service it could potentially reduce the monthly charge by about \$1.90. The CAC unanimously opposed any mandatory service.

Councilor Thomas asked would this give us more leverage in enforcing somebody that doesn't have their garbage taken care of?

Jack Hanna, Code Compliance Officer, replied it would only allow me to enforce the fact that they didn't subscribe to garbage service.

Councilor Canfield asked how would the City handle exceptions? Would folks with rental property that have been vacant for several months be required to have service? There are several folks that are so efficient in recycling that they make virtually no garbage.

Rich Faith replied we have an exemption program for yard debris, if you compost you don't have to subscribe to yard debris pickup. I suppose you could impose a similar exemption for garbage service. I don't know what the standard would be that you'd have to meet in order to qualify but I suppose you'd have to demonstrate in some manner that you have other means of disposing of your garbage.

Councilor Kyle asked would the City have to hire an extra person to enforce this?

Rich Faith replied we have concerns ourselves in what it's going to mean workload wise. I think there will be problems.

Councilor Kight asked Mr. Winston, in the City of Portland the residential/commercial properties are required to have garbage service. The property owner is required to have service in light of the fact that there may be a renter on the property. In fact, the garbage company calls the landlord to find out what level of service to provide to the tenant. The tenant is ultimately responsible for paying for it but if they don't pay then the landlord is responsible to pay for it. Instead of this falling on the City could we have Waste Management regulate this mandatory garbage services? So the City doesn't have to have an employee checking for compliance. Wouldn't that make more sense?

Adam Winston, Waste Management, replied that would be for multi-family. The typical residential customer would be sent to collections.

Councilor Kight stated I own residential rental property in Portland and if my tenant doesn't pay then I have to pay. If they move out and leave a bunch of garbage then I'm personally responsible. But the garbage service doesn't happen until the garbage company calls me and I give them the name of the tenant and the level of service they want. You become the regulatory agency and not the city, what do you think?

Dean Kampfer, Waste Management, stated you are referring to the Portland rule that requires that any rental properties be under the landowner's name. In this case I think the issue is, what's the hammer if someone doesn't pay. We shut off their service and hope that they eventually want to sign back up. I think the Lincoln City example was supposed to work by having the City turn off the water because a public service coming into the residence has a larger impact where you could store garbage in the garage or something.

Jack Hanna stated you touched on my concern about the mandatory service. We can pass an ordinance to mandate that everyone in the City subscribe to garbage service but if they don't pay it then Waste Management won't pick it up. At that point, they technically have no garbage service. Does that put us in a position to be a collection agency for a private industry?

David Ross, City Attorney, replied we would have to amend the ordinance to put some kind of enforcement provision in it.

Jack Hanna stated we'll end up with everyone meeting the ordinance by having service, they just don't pay. Then that puts it into a failure to pay and not violation of the ordinance. That will be another issue.

Councilor Kight stated in Lincoln City if they don't pay the garbage bill the hammer is to turn off the City's water service. Can that be done legally?

David Ross replied I'd have to look into shutting off water for failure to pay the solid waste disposal fee.

Councilor Kight asked what do you think the solution is?

Dean Kampfer replied it's really what policy that you'd like to see. Most people need garbage service. There are people that elect not to for various reasons.

The Council did not want to have mandatory garbage service. (Councilor Kight opposed)

Rich Faith stated the next question is mandatory roll carts for all residential customers. This is the notion of having a fully carted system in which Waste Management would provide standardized roll carts for collection of the trash, recyclables, and yard debris. At the last work session they brought a sample of a customized roll cart with a lid that has a built in bungee cord to secure the lid closed. They provided some cost information that stated it would cost approximately an additional \$2.45 per month per customer to implement a fully roll carted system. The two major benefits are having standardized equipment that they'd be using for pickup and it's been found that using these type of roll carts increases the rate of recycling. The CAC's first choice would be to not mandate the roll carts. However, if you do go to mandatory roll carts they would like to explore Waste Management providing them at no cost to the customer. If that can't be done, then they'd like the option to be able to purchase the roll carts upfront as opposed to having to pay a monthly rent for an indefinite period of time.

Councilor Thomas asked what is driving the \$2.45 cost increase?

Adam Winston replied we have not had a rate adjustment since 2004. By the time this is implemented it will have been four years since we've had a rate adjustment. The \$2.45 per month is on top of the CPI, which we're assuming we'll get. The total impact would be about \$5.60 including the carts.

Councilor Thomas asked why is there a \$2.45 increase if the roll cart system is reducing labor costs?

Adam Winston replied it doesn't necessarily reduce labor costs, it reduces injuries. It helps the workers work for a longer period of time. The carts are cleaner. We are providing the carts, we're putting out the capital expense and we're depreciating that over a number of years. It is a capital expense and there's a cost to it.

Dean Kampfer stated we don't think of it as mandatory, we think of it as the service selection system. The City of Gresham moved from the bin recycling system to the cart system. As far as the \$2.45 increase, it's not that simple. We're dealing with garbage, recycling, and yard debris. Garbage is typically set out each week, recycling participation is typically 50%, and yard debris participation is about 30%. We found that when we give customers these carts, more of them participate. Even though the productivity is better there are more people setting it out at the curb each week. Also, we're anticipating that the Council liked the cart with the bungee cord on it. That cord prohibits us from using an automated truck that allows the driver to pick it up without getting out of the truck, which would be the optimum program. With the bungee cords our driver will have to pick them up semi-automated which means they will have to roll them to the truck, unhook the bungee cord, flip the lid, and hook it up to the mechanism.

Mayor Thalhoffer asked why can't a person buy a roll cart and not pay the monthly fee?

Dean Kampfer stated I think it depends on what the system is. You could have a different combination of systems. Some municipalities feel the customers like their own garbage can. I wouldn't condone a customer buying a \$60 roll cart. The other thing to think about is now that's the customer's property. If we damage it or if the customer perceives that we damaged it, then we'll get into issues of whether it was pre-existing damage, wear and tear, and so on. Then we'll be supplying carts and it won't be built into the rates.

Mayor Thalhoffer asked where do you put the carts when you're not using them? Do you put them out? Then you have 2 or 3 containers out in front of your house.

Dean Kampfer replied that's a very common concern with any type of roll cart system. We usually tell people to give it a try for 30 days and if you don't like it give us a call and we'll work something out. Typically what happens is that people really like them. There are very few times that people call and ask for them to be taken away.

Councilor Thomas asked are the mandatory roll carts for recycling 35 gallons?

Dean Kampfer replied we typically go with 60 gallons for recycling and yard debris.

Councilor Thomas stated if the bungee cords are only on the recycling roll carts then how do we address the garbage cans which could also blow over in a storm?

Adam Winston replied if we go with that system, we'll put the cords on the garbage cans as well.

Mayor Thalhoffer asked do we have to have a specific sized can or may we get the size that we want?

Dean Kampfer replied for garbage we typically give a menu of choices such as 20 gallon, 35 gallon, 60 gallon or 94 gallon. For recycling we typically standardize the system with a 60 gallon to try to encourage customers to recycle more and reduce their garbage container size. If a customer calls because they don't like the size we ask them to try it for 30 days. If

they still don't like it, if they are elderly, or if they have special physical needs then we'll give them the smaller 35 gallon roll cart.

Glenn White, Citizens Advisory Committee, stated it's not very often that the CAC is unanimous but this was a unanimous decision. It was brought up that Beaverton got their carts for free but we didn't want to go there because we want to keep rates low and I'm sure some how they're paying for those carts. We felt strongly that we didn't want to have mandatory garbage services. When we came to the roll carts we felt that if it were mandatory that once the actual cost of the cart is covered then that fee should no longer be on our bill or we should be allowed to buy our own cart. I live in one of the windiest parts of Troutdale and I've never had trouble with my curby. I've had more trouble with my can tipping over from raccoons. Nobody likes the idea to be forced to use this service. We felt it was more of an advantage for Waste Management to use these carts and we shouldn't have to foot the bill.

Councilor Daoust asked is the \$2.45 extra per month just for the recycling cart?

Adam Winston replied it's for all three carts. The current rate is \$20.55 for 35 gallon. If you go with the CPI that would be \$23.15

Councilor Daoust stated you mentioned that the bungee cords was an additional cost. Is that included in the \$2.45?

Adam Winston replied yes.

Councilor Daoust asked if we go to a mandatory cart system can we make the cart sizes an option for the customer?

Adam Winston replied I think we can probably work that out. We make our rate off of the garbage level of service so to speak. Maybe we'll say that the base rate includes the 60 gallon cart for recycling but if someone wants a smaller one then we can provide them one. I might have to get back to you on this because there might be an issue about the bungee cords because that's a unique service to the City of Troutdale. I want to keep it as standardized as I can.

Councilor Kight asked will you still be able to compost?

Rich Faith replied the yard debris exemption will still be in place.

The Council favors the cart system with the recycle cart and the garbage cart having built in bungee cords. There will be a 60 gallon recycle container but the customer will have the option to request a smaller one if they wish to.

Rich Faith stated the next question is off-curb pickup service. We discussed this as another way to prevent wind blown debris. If the customer were able to keep their containers next to their house or garage then they might be less likely to be blown over or blown down the street. We had Waste Management look at that and offer it as a service option. They figured out the labor for the driver to walk up and do that and came up with an additional cost of

\$4.75 per month. That is assuming that the containers are not more than 35 feet from the curb. This service is allowed at no extra charge for people with disabilities that are not able to take their containers to the curb. Do you want this service built into the franchise agreement as an optional service? The CAC supported this option.

The Council agreed to include off-curb pickup as an optional service in the franchise agreement.

Rich Faith stated question number four is a result of the windblown debris issue. We talked about imposing a requirement that Waste Management would have to pick up the garbage within a shorter period of time if they missed collection due to hazardous conditions as we experienced last January. Currently under the franchise agreement, if they miss collection they would notify the customers that the pickup would not take place until the following week. There is no extra charge for them to put out the extra trash that has accumulated. The problem is that you have two weeks of trash piled up and it's more prone to be windblown. The thought is we could require them to pick it up with a 48 to 72 hour period. They indicated that there would be an additional cost to do that because they'd have to hire additional crews or pay overtime. The CAC did not feel that this was necessary.

The Council agreed to make no change in expedited service. (Councilor Kight opposed)

Rich Faith stated the last question was the duration of the franchise agreement. Our current franchise was for 8 years. I understand that time period is important to the waste hauler in order to recoup their expenses for equipment. Do you think that the new agreement should be good for 8 years?

The Council agreed to an 8 year contract.

Rich Faith asked do you want to hold a work session on the changes to the agreement before we bring it to you for action or just put it on a regular meeting agenda?

The Council wanted the agreement to come before them at a regular meeting.

Councilor Ripma left the meeting at 8:40pm. He stated that he favors staff's position on the next issue.

Mayor Thalhofer called for a break at 8:40pm and reconvened the meeting at 8:53pm.

3. DISCUSSION: A discussion regarding the design and cost issues relating to construction of the Parks Operation Facility.
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Rich Faith, Community Development Director, reviewed the staff report. Rich Faith stated we would like to recommend that Council approve Alternative A which is the original design. There are representatives from Group Mackenzie here as well as Clyde Keebaugh our Parks and Facilities Supervisor to assist me in answering questions.

Councilor Thomas asked it seems to me in the Urban Renewal process we earmarked some money for moving Parks and Facilities.

John Anderson replied we talked about that initially but ultimately we moved this to the General Fund.

Mayor Thalhoffer stated I'd favor Option A.

Councilor Canfield stated in looking at your comments for Alternative B you have noted that it would not do everything that the neighbors expect. The only difference is a reduced office building, no covered parking, and gravel instead of paved surface.

Rich Faith replied I don't think the reduced size of the office is a problem in terms of an expectation. But I think the covered parking was a feature that gave it more of a blend into the neighborhood instead of having all the vehicles parked outside like a massive parking lot.

Councilor Canfield stated as far as long term needs I think Option A makes the most sense.

Councilor Kyle asked are the construction materials going to be something that's going to give a long life?

Matt Butts replied yes I believe the office will be hardy plank. The maintenance building is metal.

Councilor Kyle stated I think we need to create something that serves into the future. I would choose for it to be as maintenance free as possible, including landscaping.

Councilor Daoust stated I am in favor of Option A. Is the covered parking just a roof or is it an enclosed garage?

Matt Butts replied it's just a roof.

Councilor Kight stated I'm very supportive of Option A. What are you going to do as far as providing security since these buildings are somewhat isolated?

Rich Faith replied there will be a 6 foot high chain link fence around everything except the parking lot in front of the office.

Councilor Kight asked is the only part that people will have access to the office building?

Clyde Keebaugh replied yes.

Councilor Kight asked do the neighbors have a view of this building?

Rich Faith replied they would from their backyard or decks if they have them. But over time the landscaping will screen a good part of it.

Clyde Keebaugh stated we're going to try and visually screen off as much of the building and facility as needed to blend it in. As far as security, we've fenced off all of the areas that we'd be storing equipment. There will be some security lighting on the building and I would anticipate that there would be an alarm in the building.

Councilor Daoust asked will the parked vehicles be secured?

Clyde Keebaugh replied yes.

Councilor Thomas stated I'd suggest to build a visual security system with cameras. I talked to a gentleman with a business and what people are doing is cutting chain link fences and selling the metal.

Councilor Kight stated I agree with that.

Councilor Thomas stated I support Option A.

The Council agreed to proceed with Option A.

4. ADJOURNMENT

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

Meeting adjourned at 9:22pm.

**Paul Thalhofer, Mayor
Approved: January 8, 2008**

**ATTEST:
Sarah Skroch, Deputy City Recorder**