

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

Tuesday, April 26, 2005

1. ROLL CALL

Mayor Thalhofer called the meeting to order at 8:55pm.

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

ABSENT: Councilor Gorsek (excused).

STAFF: John Anderson, City Administrator; Rich Faith, Community Development
Director; Marnie Allen, City Attorney; Debbie Stickney, City Recorder.

GUESTS: None.

2. DISCUSSION: A Discussion to define Community Group, Community Event and Special
Event.

Rich Faith stated this is in follow-up to the work session that was held on March 8th. That work session was prompted primarily by issues surrounding the Larch Mountain Country Artisans Heart of the Country Show and Sale. I did not believe that their event met the definition of a community event, therefore, under our current code provisions for allowing activities in city parks and facilities I could not approve their request for rental of the Sam Cox Building. We came to terms with that at the last work session and the Council decided that their event should qualify as a community event and enacted a temporary definition. I need some further direction from the Council in terms of how to deal with these different activities and organizations that have requested from time to time to use our facilities and to have vendor sales. At the conclusion of the March 8th work session Council asked that I bring back a list of groups, organizations and events that might qualify as a community event or a special event. I have included in my staff report the relevant code provisions for discussion purposes this evening. Exhibit A is a list of user groups who regularly hold meetings or events in the City owned buildings. These are groups that have a long-standing practice of using our city facilities. All of the groups identified in Exhibit A have been afforded a discount or waiver of the rental fee, again this is has been a long-standing practice. For discussion purposes I have posed the question of, maybe the argument could be made that all of these groups ought to be classified as community groups because we are already giving them some kind of preferential treatment. If that is the case then the next question might be, is any activity or event that any one of these organizations/groups wants to hold in our city buildings considered a community event if they were to be classified as a community group. Exhibit B is a list of organizations that have used the city buildings in the past, or still do, but pay the

full rental fee. The list includes a variety of organizations from church groups, friends of Vista House, and the Larch Mountain Country Artisans which is on the list because they have paid the full rate. However, now that they have been declared a community event I think we need to ask ourselves is it fair to be charging them for the use of the facility. Are we now going to give up the \$850.00 rental fee that they have paid in the past. I think that is a question that needs to be asked if we are going to define them as a community group/community event. There are two other groups that did not get put on the list which are the Gresham Shriners Club who has used the Sam Cox Building in the past and the Oregon Pilots Association who holds meetings in the City Conference Building (CCB). In the past we have had several churches and senior citizen non-profit organizations who have asked to rent the Sam Cox Building and the CCB for fund raising activities and we have denied those requests because we do not believe that those events constitute a community event and they did not meet our definitions. Exhibit C is a list of events that the city has already recognized as either a community event or special event as a result of our historical connection with the event or as a result of the enactment of our sign code provision for temporary special event signs and community event signs. Most of these have been memorialized in our Memorandum of Understanding (MOU) we have with the West Columbia Gorge Chamber of Commerce in which we tried to spell out what role or participation we will be providing for these events. The three lists of organizations and events along with MOU are all of the organizations and events that I am aware of that I think are candidates for designation as a community group, community event or special event. However, we know that this list is not exhaustive and this is not the end of it, there are always going to be other events and organizations that come along. Currently we are engaged in discussions with the Chamber and the downtown merchants regarding plans for a Farmers Market this summer. I think as we discuss this we need to keep in mind things that are not listed and are likely to come up in the future and how we want to handle those. Regarding fiscal impacts, I think one of the councilors asked or raised a concern that if we are denying organizations the use of our facilities because we don't feel they qualify as a community event, are we passing up a source of revenue. The answer to that is possibly, but doubtful. The reason I say that is because the popularity of the Sam Cox Building by the general public for receptions and other events is so great we are usually turning people away because the facility is booked. Chances are if we denied the Larch Mountain Country Artisans use of the building for that particular weekend, in all likelihood there would be someone else coming along to rent the facility. I think the loss is nominal if any. I will do whatever the Council wants me to do to administer this code, I just need clear direction to do that.

Councilor Thomas stated as I see it right now we are simply managing by exception. Would continuing that process be a problem?

Rich Faith replied I don't know that I agree with that. In terms of how I am now determining what a community event is and what a special event is, I am trying to go strictly by the definitions in the code.

Councilor Thomas stated and then we have this exception list that exempts organizations.

Rich Faith replied these organizations are not exempt. If they are sponsoring an event they are still going to have to meet the definition of a community or special event. The exception

is the fact that they have use of our facilities for meetings and we don't charge them. There is no exception to applying the definitions and rules pertaining to vendor sales and community event signs and so forth.

Councilor Thomas stated I personally do not really favor changing anything. You listed the Larch Mountain Artisans as a community event, it seems to me that it is really more of a special event.

Rich Faith replied I didn't make that distinction, the Council made that determination at the last work session by adopting a temporary definition.

Councilor Thomas stated I understand the quandary you are in but I am thinking that I really don't want to change anything and I wouldn't change the fee schedule either because we do need to recover costs for the use of our facilities.

Rich Faith stated that is fine but when the question comes to me, or maybe it will come to you, and at some point they say that the city recognizes us as a community event why are we being charged to use the facility, no other group that has a community event (Historical Society, Chamber etc.) is charged for use of the facility. If that question is asked I hope you have an answer.

Councilor Thomas stated they know they are there by exception.

Mayor Thalhoffer stated the Gresham Shriners holds a function every summer in the Sam Cox Building and we have been charging them \$150.00 for use of the building. They informed me that they were told it would be \$500.00 this year. Their event, as I understand it, is part social and part fundraiser for the Shriners Hospital. I am wondering what category they should be in and if it is really fair to increase their fee from \$150.00 to \$500.00 in view of all the charitable work they do.

Rich Faith stated last year in June we changed the fee schedule. We had three different rental fee schedules for use of city buildings. We had one for local public service or non-profit, one for non-residents and one for Troutdale residents. We combined the three schedules into two combining the local public service non-profit and Troutdale resident together as one schedule and non-resident as the other. This was not directed at the Shriners and they are not the only group that is affected by this. The reality is that the non-profits under the old schedule were getting a significant reduction in the rental fee compared to the non-resident or residents. When we combined the schedules we tried to find the happy medium which was that the non-profit public service fee jumped up to match that of Troutdale residents.

Councilor Daoust asked is that \$500 for one night?

Rich Faith stated the Shriners are charged \$500 for all day, a portion of that is the security fee because they are serving alcohol. If they did not serve alcohol the rent would be \$300.

Debbie Stickney stated in the past the Mayor has waived the security fee for them.

Rich Faith stated if it was a non-resident they would be charged \$700 for all day with alcohol.

Mayor Thalhoffer stated in the past it has been that we charged the rental fee and we charged extra for security if they served alcohol.

Rich Faith replied that is correct.

Mayor Thalhoffer stated the Shriners have their own security. They have ex-police officers in the Shrine Club and I have waived the security fee for them over the years and before me Mayor Cox did the same thing. I guess I am pleading my case for the Shriners. They serve alcohol; they always have. They do a considerable amount of charitable work for everyone.

Councilor Ripma stated Mayor if you are waiving the fee for them each time, why don't you just continue doing that and lets move on.

Mayor Thalhoffer stated I am seeing something different here than it was before.

Rich Faith stated the reason why the Shriners don't appear on Exhibit A is because they have been paying the rental fee. You say you have been waiving the fee for security so they probably have not been paying for the police security. The point is that they have been one of those organizations that have been paying the full amount and therefore we have not put them in the category of getting a reduced rental fee along with the other groups.

Mayor Thalhoffer asked what about reclassifying them in view of the charitable work they do.

Rich Faith replied I will put them where ever you want me to put them.

Councilor Ripma stated it sounds like they are willing to pay \$150. Lets just leave it at that.

Mayor Thalhoffer stated but that is not the fee now, the new fee is \$500.

Councilor Thomas stated you weren't worried about the fees when you jumped up the fees, I am not concerned about this one.

Mayor Thalhoffer stated well I am. If we can say okay just pay the \$150 there is no problem with that because that is what they have been paying. Are you in favor of that?

Councilor Ripma replied yes.

Councilor Kyle stated but that is not what the current fee is.

Rich Faith stated they could be added to Exhibit A as a fourth category stating that the following group pays \$150.

Councilor Thomas stated I would leave it at \$500.

Councilor Daoust asked are they non-profit?

Mayor Thalhoffer replied yes.

Councilor Kyle stated I think what is going to have to happen is everybody is going to have to come and appeal to the Mayor.

Mayor Thalhoffer stated the Shriners do good work for all people in every jurisdiction and they have been doing it for years and I think they need a break.

Councilor Daoust stated I am not arguing with you Mayor because I tend to agree with you, but what about churches. They pay the full fee and they do a lot of good for a lot of people and they are non-profit. They fit the same category.

Councilor Kyle stated I personally think this ordinance needs to be overhauled. I know at the work session in March we added the First Fridays as a community event. It isn't a community event, it is a downtown event and they are not a non-profit group. I am thinking we need to expand this and add an additional category for something like this. The reason that this issue came up was because of the vendor issue and the sign issue. I think this needs an overhaul. I don't think we can leave it like this otherwise you will be wondering and the Mayor is going to be giving special privileges to everybody.

Marnie Allen stated the city is going to be at risk if we don't identify some criteria that we can apply uniformly to groups that are similar.

Councilor Kyle stated I was thinking that maybe we need a business center event that maybe downtown could fall under. What if, for instance, Cherry Park wants to do something. We haven't allowed for that under community event. I think maybe we need to expand our definitions because not everything is going to fit under these two definitions. I think this needs to be overhauled and I would be glad to help you do it.

Rich Faith stated I think if we could expand on these definitions, there is certainly a risk that you open it up so wide that everything falls under the definitions but now it is so narrow that it may not cover everything that you want it to. Expanding the definitions could take care of 90% of the problem.

Councilor Kyle stated what if we said a city affiliate event, which would be the Friends of Beaver Creek, Historical Society, Chamber, etc. and then a community event could be the Larch Mountain Artisans. The temporary definition that we approved at the last work session says, "...and other non-profit organizations that the city council determines". First Friday Art Walk is definitely a for-profit event, they don't belong on the non-profit list. If we don't divide these groups out then we are going to be giving away that space for free and right now they pay \$850 to rent the facility. I think we need to divide this out and keep the rent coming in.

Councilor Thomas agreed. I think since you are willing to work on this with Rich to come up with better language for the ordinance I would be more than happy to defer this because I don't think we are going to fix it tonight.

Councilor Ripma stated if you are willing to take it on you have my full support.

Mayor Thalhoffer stated so in the interim Gresham Shriners still are going from \$150 to \$500.

Councilor Kyle stated I am not going to mess with the fees. I think we need to focus on our definitions first.

Councilor Canfield stated I don't think we should touch the fees right now.

Councilor Ripma stated the Shriners need relief, when is their event?

Mayor Thalhoffer replied this summer.

Councilor Ripma stated maybe there is time.

Councilor Thomas stated let's not forget that when we talked about these fee increases the biggest concern that a lot of councilors had was are we charging prevailing fees. Everybody wanted to go higher. Even after the increase we are still less than the prevailing fees. So having the fee jump after 10 or 15 years is not that bad.

Councilor Canfield stated it is not unreasonable.

Councilor Daoust stated I am okay with non-profit organizations getting a break and the Shriners are non-profit and I am okay with them getting a break and I am okay with churches getting a break. One night a year of giving the Shriners a break isn't going to make or break us.

Councilor Thomas stated I don't want to see us have a whole range of fees where we charge every group differently.

Councilor Kyle stated we aren't here to discuss the fees tonight, we are here to discuss the definitions.

Mayor Thalhoffer stated yes, but it went from \$150 to \$500 and in addition there was a charge for security.

Councilor Thomas stated unless they provide their own security.

Rich Faith stated they are required to pay for our reserve officers.

Marnie Allen stated part of that was because, as you might recall, the discussion about the liability that the city faces when we allow alcohol to be served on city property. A decision was made that the council was comfortable with that liability risk in reliance on part that we have our own police officers there monitoring the consumption and cutting people off. There is still some risk but if you waive having our officers there and there is alcohol being consumed on city property and someone is injured or leaves the property and kills someone

driving home because they were intoxicated you are taking a bigger risk. So if you decide you want to waive having our officers there do it knowing that you are taking a bigger risk.

Councilor Canfield asked can we get back to discussing the definitions instead of discussing the fees?

Mayor Thalhoffer stated okay so it is \$500 and \$300 if there is no alcohol.

Rich Faith stated that is correct, if they are not serving alcohol it is \$300 to rent the Sam Cox Building all day.

Councilor Daoust stated I guess I am the only one that supports Mayor Thalhoffer because a lot of this policy is built on historical practices.

Councilor Ripma stated I also support the Mayor but we are deadlocked at 3-3, we can take it up later.

Councilor Kyle stated I did not volunteer to discuss fees, I just volunteered to work on the definitions, which is what I thought we were discussing tonight.

Councilor Canfield asked do we have a consensus to have Councilor Kyle work on the definitions with Rich.

Council agreed.

3. ADJOURNMENT:

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

Meeting adjourned at 9:42pm.

Paul Thalhoffer, Mayor

Approved August 23, 2005

ATTEST:

Debbie Stickney, City Recorder