

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

**Tuesday, December 12, 2006**

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

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

**PRESENT:** Mayor Thalhofer, Councilor Gorsek, Councilor Ripma, Councilor Thomas, Councilor Canfield, Councilor Kyle and Councilor Daoust.

**ABSENT:** None.

**STAFF:** John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Marnie Allen, City Attorney; Beth McCallum, Senior Planner, Dave Nelson, Chief of Police and Sarah Skroch, Office Support Specialist.

**GUESTS:** See Attached.

Mayor Thalhofer stated on behalf of myself, the City Council and the citizens of Troutdale I would like to present to you this token of our appreciation for your service to the City of Troutdale. We really appreciate what you have done for the City this past four years. Mayor Thalhofer presented Councilor Gorsek with a sculpture, "Rainbow Splendor" by Rip Caswell.

Councilor Gorsek thanked the Mayor and Council. Councilor Gorsek stated it has been my privilege to be here for the last four years. Like any democratic process we may not always agree, but we have all worked hard to do what is best for the city and I tried to do that as well.

**2. CONSENT AGENDA:**

**2.1 RESOLUTION:** A resolution accepting the November 7, 2006 General Election results from the Director of Elections, Multnomah County, Oregon.

**2.2 RESOLUTION:** A resolution authorizing execution of an Intergovernmental Agreement with the Urban Renewal Agency of the City of Troutdale relating to services provided by the City of Troutdale.

**2.3 RESOLUTION:** A resolution accepting a Statutory Bargain and Sale Deed for the dedication of Tracts A, B and C of Estates at Riverbend from Centex Homes.

**2.4 RESOLUTION:** A resolution approving the Intergovernmental Agreement with Multnomah County Sheriff's Office regarding Burglary Alarm Task Force, and allowing the Mayor to sign the agreement.

**MOTION: Councilor Daoust moved to accept the consent agenda. Seconded by Councilor Gorsek. Motion Passed Unanimously.**

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

Pat Smith stated I went down for Troutdale's first recount of ballots for the November election and I was surprised by the fact that 859 voters did not vote for a single councilor. Don't they realize that you are the ones that control how their money is spent and how the city is ran.

**4. APPOINTMENTS:** Motion accepting the Selection Committee's recommendation for appointments to the Parks Advisory Committee, Citizens Advisory Committee, Budget Committee, Planning Commission and Public Safety Advisory Committee.

Mayor Thalhofer read the Selection Committee's recommendation for the appointments. Parks Advisory Committee: Position 1 - Joyce Lavoie, Position 2 - Anna Herbert, Position 3 - James Kammeyer and Alternate - Robert Fisher. Citizens Advisory Committee: Position 1 – Kelly Kyle, Position 6 – Les Perry, Position 9 – Maurice Haagenon, Position 10 – Kelly Dowhan, Position 11 – Victoria Rizzo, and Alternate – Julie Link. Budget Committee: Position 2 – Jim Jensen, Position 3 – Pat Smith, Position 7 – Tana Canfield. Planning Commission: Position 2 – Marvin Woidyla, Position #4 – Shirley Pricket and Alternate – Dave Rasmussen. Public Safety Advisory Committee: Position 5 – Laurie Aronstein, Position 6 – Jon Brown, Alternate 1 – Julie Link and Alternate 2 – Joseph Maddux.

**MOTION: Councilor Canfield moved to accept the Selection Committee's recommended Committee and Commission appointments. Seconded by Councilor Gorsek. Motion Passed Unanimously.**

**5. RESOLUTION:** A resolution approving a settlement agreement with DA Grey.

Marnie Allen, City Attorney stated this settlement agreement will resolve litigation that was pending as it pertains to a condominium development on property off of 257<sup>th</sup> and Edgefield. The Planning Commission approved an application to build a condominium development. That decision was appealed to the City Council. The primary issues raised on appeal to the City Council were: concerns about safety associated with vehicles accessing the condominiums from SW Edgefield by going through the Sedona Park subdivision; concerns about livability and incompatibility between the condominiums and the existing single-family subdivision (Sedona Park). Those issues primarily had to do with the Planning Commission decision and the application which proposed access from SW Edgefield. After hearing extensive public testimony, the City Council decided to uphold the Planning Commission's decision approving construction of the condominium development but imposed different conditions. Those two conditions were that there would not be direct access from SW Edgefield and instead access would come from either SW 257<sup>th</sup> or from adjacent property. In order to comply with those conditions it required the City to initiate a proceeding to vacate a no-access easement that ran along the boundary of this property and 257<sup>th</sup>. City staff began working with Multnomah County and initiated action to vacate the no-access easement to try and come up with a way to implement the Council's decision and find an alternative access. We were unable to do that. The property owner objected to the proceedings to vacate the

no-access easement. Under state law the City is precluded from vacating that no-access easement on a recorded plat over the written objection of the property owner. Without the ability to take direct access onto 257<sup>th</sup> staff looked into taking access from other properties nearby. Some of those properties are already developed, there are steep slopes, environmental constraints and it was concluded from staffs perspective and the County's perspective that it wasn't financially feasible to take access from another surrounding property. In light of that it became apparent that it was going to be impossible for the applicant to implement and comply with the conditions that the City Council approved. Both the applicant and Multnomah County had appealed the City's decision to the Land Use Board of Appeals (LUBA) and asked them to reverse the City's decision. Had LUBA reversed the City's decision that carries with it the potential consequence of having to pay attorney fees and damages. The applicant also has the right to file a claim in Circuit Court raising constitutional challenges. Therefore, the City Council met and evaluated all of the options and it appeared that there was an alternative that might meet the needs of the property owner and the folks that live in Sedona Park. That alternative appeared to be working on an agreement in which single-family homes could be built at a lower density and take access from Edgefield but mitigate some of the concerns that were raised in the appeal. Consistent with the City Council's direction we pursued a potential settlement and have reached a settlement agreement with DA Grey, the property owner. This resolves the appeal with LUBA and it provides two options. The condominium development as approved by the Planning Commission can be developed, however DA Grey is agreeing in the settlement agreement not to build those condominiums if the City adopts a Final Decision approving a 9-lot single-family subdivision. The settlement agreement does require the City to pay \$300,000 to DA Grey for loss in profit and costs incurred for redesigning and building a different development. The settlement agreement also includes a provision where DA Grey is waiving all of his claims and any claims he could have brought for attorneys fees against the City.

Councilor Gorsek asked do you have any idea what this might have cost if the LUBA appeal went forward?

Marnie Allen replied I would estimate that the final cost to the City could have exceeded \$300,000. If the property owner was unable to develop their property then that is a taking and it is in violation of the constitution and it would require the City to compensate the property owner.

Councilor Ripma asked if we would have lost the appeal then the development could have went forward with the 19-unit condominium and access via Edgefield, is that correct?

Marnie Allen answered yes.

Councilor Canfield asked so we are compensating them so that they will waive any claims against the City, correct?

Marnie Allen replied that is correct.

Councilor Canfield asked are we compensating them for any potential loss to the value of the property because of the difference in the condominiums and the single-family houses?

Marnie Allen replied yes, the \$300,000 is paying for the anticipated loss in revenue as a result of not being able to build 19 condominiums and reducing it to 9 single-family homes.

Councilor Canfield asked do we have documentation to substantiate their loss?

Marnie Allen replied no.

Councilor Canfield stated so we don't know actually how much we are paying for the difference in the property value.

Councilor Daoust stated it appears that they have to commence the development of the 9 unit single-family subdivision by next July. What is the purpose of that?

Marnie Allen replied the City has to adopt the final decision, which means a couple of things under the agreement. The City has to approve the development agreement that authorizes the single-family subdivision and we have to allow a time period for any appeals so that it can be finalized and resolved so they can start construction in June. We felt that if we are going to make a payment under the terms of the settlement agreement for the construction of single-family homes then that should commence and occur immediately so that we don't pay \$300,000 and have a significant time period go by where they are not building what it is that they have promised to build.

Matt Wand stated I attended almost all of the Planning Commission and City Council meetings regarding this issue. \$300,000 appears on the surface to be the best that we can do. Sometimes the best that we can do, even though we don't like it, is something that you have to do. When the City gets hit this hard the only thing that matters is whether or not we learn from it. It appears to me that there are several issues that need to be addressed that caused this issue to arrive. This has been painful for the residents of Sedona Park, the City and also for the developer. I would like to suggest an ordinance that prohibits a development that leaves a portion of land landlocked. That happened here and that was the genesis of the lot line adjustment that was not sent out for public comment. Secondly, there appears to be a disconnect. We have a city that appears to want very high density development and a public that wants to make sure that the high density development does not harm their neighborhoods. If that requires looking at our Comprehensive Plan or looking at our zoning, that is something that we ought to do. Lastly, I would like to suggest that there ought to be some training available to those of us that sit on the public committees. I sit on the budget committee and I can tell you that I would benefit from having a little bit of training in the area of finance and budgeting and some of the members on the planning commission might welcome the opportunity to have some training about the land use laws.

Mayor Thalhoffer stated I have instructed the Community Development Director to bring back to Council a fix for this type of situation so it won't happen again. Training is available to

members of the Planning Commission, Budget Committee, etc. from the League of Oregon Cities. Perhaps we ought to make it more visible to the committee members.

**MOTION:** Councilor Ripma moved adoption of a resolution approving a settlement agreement with DA Grey. Seconded by Councilor Daoust.

Councilor Ripma stated I think we are in a situation here, and it happens all the time on this council, where we have citizens come before us asking for relief from a situation that they think is wrong and we have a tradition of responding to that. This situation is particularly painful. It is going to cost a lot of money and it was a situation that we got ourselves into for reasons that Mr. Wand elaborated on, which we need to fix. It was a unique situation where a low density single-family neighborhood was faced with having a high density development have its only access point going through their neighborhood. There really hasn't been anything like that that has come up before. The property owner was entitled to build condominiums. This was a real mess. The City Council was asked to intervene and like we have done many times before, and I hope we will always do, we have taken a step to help save the situation. This was not an easy fix and we made a ruling that we thought might get appealed. Some people thought that we shouldn't take a stand that could be appealed, that the rules, as interpreted most straight forwardly, looked like we weren't going to be able to win. I am glad we took that stand. We were trying to get the County to allow access to this property from a County road and they just absolutely refused, but it was worth a try. When that failed it looked like we were faced with a legal situation and we couldn't vacate a no-access strip that we had created. Fortunately we have a property owner that was willing to talk, they didn't have to. To fix a unique and untenable situation that was going to do real harm to a city neighborhood, we have decided to reach a settlement. I am glad we are doing it and I think any neighborhood in the City of Troutdale should expect the same if such a situation ever comes up again. I hope it never does and we are going to try our best to not let it happen again.

Councilor Daoust stated I favor the resolution. This was uncomfortable for me but I felt necessary to support it all the way through. I hope we never get into this type of settlement payment again. I hope we can look far enough into the future to prevent situations like this through better planning. My rationale for supporting this, and what I think we are buying is a lower safety concern for that neighborhood. Safety was one of the issues and we lowered the safety concern I think. We bought single-family homes. This Council always complains about all of the condominiums and apartments coming up 257<sup>th</sup>, well we finally have some single-family homes. I see this as trading; the \$300,000 was traded for legal and attorney fees. I agree with our City Attorney, we would have spent more than this if we had proceeded. Part of the Council feels very strongly, as I do, about protecting existing neighborhoods from development that occurs next to them. I hope that continues because it is a very worthwhile goal. I see numerous examples of where we spend money out of the General Fund that benefits subgroups of our citizens. Everything that we spend out of the General Fund does not benefit every single citizen in the city, so I really don't see this as being that much out of line.

Councilor Gorsek stated this is a long, drawn out, painful affair, there is no doubt about that. Like Councilor Canfield I was interested to know if there is some sort of justification for the figure?

Ed Sullivan stated I don't have a direct response. My client tells me that the amounts of incremental profit exceed the \$300,000. Easily the legal fees/expenses could have exceeded that with damage claims and a civil rights case. This takes care of our need for certainty and it takes care of an issue or problem that the City has.

Councilor Gorsek stated I think that Matt Wand brings up some very important points. One of those is to look at the issue of density and where it occurs, especially in transitions where you go from a lower to a higher. Some cities have view ordinances, which may be something else we should look into. The problem that I have with the settlement is that had we followed our own rules and regulations in the first place we wouldn't be paying any money. I know that the Sedona Park residents wouldn't have liked that and I understand that, but we wouldn't be paying \$300,000. I think that it is an extra impact for a small group of citizens and takes away money from the larger group of citizens. I know we struggled to fund another police officer and we will probably continue in the future to struggle with having the resources to fit our needs. We do need to change our regulations, but this is an unfortunate loss for the city taxpayers and I can't support it.

Mayor Thalhoffer stated it all comes down to livability for me. Every time I campaign I stress livability, and I am not the only one saying that. If you are going to say that, and almost every candidate does, then you better practice what you say. The idea of protecting neighborhoods is very important for some members of the Council. It leads to situations where we are criticized for our decision. It is something we do for businesses also. We go out of our way to assist businesses to develop certain parts of the city. We go out of our way to help businesses, citizens, parks and recreation and other matters of great importance to the city such as police. It is not easy to sit here and make these judgments especially when you know that part of the people in the city are not going to agree with us. Neighborhood protection is important to me. We don't like to see high density traffic funneled into a low density neighborhood, it just doesn't make sense. Multnomah County has not stood with us on this issue.

Mayor Thalhoffer read a letter from Multnomah County dated December 7, 2006 supporting the development of homes on property owned by DA Grey without driveway access to 257<sup>th</sup> Avenue (copy of the letter is included in the packet).

Councilor Canfield stated I read a nationwide survey in the paper about who wants apartments built in their neighborhoods and 80% said they don't want apartments. Nobody wants apartments, businesses or anything built next to their neighborhood and yet we have Metro telling us that 50% of all residential building must be attached single-family or apartments. In this case where we are now going to be building 9 single-family homes that means somewhere else we are going to have to build a bunch

of apartments or attached dwellings and there is nothing that we can do about it. Here is where I think there is a difference between myself and the other councilors. I believe that we should do our best to get rid of high density, as impossible as it is because it is driven by state law. However, I believe in doing it based on the rule of law, not the rule of law when we feel like it. If the City Council would have done what we were supposed to do to begin with, we would not be paying \$300,000 today. I don't blame the Sedona Park residents for coming to us with their concerns, I am glad they did. The reason we are paying \$300,000 is because a majority of the City Council voted to violate its own Development Code and landlocked that property. We did cause harm to the developer, there is no doubt about it. There are some things we could do and Mr. Wand made some good points. I think that training should be mandatory for the Planning Commission every year. I also think it should be mandatory for the City Council every year. We are talking about stakes that are extremely high and it should not be done on a voluntary basis. I also believe that this was a politicized decision. I think instead of having the City Council making quasi-judicial land use decisions, we should hire a hearings officer to do this to take these decisions out of the political arena so that we can be sure of non-partisan objective decision making every single time. Several cities do that. We would have lost this case in LUBA, because winners don't settle. I am going to vote against this.

Councilor Kyle stated as you have heard each of us have strong, compassionate opinions on this. I think this is probably the most tense of any topics that we have had in the four years that I have been on the Council. It has been very hard. The good news is that I think we have learned something from it. The Mayor mentioned that he has talked to Rich Faith about looking at some corrections to our rules. In October the Council did initiate some research about our density to see what we can do to change our density directions. I will be supporting the motion.

**VOTE: Councilor Gorsek – No; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – No; Councilor Kyle – Yes; Councilor Daoust – Yes.**

**Motion Passed 5 - 2.**

**6. FINAL ORDER:** A final Order approving Tyson's Place Condominium Development on remand from LUBA.

Marnie Allen, City Attorney stated this agenda item is a quasi-judicial land use hearing. It is a continuation of a prior land use proceeding that was appealed to the Land Use Board of Appeals (LUBA) and it is now back before the City Council for a public hearing and action. The staff report has been prepared, and it does refer to the staff report that has all of the criteria that applied to the initial application. Anyone who wants staff to identify those criteria should make that known and we will be glad to look back at that staff report and refresh you on what the approval criteria are. The procedure that the City Council has to follow is set out in state law. Mr. Faith will present the staff report. The Mayor will open the public hearing for public testimony. The applicant's representative will have an opportunity to speak in support of this action on remand. Anyone who wishes to testify in support will have an opportunity to

speaking. Anyone who wants to testify in opposition will also have an opportunity to speak. If there is any testimony in opposition the applicant will have final rebuttal. After all of the testimony has been heard and considered, the Mayor will close the public hearing and the Council will deliberate and consider adopting the Final Order. If you are going to testify, please provide your name for the record so that you can receive notice of the decision and any appeal rights. If you want to raise an issue on appeal at LUBA or in Circuit Court you need to raise that issue with enough specificity that the Council can address it tonight. The decision that was appealed to LUBA challenged two conditions of approval so the hearing now on remand before the Council is limited to addressing the remedy for those two conditions of approval and your testimony should relate to those two conditions and any criteria you think are relevant relating to those two conditions. Again, those conditions were prohibiting access onto Edgefield and requiring access either from 257<sup>th</sup> or adjacent property removing the no-access easement. This Final Order affirms the Planning Commission's decisions which changes those two conditions. Because it is a quasi-judicial land use hearing, I remind the Mayor and Councilor to disclose any bias, ex-parte communications or conflicts of interest if there are any.

Councilor Kyle stated as a realtor I have had an opportunity to speak to residents in Sedona Park regarding real estate matters.

Marnie Allen asked Councilor Kyle, in a prior discussion you mentioned that you currently are the listing agent for one of the properties in Sedona Park?

Councilor Kyle replied correct. This would not be a property adjoining this particular development.

Marnie Allen asked and you are not going to receive a financial benefit or avoid a financial loss as a result of the decision you would make?

Councilor Kyle replied correct.

Marnie Allen stated so this is a potential conflict that is being declared.

Councilor Ripma asked is communication with residents of Sedona Park something we should disclose?

Marnie Allen replied if you talked about something of substance that relates to this decision and these conditions, I would recommend that you disclose that.

Councilor Ripma stated it was about the settlement agreement only. I talked to some residents at Sedona Park both on the phone and in person about the proposed settlement agreement that we just adopted and ensured that I favored it for the reasons I mentioned before we just voted.

Mayor Thalhoffer stated I attended a meeting that the City set up with the residents of Sedona Park at Glenn Otto Park where the settlement was discussed.



Marnie Allen stated when members of the public have an opportunity to testify, if you have any questions about the ex-parte communications that have been disclosed, please raise those issues when you present your testimony.

Rich Faith, Community Development Director stated based upon the decision you just rendered approving the settlement agreement with DA Grey, under the terms of that agreement the City is obligated to make a decision on remand from the appeal that went to LUBA, affirming the Planning Commission's approval of the 19-unit condominium project known as Tyson's Place. It is also understood that the developer will not be constructing the condominium project and will instead develop a single-family subdivision if the various terms of the settlement agreement are kept. Before you is the Final Order that would accomplish the obligations that we have under the settlement agreement. This Final Order is the same final order that was adopted by the Planning Commission earlier this year however there is just one slight difference in condition 3b of the Final Order. This condition, as it was approved by the Planning Commission, required the developer to make improvements within the easement along the west side of the site so that it would extend all the way to the northern end of the property that is being development. This is the boundary that is shared with the adjacent Troutdale Terrace Apartments. However, the whole purpose of that pathway within this easement is to obtain access to link with a proposed trail that would extend to the west across the top of the ridgeline from this property to the western city limits, which we call the Ridgeline Trail. We only need to have enough of an improvement in this pathway to obtain that connection to the trail that would extend to the west. That property to the west is owned by the County and they are in the process of selling that but it appears it will remain as public ownership and we have a very good opportunity to get that trail put into place. The change to the language in this condition is merely that the improvement be made to a point as determined by the city, that will provide the connection to that future trail.

Councilor Gorsek asked in terms of accepting the 19-unit development, is it possible in any way for the developer to try to go back on this agreement?

Marnie Allen stated I don't have any reason to believe that the developer will breach the terms of the settlement agreement. I can't guarantee that just like I can't guarantee that the City won't breach the terms of the agreement. Both parties are entering into this fully expecting to comply with the terms, but if they did breach it the City would pursue remedies.

Councilor Ripma asked by approving the Planning Commission's Final Order, it reads like we are approving the 19-unit condominium development, but because of the settlement agreement you are saying that this approval is required under the settlement agreement and assuming that we comply with the rest of the settlement agreement, the 19-unit condominium would not be built, it would be single-family homes?

Rich Faith replied that is correct. The approval of the development agreement will spell out the specifics of the single-family subdivision that will override this final order.

Councilor Ripma asked when do we expect to act on the development agreement?

Rich Faith replied we need to go through a full analysis of the proposal against the requirements of the Code and come back with a full staff report. I think we may be looking at the end of January or beginning of February.

Mayor Thalhofer opened the public hearing at 8:07pm.

Ed Sullivan stated we fully do not expect to build the 19-units. The reason that we required that as part of the settlement agreement is because we need to have something to assure us that we would get the 9 units built. We expect to honorably keep the covenants that we have entered into. I expect that we will work together on this. The conditions, as amended, are acceptable to us.

No testimony received either in favor or in opposition to this agenda item.

Mayor Thalhofer closed the public hearing at 8:09pm.

**MOTION: Councilor Thomas moved to approve the Final Order approving the Tyson's Place Condominium Development on remand from LUBA. Seconded by Councilor Daoust.**

**Councilor Daoust stated this carries out our obligation under the settlement agreement. We will be working with the developer and the Sedona Park folks should realize that there will be a public hearing when the design of the single-family subdivision comes forward.**

**VOTE: Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes.**

**Motion Passed 7 - 0.**

Mayor Thalhofer called for a break at 8:10pm and reconvened the meeting at 8:21pm.

**7. RESOLUTION: A resolution approving the Memorandum of Understanding with employees represented by the Troutdale Police Officers' Association.**

Chief Nelson stated on August 16, 2006 the City and the Troutdale Police Officers' Association (TPOA) reached a tentative bargaining agreement. On August 28<sup>th</sup> the TPOA unanimously supported the tentative agreement. On September 12<sup>th</sup> the management team brought the agreement before the Council and the Council supported the agreement. Shortly after the agreement was approved TPOA raised an issue that was not caught by members of the association, city staff or either party's attorney. The specific issue is in regards to Article 31, Education incentive pay, longevity pay, and premiums. The specific problem was that TPOA was of the mind set that we were talking about education and longevity pay when we were talking about being paid at their current pay step. We (city) felt that we were talking specifically about the education incentive pay and not longevity pay. It was raised once by

the Association, I believe on June 26<sup>th</sup>, during a bargaining session and it was not mentioned again by them and it was not caught when either party reviewed the final contract. We have had several conversations about this issue to negotiate a resolution. The proposed resolution that we came up with is to compensate the officers in TPOA starting July 1, 2008 to pay longevity pay at their current pay step. Prior to this agreement we have always paid our officers for their education, certification and longevity pay at the first step of their pay range. We are the only city within our list of comparative cities that pays that way.

**MOTION: Councilor Canfield moved to approve the resolution approving the Memorandum of Understanding with employees represented by the Troutdale Police Officers' Association. Seconded by Councilor Gorsek.**

**VOTE: Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes.**

**Motion Passed 7 - 0.**

**8. RESOLUTION:** A resolution approving the revised Employee Handbook for represented and non-represented employees.

Chief Nelson stated we currently have two handbooks, one for the represented employees and one for non-represented employees. This revision combines those two handbooks into one. The handbook has been reviewed by an attorney from the League of Oregon Cities, the Department Directors, and by the president of the AFSCME Association and the president of the TPOA. I have two typographical errors that need to be corrected. Page 15, the section number should be VII not XII. On page 18, Section D-1-a, change the language in the first sentence to read, "Drinking intoxicating beverages or use of non-prescription *illegal* drugs..." On page 23, the section number should be VIII not XIII.

Councilor Ripma stated in the table of contents the page numbers seem to all be wrong. Also Appendix A, the page numbers at the bottom all read Appendix B.

Chief Nelson replied I will correct the table of contents and I will correct the Appendix A footer on the appropriate pages.

Council discussed whether or not we need to add language regarding search and seizure polices. Staff will look into this and if the language needs to be amended they will bring back an amendment to the Handbook.

**MOTION: Councilor Thomas moved to adopt the resolution to revise the Employee Handbook for represented and non-represented employees with the changes specified. Seconded by Councilor Daoust.**

**VOTE: Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes.**

**Motion Passed 7 - 0.**

**9. DISCUSSION:** A discussion regarding the Four City Fire User Board Operating Procedures.

John Anderson, City Administrator stated Gresham, Fairview, Wood Village and Troutdale have entered into an IGA for Fire and Emergency Services. The agreement called for the establishment of a User Board made up of representatives from the four cities and also called for the inventorying of the level of service that the City of Gresham is providing for fire and emergency services. Exhibit A is a copy of a draft of the Four City Fire and Emergency Services User Board Operating Procedures that would meet the requirements of the IGA. In addition to that we have from Gresham a listing of their services provided now and that would establish benchmarks for the level of services they have agreed to provide.

Councilor Ripma asked is the Board made up from one representative from each city?

John Anderson replied two. You have made that appointment, Councilor Thomas and myself.

**MOTION: Councilor Canfield moved that the City Council accept the proposed Four City Fire and Emergency Services User Board Operating Procedures and accept the Gresham Fire and Emergency Services inventory for FY 2005-06 to benchmark service levels under the IGA. Seconded by Councilor Gorsek.**

**VOTE: Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes.**

**Motion Passed 7 - 0.**

**10. STAFF COMMUNICATIONS**

None.

**11. COUNCIL COMMUNICATIONS**

Mayor Thalhofer stated I would like for all of us to be thinking of the men and women of our armed forces that won't be able to make it home for the holidays. I want to wish all of them well.

Councilor Daoust stated when I was walking around the city campaigning I was surrounded by some Cherry Ridge residents complaining about the fiber optic cable installation process

that is going on in some of our neighborhoods. They wanted to make sure that the city knew that they are upset about their concrete driveways being cut, their sprinkler systems being disturbed and the flowers/plants being uprooted to put in fiber optic cables. They expect the city to monitor this.

## **12. ADJOURNMENT:**

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

Meeting adjourned at 8:55pm.

**Paul Thalhofer, Mayor**

**Approved March 13, 2007**

**ATTEST:**

**Debbie Stickney, City Recorder**