

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

Tuesday, May 24, 2005

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, Councilor Daoust (by phone).

ABSENT: None.

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Marnie Allen, City Attorney; Debbie Stickney, City Recorder; Travis Hultin, Chief Engineer.

GUESTS: See Attached.

2. CONSENT AGENDA

2.1 ACCEPT MINUTES: February 22, 2005 Work Session and April 12, 2005 Work Session.

2.2 RESOLUTION: A Resolution authorizing the Mayor to sign the grant acceptance from the Oregon Department of Homeland Security in the amount of \$21,130.00.

2.3 RESOLUTION: A Resolution adjusting the compensation levels for non-represented employees.

2.4 MOTION: A Motion approving the Memorandum of Understanding (MOU) clarifying the administration of Resolution No. 1674 approved on December 9, 2003 authorizing the City to enter into an agreement with Fairview for Building Inspection Services.

MOTION: Councilor Thomas moved to adopt the Consent Agenda. Seconded by Councilor Kyle. Motion Passed Unanimously.

3. PUBLIC COMMENT

None.

4. REVIEW: A Review of the availability of DSL service to Troutdale citizens by Comcast and Verizon.

Councilor Thomas stated several people have approached me asking about the availability of DSL service, primarily from Verizon, but they also wanted to have access to broadband and are looking at the competitive side and wanting to compare services. We were able to bring representatives from both Verizon and Comcast here tonight to explain to us what their goals are and how they perceive being able to offer services to the City of Troutdale in the future.

Bob Wayt, External Affairs Manager for Verizon, stated with me tonight is Frank Aff our Network Operations Supervisor for a large area including Troutdale. Frank and I work for the landline and broadband side of the company. In Oregon Verizon Communications serves more than 400,000 landlines, most of them are in the Portland area, suburbs like Beaverton, Hillsboro, Tigard, Gresham and Troutdale. We are fortunate to have these cities within our authorized service territories. On behalf of Verizon, and before that GTE, we would like to say thank you for allowing us to operate in the City of Troutdale for several decades. You have asked us to talk to you tonight about broadband or high speed internet access service which is DSL. DSL stands for Digital Subscriber Line. DSL uses sophisticated technology and an ordinary copper phone line to transmit data to a customer's computer at very high speeds. Customers like DSL for its convenience, with this service they are always connected to the Internet. Another advantage is it doesn't tie up your phone line because it works on a different frequency from the phone. You can talk on the phone and access the Internet at the same time. DSL eliminates the cost of a second phone line. The big reason that DSL is so popular is that it is much faster than the standard dial-up connection. We did begin offering DSL to a limited part of Troutdale in 2001. We have since expanded the service to many additional areas of the city. Today in Troutdale we serve about 7,000 customer lines overall. The good news is that most locations do qualify for DSL. The cost for DSL at home is \$29.95 per month when a customer makes a 1-year commitment otherwise it is \$37.95 per month plus a one time charge of \$39.95 for the modem.

Frank Aff stated to qualify for DSL a customer generally must be within about 3 miles of our switching office. Our main switching office for Verizon is actually located at 150 NW 20th in Gresham. We also have two remote switching offices at Halsey (just before McMenamins) and Sweetbriar (on Troutdale Rd. just prior to Stark). These remote offices actually allow us to extend more services to Troutdale and they enhance Troutdale customers ability to get DSL services. Besides the length of the cable there are a few other technical factors that influence customer phone lines from qualifying for DSL. One of them is the type of cable (the cable make-up) like the size or gauge of the wire. Another factor is the presence of "bridge tap" on a line, which is simply the length of cable where you have additional lengths of cable that have not been removed from the customer's line overtime which is simply to facilitate the efficiency of our phone network. The telephone network, prior to the explosion of broadband services, tolerated having "bridge tap" on phone lines. In order to maximize capacity of broadband services, such as DSL, we need to remove any of the bridge tap for it to operate properly. Because of the way that DSL works the availability must be determined on a case by case basis, even within the same neighborhood. Within that neighborhood each individual customer's cable length and cable makeup could be different especially based on which office they are served out of, the remote office versus the host office in Gresham. In the

case of some of the customers that have contacted the city about the inability to qualify for DSL, we sympathize with those customers. Typically they live in areas in Troutdale that have not yet been engineered or built for DSL. We certainly want to provide DSL or any of our broadband services to as many customers as possible. We want to reassure you, and any customers like this, that there is hope. Verizon is actively looking for ways to improve our network and to make more of our services available to our customers.

Bob Wayt stated John Anderson asked me whether Verizon is required to provide DSL and the answer is no, not by local, state or federal government. It is truly a market driven service subject to competition.

Bob Wayt provided the Council with some printer material regarding DSL service (copy included in the packet).

Councilor Thomas stated in addition to Verizon we also have two representatives from Comcast here tonight; Curt Henninger, Senior Vice-President and General Manager and Theresa Davis, Area Director for Communications to talk about the services that they offer.

Curt Henninger showed the Council a map of where their Comcast high-speed Internet product is available in Troutdale (copy of map not submitted into the record).

Curt Henninger stated basically our product is available wherever people live. There is one section in Troutdale that is more industrial and that is the only area other than the airport where our service is not available. We have been in the high-speed Internet business since 1998. What made our company have the opportunity to offer this service was really a substantial rebuild of our network replacing what was the old analog technology cable to a two-way interactive fiber network, which is what Verizon is in the process of building. Currently we are the largest high-speed Internet provider in the US. There are some differences between our products and our competitors. The first way that we distinguish ourselves from our DSL competitors is really by offering customers a seamless service. Meaning we provide email service, a home page, and the high-speed internet connection to our customers so that they never have a question about who to call for service. With our DSL competitors typically the phone company provides the DSL service and another internet ISP provides the homepage and the email service and sometimes that can be confusing for customers. We also offer customer care 24-hours per day, 7 days a week, 365 days a year. We are in the process of migrating that customer care work back into our market. When we were formerly owned by AT&T Broadband, they made the decision to outsource some of that customer care work. We currently offer two different speeds for our customers to choose from. We do not require contracts. We do give a benefit of \$10.00 a month off to customers who are cable customers. Our pricing for a 4mb download is \$42.95 a month if you are a cable customer. We also offer a 6mb service for \$10.00 more a month. We also offer a very robust video mail service where you can send video messages through our network. We currently offer a tool called The Fan that our customers can customize so if there is a focus in their family on sports, music, etc. there is a way for them to ensure that is the content that they see first. We have entered into several different partnerships with other people that have significant presence on the Web, whether it is Disney, ESPN, ESPN 2 Golf, etc. where

we get access to their content in the form of video clips, news or sports news and make that available through the service through the home page of The Fan, so you are able to access that news real time.

Mayor Thalhofer asked is there anyone here that would like to ask questions of either Verizon or Comcast.

None.

5. PUBLIC HEARING / RESOLUTIONS (Continued from May 10, 2005): A public hearing on the following resolutions:

- 5.1** A Resolution adopting the Capital Improvement Plan for Public Works Facilities.
- 5.2** A Resolution adjusting the capital improvement plan project listing for water system development charges and rescinding Resolution No. 1693.
- 5.3** A Resolution adjusting the capital improvement plan project listing for sanitary sewer system development charges and rescinding Resolution No. 1694.
- 5.4** A Resolution adjusting the rate and capital improvement plan project listing for transportation system development charges and rescinding Resolution No. 1695.
- 5.5** A Resolution adjusting the capital improvement plan project listing for storm water system development charges and rescinding Resolution No. 1696.

Mayor Thalhofer read the resolution titles and opened the public hearing at 7:45pm.

Jim Galloway, Public Works Director, stated this was an item that was held over from the last Council meeting. It is our annual report to the Council with a revised Capital Improvement Plan project listing and system development charge rates for your consideration. The only recommendation we are making regarding rate change is an increase in the transportation system development charge rate by about \$15.00 per trip.

Councilor Canfield thanked the Council for allowing this item to be held over until tonight.

Councilor Kyle asked on the water Capital Improvement Plan project listing I notice you have listed a project to construct Zone II - Interconnect to Jackson Park Road, does that mean we will be hooking up more people down that road so that my water will improve?

Jim Galloway replied because the state law requires us to put a potential date associated with each project listed, there is a date shown but I don't think that it is anything that we plan in the near future. Back in 93 we had a consultant update the City's Water Master Plan and that project was put in.

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

No testimony received.

MOTION: Councilor Ripma moved to adopt Resolutions #5.1, #5.2, #5.3, #5.4 and #5.5 as set out in our packet. Seconded by Councilor Gorsek.

Councilor Canfield stated I am in favor of this motion. These make sense and are necessary.

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

Motion Passed Unanimously.

6. INFORMATION: Information on a proposed Farmers Market in Troutdale.

Peter Tuomala stated I am the director of WinDance Farms and Art, Fairview Farmers and Artists Market and West Linn Farmers and Artists Market. The purpose of me being here this evening is to bring forward the idea of starting a Troutdale Farmers and Artists Market and to address whatever concerns, issues and questions that you may have. I was approached by local merchants and the Chamber of Commerce to look at the feasibility of starting a Farmers and Artists Market in Troutdale. We have since held meetings and have asked to be put on your agenda to share our concept of the farmers market with you. Farmers and artists markets really do several things and it is all pretty much for the good. It builds the community; promotes locally grown organic produce; supports the arts; and it brings crafts and fine arts into the community. Along with this it brings more people and activity into the community. It will also help promote the city and the merchants. You have a beautiful setting here, the old historic area, which I think will be ideal. One of the things that East County has lacked for quite some time is representation in this area. We have not had a farmers market, with the exception of Gresham, for years. That is one of the reasons I started the Fairview Farmers Market. There is a tremendous need. The farmers and artists market will bring to your community fresh organically grown produce, or locally grown produce which supports the farmer. The merchants and the Chamber would like to see this farmers and artists market happen and they would like it to happen now. The markets that I start and create all have a very special and unique niche to them. Fairview, you have the park and new city hall, it is a beautiful setting. West Linn, is right in the heart of the historic district and we take advantage of that. Troutdale, well it pretty much speaks for itself.

Councilor Canfield stated I have been to the Fairview Farmers Market and I had a great time. What day of the week would this occur, what would the hours be and what is the location?

Peter Tuomala replied several locations have been brought forward. The merchants would like to see Historic Columbia River Hwy. closed and have traffic rerouted. It sounds good, but maybe we will work towards that for next year. The city has suggested a couple locations.

John Anderson stated one is on the cul-de-sac behind the City Conference Building. The second is the possibility of the area across the street from City Hall (the turn around or parking area immediately west of the Historical Society Building, then continue to the left using a portion of the street running north/south that takes you to the parking behind the stores).

Peter Tuomala stated I have looked at several days. Wednesday evening looks good, but my concern is that if we go with Wednesday evening this late in the game and the lack of advertisement that may be tough. I am also looking at Sunday. That may be more viable simply because a lot of the farmers and artists are already geared up for weekend market so there harvest is going to be fresh. If we go with Sunday the hours would probably be from 10am to 2pm.

Councilor Canfield asked do you have a start date?

Peter Tuomala replied I spoke to a couple of merchants today and they thought this weekend would be good. Feasibly, I think the first Sunday of July. It would more than likely run through the end of October with the possibility of some holiday markets.

Councilor Gorsek stated you said you were approached by the Chamber and some local merchants. In this case there isn't as much potential for them to feel threatened since they are actually seeking you out to do this.

Peter Tuomala replied correct.

Councilor Ripma asked do the same vendors go to Gresham, and then on another day go to Fairview, and then West Linn and then they would come to Troutdale?

Peter Tuomala replied yes. There are always some new vendors also.

Councilor Ripma stated it sounds like a great idea. I assume you have been talking to city staff about what would be required for this. I look forward to it.

Councilor Thomas stated I think it is a great idea.

Mayor Thalsofer asked how well do the local farmers do at these markets?

Peter Tuomala replied this helps them sustain throughout their seasons. It helps them buy seed and it helps them grow.

Mayor Thalsofer asked Rich Faith, do you need us to take any action to permit this activity in the city?

Rich Faith replied it would be helpful for us if you would give us an indication in terms of your preference for the location. For example, if you do not want Columbia River Highway used, I think it would be important for you to point that out. Perhaps another area I would be looking for some guidance on is do you want this to be considered as a community event in terms of how we will treat the event for signage privileges and other things. To what extent do you want the city to be a participant or lend assistance to this would be helpful to know as well.

MOTION: Councilor Gorsek moved that we support the formation of a Farmers and Artists Market in Troutdale; that it would not block Columbia River

Highway, at least not right now; staff can work with the group to decide which of the other two identified locations would work the best; that we would consider this event as a Community Event and hopefully we can get this started as soon as possible.

Rich Faith stated there will be vendors participating so I would like your thoughts on dealing with the issue of vendor licenses that go with a community event. Currently we have a requirement that vendors are allowed but they are required to obtain a vendors license.

Councilor Gorsek asked what is the cost of a vendors license?

Rich Faith replied \$10. The fee is waived if they already have business license with the city or they are a non-profit group.

Councilor Thomas asked is that per year or event?

Rich Faith replied it has been per event.

Peter Tuomala stated what I have done in the City of Fairview and West Linn is I pulled a city permit and generally all the vendors who participate in the market will work under that permit, so they are not paying for a specific license.

Councilor Kyle asked do we have something that would cover that?

Rich Faith replied I think what we might be considering is a business license for the organization and if it is your wish we would consider that business license to cover all of the vendors that would be participating in the market.

AMENDED MOTION: Councilor Gorsek moved to amend his motion to add that we would have one negotiated license/permit with the organization/group and the vendors would work through that organization/group. Seconded by Councilor Thomas.

Peter Tuomala stated regarding liability insurance, the market will be self-sustained on the insurance. I believe I carry a \$3 or \$5 million liability policy and it is written within the contract that the city is not held liable.

Rich Faith asked how are sanitation/restroom facilities handled as part of this event?

Peter Tuomala replied in the City of Fairview the city has graciously let us use a small section near their waste disposal cans where we keep a portable toilet which is serviced weekly right after the event.

Councilor Gorsek asked so your agency provides that?

Peter Tuomala replied yes.

AMENDED MOTION: Councilor Gorsek moved to amend his motion to add that the other details would be worked out with staff. Seconded by Councilor Thomas.

Rich Faith asked does Council have a preference on the day of the week?

Councilor Gorsek stated I like Sunday.

Mayor Thalhoffer stated I think we are leaning towards Sunday, but you can work that out.

Councilor Gorsek stated I think this is exactly the sort of thing that we need here in terms of attracting more people to our downtown. Obviously we are still working on our own longer-term development projects but this is something that will help us now. It is a great way for us to enhance our economic development possibilities.

Councilor Thomas stated I would agree with Councilor Gorsek. I have talked with the business people and they are all really excited about it. They would prefer to have it closer than further away for foot traffic. The ability to bring people back into downtown Troutdale is something that we really need.

Councilor Canfield stated there is a demand for the kinds of things the market will offer, fresh local produce. It is good way to continue to build our community.

Councilor Kyle stated I am going to support this and I am really happy to see that we have so many merchants from downtown that are also supporting this.

Councilor Daoust stated I am excited about this. I am looking forward to it starting as soon as possible. I assume that they will be able to advertise by putting a sign up at the corner of 257th and Columbia River Highway.

Rich Faith stated you have answered that question by designating it a community event.

Councilor Ripma stated I am delighted to support it and I look forward to it. I hope it is a great success.

Mayor Thalhoffer stated I think it is great that we are able to give our local farmers and artists an opportunity to make money that they perhaps otherwise wouldn't make. I am very much in support of this.

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

Motion Passed Unanimously.

7. STAFF COMMUNICATIONS

John Anderson stated that the next 4 Cities meeting will be held on June 16th and agenda item topics are due by May 27th.

Marnie Allen stated the City has not been requiring a waiver of liability or indemnification and insurance from sponsors of community events that occur in City facilities and parks. Those tools are available and useful to minimize the risk to the City. With SummerFest coming up the issue was raised and discussed at the Management Team meeting about whether or not it made sense to try and institute a requirement for a waiver, indemnification or insurance. With SummerFest being so close and the different options and policies issues that would come up, we decided that it would probably be better to wait until after SummerFest but work towards implementing it in the near future. We would recommend that the questions of: do you require a waiver or do you require insurance and if so what amount, or do you require indemnification and if so do you require that from the sponsor of the event or do you require it from the vendors; all of these issues could be talked about when Councilor Kyle and Rich Faith work on the definitions for community groups, community events and special events and that would be brought back to the Council. If that is acceptable to the Council then that is how we will proceed. If you would prefer to expedite it and try to address this before SummerFest, you could direct us to do that.

Council agreed to wait until after SummerFest to work on implementing this.

8. COUNCIL COMMUNICATIONS

Councilor Kyle stated for SummerFest this year we want to celebrate our community and we have decided to have a talent show. If anyone is interested in sharing their talent they can contact the Chamber of Commerce. We have a lot of fun activities and games planned for the kids in the park and a fishing pond downtown. SummerFest will be held on July 16th.

Councilor Gorsek asked the memo we received regarding the water service to the church, is the issue that we want to encourage them to try to annex?

Marnie Allen replied yes.

Councilor Gorsek asked what is the plan?

Marnie Allen replied the plan would be if property that is adjacent to them is annexed to the city then we could tell that applicant who is seeking annexation to include the church property as well, or if the city wanted to initiate having that annexed once property that is adjacent to them is in the city limits, the city could initiate it. However, in the case of the church, first the property has to be brought into the urban renewal boundary so there is another step that has to occur before it can be annexed.

Mayor Thalhofler stated I testified before the Multnomah County Commissioners in favor of the Sheriff's budget which would give us 171 additional jail beds. That hasn't been decided yet.

Mayor Thalhofler stated there was a Fire Service meeting last Thursday and the next meeting will be on Thursday, June 2nd which we hope will be our final meeting. We are still working on negotiating a contract with the City of Gresham. If that doesn't seem to be something that is favorable to us we still have the option of forming our own fire district for the three cities. The Committee should be making a decision on June 2nd and then we will make our recommendation to the respective City Councils for consideration and a vote on the recommendation.

Mayor Thalhofler asked regarding the water service extension, if they sign such an agreement does that require them to suddenly go through the process to be brought into the urban growth boundary?

Marnie Allen replied no, the agreement we would require them to sign would just simply says they won't object or remonstrate in the future when an annexation application is initiated that includes their property. It doesn't impose an obligation on them to either file the annexation application or to take the preliminary step of getting brought into the urban growth boundary.

Mayor Thalhofler stated on Saturday I cut the ribbon for the new Flying J Troutdale Roadside Diner. On Sunday I attended a spaghetti feed to benefit Troutdale Officer Mike Kellogg.

Councilor Kyle stated Troutdale Thriftway is taking donations for the family of Officer Kellogg.

9. ADJOURNMENT:

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

Meeting adjourned at 8:37pm.

Paul Thalhofler, Mayor

Approved September 13, 2005

ATTEST:

Debbie Stickney, City Recorder