

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

Tuesday, April 25, 2006

1. ROLL CALL and AGENDA UPDATE

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

PRESENT: Mayor Thalhoffer, Councilor Gorsek, Councilor Thomas, Councilor Canfield, and Councilor Daoust.

ABSENT: Councilor Ripma (excused) and Councilor Kyle (excused).

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Marnie Allen, City Attorney; and Sarah Skroch, Office Support Specialist.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 RESOLUTION: A resolution approving an Intergovernmental Agreement between the City of Troutdale and the City of Wood Village for the provision of water.

MOTION: Councilor Thomas moved to adopt the consent agenda. Seconded by Councilor Gorsek. Motion Passed Unanimously.

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

Steve March, State of Oregon Representative, introduced himself as a candidate for Multnomah County Auditor. One of my goals is to improve communication within the County between county government and the other jurisdictions and communities within Multnomah County. One thing I would propose to do is whenever we complete an audit I will offer to come and present the findings of the audit to you.

Marty McMahan, Troutdale Resident, stated I did some research since our last conversations where people stated that it was never said to the voters that money from the sale of the former sewage treatment plant site would go toward the new plant. What I found was no comment. I went through every article in the Gresham Outlook from April 1998 through November 1998 as well as the articles in the Oregonian and the arguments in favor of the measure and I found no comment written anywhere that anyone had said anything other than comments quoting city officials after the measure had passed saying that the money would come from "other funds". I still contend that too many people remember it being said during the campaign. That is a separate issue. However, it is my understanding

that with this current proposal there is \$4 million for the parking garage and the \$2.5 million for the footbridge that goes from the parking garage across the railroad tracks. The proposed site for the footbridge and the parking garage is not even city property; it belongs to the railroad. Is that correct?

John Anderson replied yes it is. We have looked at options of building it on the railroad property or farther to the north.

Marty McMahan stated if that is accurate, does the \$4 million and the \$2.5 million include the cost to purchase the property at real market value?

John Anderson replied the estimates did not include that purchase.

Marty McMahan stated in order to cross the railroad tracks you need right-of-way from the railroad. When were you going to tell the voters this information?

John Anderson replied I can tell you that in November 2003 when the architect presented the vision plan he showed that location, we have not changed the location. We have not talked about whether it would end up on the right-of-way or not. We are in the process of discussing the clearance requirements for the location of the pedestrian bridge.

Marty McMahan asked how much are the estimates for the purchase of the property for both the parking garage and the walkway?

John Anderson replied I haven't received an estimate for the garage or the pedestrian bridge.

Marty McMahan asked where are we at with negotiations with the railroad for the purchase of that property?

John Anderson replied we have not initiated that. We are waiting for the results of the election and we are looking at elements that can be completed whether or not the vote is successful. For example we are completing the engineering so that we can get the meets and bounds for acquiring the easement underneath the railroad bridge for the southeast corner connection.

Marty McMahan stated the problem I have is we have a measure on the ballot asking citizens to approve \$20 million worth of spending from borrowed and diverted money. We are telling citizens that the garage and pedestrian bridge is part of what they are paying for and we are trying to build it on land we don't own. The estimates don't include the purchase price of the land yet we are moving forward with this without letting the voters know this is what is going on. I find that disturbing. If the voters don't know this and they go ahead and approve the measure and you can't do that, what happens to that \$6.5 million that we just approved for spending? I have heard comments that the Mayor would like to see a civic center and stuff like that. Is the City willing to guarantee right now that they aren't going to use that \$6.5 million for other purposes and you won't all of a sudden have a civic center

down there just because you got approval to spend that money? This is the same issue as before, we never said that, we never promised that. So now I am asking, are you willing to say today on the record that if you can't build that garage or pedestrian bridge because it is cost prohibitive with the additional cost for acquiring the land or because you don't have any land to build it on, are you willing to make a commitment today that you will not spend that \$6.5 million elsewhere?

Mayor Thalhoffer replied you can sit there and poke holes at the Urban Renewal Plan all you want to, but I would be glad to debate you on this anytime, anyplace. There are some unknowns. If the people pass this measure and some of the things that we want to do are not possible, if worse comes to worse we won't build anything, we will just drop the whole plan. We don't have to spend that money. Nobody has said that we will build a municipal center or a public town hall, that is not in the plan. What I have said is a public plaza where people can congregate and enjoy themselves, no public building. We want to build a promenade along the river and hopefully connect it to the 40-mile loop. We also hope we can build the walkway over the railroad tracks.

Marty McMahan stated I think you have a lot of vision for the city and I think that is wonderful. I am struggling with some aspects of this plan and I think those are two very separate issues. I think you have been a real advocate for Troutdale for a long time and I don't question that or challenge that at all. I think there have been some things left out of what the voters are being told like the issue that I brought up. It is my understanding that city revenue is not increasing at the same pace that city expenses are increasing and if that continues it may be necessary to float an operating levy just to provide basic services. If that is the case do we really have the finances to divert all of these other tax revenues to this project? While I agree with a lot of the plan it is how we pay for it that I am having a problem with. I see some people that make a lot more money than any of us here who are going to get the biggest windfall from this and it is going to be at our expense.

Mayor Thalhoffer stated we are trying to put something together that everyone in Troutdale is going to be proud of. As we go door to door we do talk about those things. We inform folks that it is going to cost the owner of a \$200,000 home approximately \$7.00 per year. We tell them what we hope we can do on this site with urban renewal. Nothing is one-hundred percent for certain but we think we can pull it off if folks approve urban renewal. There will not be an expenditure of public funds that will be wasted in this project.

Marty McMahan stated that depends on how you define waste. We can all agree that there are some unknowns that come up in projects. There are some things that were known when they put the plan together and nobody is telling the people that. If it isn't your land then there should have been a cost included to purchase that land and it should be included that if we can't purchase the land then here is an alternative plan, then folks can make an informed decision. It isn't just \$7 a year. When you are talking about diverting that kind of revenue, especially if you are going to float an operating levy later because your costs are increasing faster than your revenues, that is going to be more money and I think voters have a right to know that. The City has a responsibility to let the voters know exactly what they are getting into.

Mayor Thalhoffer stated we are not trying to hide anything here. The tax revenue off of this property, when it is fully developed, will make the citizens of Troutdale very happy some day.

Councilor Daoust stated if there is any missing information it really has not been deliberately withheld.

Diane McKeel, Executive Director of the West Columbia Gorge Chamber of Commerce, came before the Council to share some information regarding the Confluence Project. Jane Jacobsen with the Confluence Project wanted to thank the Council for your support and wanted to let you know that they received a \$400,000 grant. Maya Linn has an art exhibit being shown at the Henry Art Gallery in Seattle and it features sites that are part of the Confluence Project, including Troutdale. Diane McKeel presented the Council with a copy of three publications that featured our area including Oregon Culinary Escapes, Travel Portland, and Travel Oregon (copies included in the packet).

4. PUBLIC HEARING / ORDINANCE (Introduced 4/11/06): An Ordinance adopting a new Chapter 3.26 of the Troutdale Municipal Code imposing a privilege tax on telecommunication carriers for use of the rights-of-way.

Mayor Thalhoffer read the ordinance title and opened the public hearing at 7:30pm.

Marnie Allen, City Attorney stated at the first public hearing on this ordinance there were two items that the Council wanted staff to address. The first item was a definition of cable services; we have provided that in Exhibit A to the staff report. The second item was to make the following changes to the ordinance: 1) provide an opportunity for Verizon or telecommunications carriers, that are subject to this ordinance, more time to work out a potential remedy to a violation; 2) require the city to notify them of a violation by certified mail, return receipt requested; and 3) add an appeal process so if they disagree with the penalty or the City's findings they could appeal that decision to the Council. Those changes have been added in the ordinance that is before you. They are also set forth separately in Exhibit B. The three options for Council are: 1) adopt an ordinance that imposes a privilege tax for the privilege of using the right-of-way, that is what is being recommended by staff. 2) Stay with the current practice and ordinance that requires a franchise for telecommunication carriers that are going to be in the right-of-way, give staff direction to require Verizon to sign the approved terms that were sent to them and if they refuse to sign then direct staff to take some enforcement action. 3) Look at adopting a different kind of tax for telecommunication carriers. One option is more of a business or service use tax that would apply to all of the gross revenue from any telecommunication carrier that does business in the city as opposed to just apply to the access exchange service for the privilege of being in the right-of-way.

Council had no questions.

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

No testimony received.

Mayor Thalsofer closed the public hearing at 7:33pm.

MOTION: Councilor Daoust moved to adopt the ordinance adopting a new Chapter 3.26 of the Troutdale Municipal Code imposing a privilege tax on telecommunication carriers for use of the rights-of-way. Seconded by Councilor Thomas.

Councilor Daoust stated I think a privilege tax is the proper way to go.

Councilor Thomas stated I agree.

Councilor Canfield stated I favor this. This is a good way to protect our revenue in exchange for use of our right-of-way, especially since Congress is pushing through legislation to eliminate local franchising for this area.

VOTE: Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Canfield – Yes; Councilor Daoust – Yes; Councilor Gorsek – Yes.

Motion Passed 5 – 0.

5. PUBLIC HEARING / ORDINANCE (Introduced 4/11/06): An Ordinance establishing legal authority for a federally mandated pretreatment program and revising Chapter 12.07 of the Troutdale Municipal Code.

Mayor Thalsofer read the ordinance title and opened the public hearing at 7:35pm.

Jim Galloway, Public Works Director stated we have a situation where we have a business in Troutdale, Tube Specialties, that DEQ and the Environmental Protection Agency determined them to be what is referred to as a categorical discharger due to the nature of their business. The City and Tube Specialties were faced with accepting one of two options. One option was for the City not to allow Tube Specialties to discharge to the City's sanitary sewer system any more. The second option was that if we wanted to continue to allow them to discharge we needed to establish a formal federally mandated pretreatment program. After discussions with Tube Specialties they entered into an agreement with the City where we took that latter option of developing a pretreatment program with the understanding that Tube Specialties would reimburse the City for the bulk of the costs involved in doing so. The ordinance is one step in that process. The ordinance puts together the various components of the pretreatment program. We did make one very small change on Page 9 of Attachment A which is the draft of the proposed ordinance in Section 12.070, Local Limits, the third sentence reads, "The Director shall publish and revise, from time to time, local limits for specific restricted substances and applicable pH range limitations". One of the things that we have talked about a number of times is the potential for local limits on temperatures so we have inserted after the word substances in that line the word temperature so in the development of local limits there is no question that we will be looking at substances, temperature and pH.

Council had no questions.

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

No testimony received.

Mayor Thalhofler closed the public hearing at 7:40pm.

MOTION: Councilor Daoust moved to adopt the ordinance establishing legal authority for a federally mandated pretreatment program and revising Chapter 12.07 of the Troutdale Municipal Code. Seconded by Councilor Gorsek.

Councilor Daoust stated in looking through the pretreatment plan I think it is a good plan.

Councilor Gorsek stated I agree.

VOTE: Councilor Thomas – Yes; Mayor Thalhofler – Yes; Councilor Canfield – Yes; Councilor Daoust – Yes; Councilor Gorsek – Yes.

Motion Passed 5 – 0.

6. STAFF COMMUNICATIONS

John Anderson, City Administrator, stated the City Recorder, Debbie Stickney sent you a memo suggesting that we look into the possibility of summarizing work session minutes. We did not receive any objections from the Council, so we will begin implementing that practice.

Marnie Allen, City Attorney, stated during the Planning Commission's consideration of the Development Code amendments there were some property owners and citizens that appeared and requested that the Town Center Overlay be removed from property that is zoned Neighborhood Commercial. There are only a few of those properties in the City and there are some additional restrictions on development if you have the Town Center Overlay applied. There was some discussion and agreement that it wasn't necessary to have the Town Center Overlay apply to the Neighborhood Commercial zoning district. Direction was given to staff to make changes to the ordinance to remove those restrictions. When Rich made the changes to the Development Code to address that issue he inadvertently made a change that now would allow residential development to be built in the General Commercial and Neighborhood Commercial zoning districts. We are proposing to bring an ordinance or resolution before you that temporarily suspends land use applications that would allow for residential development in the General Commercial and Neighborhood Commercial districts while he takes the Development Code amendments to fix that error back through the process. It truly is an error. There was no testimony, no intention, no discussion or findings by

the Planning Commission and no discussion by the Council to suggest that you intended to allow residential development in the commercial districts. This is a remedy to fix a mistake to make the text in the Code match what, as best I can tell, the Planning Commission and City Council believed they were adopting.

John Anderson stated we are in the process of making additional office space available in City Hall. We moved Public Works Management folks to the Public Works Shop Facility. Now we are getting ready to rearrange offices in the space they vacated in City Hall. Any Councilor who would like a walk-through of the plans can meet with me after this meeting adjourns.

7. COUNCIL COMMUNICATIONS

Councilor Thomas informed the Council that he testified regarding payday lenders at a State's Special Session. The Legislature adopted many of the suggestions that were made at the public hearing.

Councilor Daoust thanked Marianne Vier for the letter she wrote to the Council on her view of the Troutdale Riverfront Renewal Plan.

Councilor Gorsek thanked Mt. Hood Community College, Troutdale Grade School and the Camas Grade School for picking up garbage for Earth Day last Saturday.

8. ADJOURNMENT:

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

Meeting adjourned at 7:50pm.

Paul Thalhofer, Mayor

Approved July 25, 2006

ATTEST:

Debbie Stickney, City Recorder