

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

**Tuesday, June 28, 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 (7:08pm).

**ABSENT:** None.

**STAFF:** John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Kathy Leader, Finance Director; David Nelson, Chief of Police; Marnie Allen, City Attorney; Debbie Stickney, City Recorder; Amy Pepper, Environmental Specialists.

**GUESTS:** See Attached.

Mayor Thalhofer asked are there any agenda updates?

John Anderson, City Administrator, replied yes. Item 2.2 on the consent agenda (a resolution providing for budget transfers) wasn't ultimately needed so we are pulling it from the consent agenda.

**2. CONSENT AGENDA**

**2.1 RESOLUTION:** A Resolution declaring certain personal property as surplus and authorizing disposal.

~~**2.2 RESOLUTION:** A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 2004-05.~~

**2.3 RESOLUTION:** A Resolution authorizing a loan from the Water Fund to the Utilities Undergrounding Fund for Fiscal Year 2004-05. (Funding for the 257<sup>th</sup> undergrounding project)

**2.4 RESOLUTION:** A Resolution granting a non-exclusive franchise to Portland General Electric.

**MOTION:** Councilor Thomas moved to adopt the Consent Agenda items, 2.1, 2.3 and 2.4 as read. Seconded by Councilor Canfield. Motion Passed Unanimously.

### 3. PUBLIC COMMENT

Bob Davis, State President Fraternal Order of Eagles informed the Council of their intent to locate a lodge in Troutdale in the near future. Mr. Davis provided the Council with a pamphlet about the Fraternal Order of Eagles (copy included in the packet).

### 4. MOTION: A motion authorizing the City Administrator to sign a Letter of Agreement with the City of Gresham for fire service for Fiscal Year 2005-06.

John Anderson, City Administrator, stated the three cities (Troutdale, Fairview and Wood Village) are in the middle of negotiations with the City of Gresham for a multi-year contract. The current contract expires at the end of this month so the four administrators thought it would be prudent if we had a letter of agreement for a one-year extension. All of the options discussed by the Ad Hoc Committee have the same rate in the first year so we agreed that is what we would include in our budgets. This would be keeping a status-quo budget except for the rate which is being stepped up significantly as noted under the fiscal impacts in my staff report. It would be about a 27% increase in the first year.

Councilor Ripma asked this increase is in the budget for next year, correct?

John Anderson replied correct.

Councilor Thomas stated I was trying to remember what we budgeted.

John Anderson stated we budgeted an increase of about \$200,000 and this is roughly a \$250,000 increase. Between the time that the Budget Committee acted and the City Council adopted the budget we included that increased amount. The budget that the City Council approved has this amount in it.

**MOTION: Councilor Daoust moved to authorize the City Administrator to sign a Letter of Agreement with the City of Gresham for fire service for Fiscal Year 2005-06. Seconded by Councilor Gorsek.**

**Councilor Daoust stated I think we need to legitimize in writing what we had planned.**

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

**Motion Passed Unanimously.**

### 5. RESOLUTION: A Resolution adopting city building rental fee exemptions and reductions for certain public service and non-profit organizations.

Rich Faith, Community Development Director stated the City Council, by resolution, adopts the City's Fees and Charges Schedule. The Fees and Charges Schedule includes the rental fee for the use of City buildings which would include the Sam Cox Building and the City

Conference Building. On June 7<sup>th</sup> the Council held a work session and approved a request by the Gresham Shrine Club to be recognized as a Troutdale community group and to be allowed a reduced rental fee for their annual Steak Feed that they hold at the Sam Cox Building. At that work session we were informed that they have been using the Sam Cox Building for a number of years and are accustomed to paying the \$150 rental fee. When the fee was increased a year ago to \$500 it came as quite a shock to them and so they sought your approval to continue to pay the \$150 rental fee. Council directed staff to come back with a resolution to formally establish the rate of \$150 for the Shriners. Since we were bringing this resolution forward we thought it would be appropriate to address other organizations that are receiving either a reduced fee or no charge for use of our facilities. This is a practice that has been occurring for a number of years that we have extended to our local organizations. In April of 2004 there was a work session held to discuss whether we should continue this practice of reduced fees or waiving rental fees for these organizations. At that time the Council directed staff to continue the practice but also indicated that we needed to determine whether or not these organizations meet certain criteria. The two criteria that the Council had set forth were that the organization has to have a connection to the City of Troutdale and that it must provide a benefit to the local community. Many organizations have met those criteria and are mentioned in this resolution. The resolution before you formalizes your decision three weeks ago to reduce the building rental fee for the Gresham Shrine Club and it also establishes exemptions and reduced fees for the various other organizations that have historically received them. The resolution also does a couple of other things. In anticipation that there will be other organizations that may come along in the future and seek similar treatment, the resolution delegates authority to the Community Development Director to approve future waivers or reductions for organizations that meet the criteria. It also lays out an appeal process if the organization and the Director do not mutually agree in terms of the decision that is made. The appeal process will allow the organization to bring their request to the City Council for your consideration. Under the terms of this resolution the Council could then grant that request of the fee reduction or waiver either by motion or by resolution that would amend the attachment to this resolution. There are some fiscal impacts associated with adoption of this resolution. We estimate that by granting the reductions in the rental fees or the waivers of the rental fees that it is an approximate loss of \$18,000 to the City on an annual basis based on what our current rental fee is. That amount would increase as the rental fee rate is increased in future years. There is one other special note that needs to be brought forward in conjunction with the request from the Gresham Shrine Club for the reduced fee that Council acted on three weeks ago. In conjunction with their request the Council did not address the question of whether they should be relieved from the requirement to have a Troutdale police officer in attendance because there is alcohol being served at their event. Normally any time there is alcohol served in a City facility, like the Sam Cox Building there is a requirement that they have to have a City police officer present to monitor that. It is my understanding that the Shriners have requested a waiver of this requirement in the past and have been granted that. They are once again requesting that they be allowed to provide their own security for their event. There is a letter attached to my staff report addressed to the Mayor from the Shriners regarding this request. If they are required to hire a City police officer the fee to do so would be \$240 for the first 4 hours and an additional \$60 for each additional hour after the first 4 hours. In addition to action on the resolution we are also

asking that the Council, by separate motion, decide whether or not to grant the Gresham Shrine Club's request to use their own security instead of a City police officer.

Council had no questions of Rich Faith.

Roger Rees, past CEO of the Shriners in Oregon and the past President of the Gresham Shriners Club stated I want to make clear what we are asking for is an exemption to be at the old rate for this single event, which is a family event and is also our only major fund raiser for the year. In the past we have used the proceeds from this event, and other smaller projects that we do during the year, to make a determination to allocate the money to keep our club healthy, to put money towards the Shrine Hospital, and to put money towards the Shrine Hospital transportation fund to pay for the child and a parent or guardian to be transported to and from the hospital. If there is need by our mother organization we contribute money to them, which hasn't been necessary for several years so we have been able to focus on the hospital transportation fund and the hospital itself. The membership of the Gresham Shrine Club is composed of residents that are a mix from Troutdale, Fairview, Wood Village, Sandy, Gresham, Portland, Clackamas and Multnomah Counties. Although the name is Gresham Shrine Club, I am not sure how or when that originated, we are a mix of all over and there is no tie specifically to Gresham alone. We do have ties to this community in several fashions. One, you see the Fairview Masonic Lodge, in order to be a Shriner you have to be a Mason. Our band participates in your annual parade. We also, by being present in the community, we function as the eyes and ears because we always keep our eyes open for a child that we might be able to help in the area of orthopedic, spinal injury or burn treatment. We do not ask for any money. The only cash register that you will find in the hospital is in the cafeteria and that is for meals for employees. We had a hospital board meeting on Monday and we approved 149 new patients at our Portland hospital. We don't care whether they have insurance or where they live, we only care that the services we provide can help that child and therefore help that family. The money we raise is used at the 22 hospitals across North American which costs us \$625 million a year to run the hospitals. We don't rely on government money and we don't rely on insurance but yet through the efforts of groups, smaller groups like the Gresham Shrine Club, we make that happen to care for those children. We do that because to us the smile on a child is priceless. The issue of liquor, quite frankly we don't consider it an issue because the Shrine Club has zero tolerance for intoxication; we will not accept it from our people. We have Oregon certified bartenders that we use. We have our own police staff. We do not see that we will have a problem. I am sure that your Police Chief will attest that you have never had a problem with the Shriners.

Councilor Canfield asked about how much money on average do you raise during this fund raiser?

Roger Rees replied anywhere from \$2,000 to \$6,000.

Councilor Kyle asked regarding your participation in SummerFest, do you usually receive money of any kind for that?

Roger Rees replied we do not charge for participation. If an organization wants to make a donation for their participation they can do that. They can designate that they want their donation to go to the hospital and if they don't make that designation then the money goes to the unit to help them sustain their uniforms or their equipment.

Freda Emmons, Caretaker at Glenn Otto Park, provided the Council with a typed statement and photos (copies are included in the packet).

Freda Emmons stated my husband and I are the Caretakers at Glenn Otto Park. We thought you might like to have our perspective because we help the groups that use the facility. We are going to be helping the Shriners however you decide on these matters. The Shriners event is planned for July 24<sup>th</sup> and it is scheduled for approximately 100 people for the steak feed event with the alcohol being served from 5pm to 9pm and 1 hour for clean-up time. That is a total of 5 hours that a police office is usually required. No police presence is planned. Mr. Rees stated that they planned for their own security and I was not aware of that. I would suggest that if they have to pay for their own security, why not pay someone who is outside of the organization who can have an objective observation. What the police do for us is very important. We have quit a number of organizations/groups and families that use the building and serve alcohol. The police help us with this. They keep the people from bringing alcohol outside of the building. Sometimes that is difficult. We had a group in there last weekend which is what the photos are from. There were probably more than 250 people and it was difficult to keep the alcohol in the building. The police monitor the groups for problems and call for back-up when needed. We have had several police officers come down in the past and there have been arrests during events. A police presence is a deterrent for out of control behavior. When people see a police car and officer they know that they need to behave appropriately even when they are drinking alcohol. The police monitor and deter drunk driving. The police enforce the closing of the event and the park. This really helps us. If folks are having fun they don't want to end their party and we have requirements for the time the party has to end. Sometimes we would not have been able to close the event down without the help of the police. It is not as difficult when there is no alcohol being served. The requirement of the police should not be suspended for any one group or simply because the group does not want to pay for the police time. If groups were given the option of paying for the police presence or not there would not be one group that would pay for the police presence. If one group is allowed to not have the requirement of a police presence when renting this building when alcohol is served then it would be discrimination against all the other groups that are required to pay for it. It is a part of the rental agreement, it is not an option. As far as some of the fees being reduced, I think that is wonderful, but when there is alcohol I think that is a separate matter. If the City wanted to absorb the cost of the police officer for the Shriners, that would be something to consider. The second issue has to do with the fees in general. The photos I submitted were taken last week. When you have a large event and you are not able to contain it in the large room and it has to involve the annex room and there is alcohol involved, the carpet in the annex room gets trashed because of the spills. It is a lot of work to clean up after these events. I would like to ask you to consider, as you are reducing the fees for some local groups, service groups and non-profit organizations, consider increasing the fees and/or the deposit for the larger groups that are going to serve alcohol, or consider having the whole building alcohol free. The photos show a graphic detail

of what the building and park look like after a large event. Whether or not you decide to have a police officer or security officer present my husband and I will support them, enjoy their event and help as much as possible, but I think it would be very beneficial to have an outside police officer from Troutdale present.

Councilor Daoust stated it sounds like we have a couple of issues. Have you been present when the Shriners have held their event?

Freda Emmons replied no.

Councilor Daoust asked so your request isn't based on experience with the Shriners, it is more on principle?

Freda Emmons replied yes.

Councilor Ripma stated you have been doing a great job. I appreciate you coming here this evening.

Councilor Thomas stated I appreciate your comments. Chief Nelson, when we are dealing with these events how does the jurisdiction work if you dealing with rent-a-cops or volunteer cops versus having a Troutdale officer present?

Chief Nelson replied any outside security does not have arrest authority in the City of Troutdale or anywhere in the State unless they are deputized by the Sheriff of the specific county. I don't know about any of the individuals from the Shrine Club if they have any special arrest powers or if they are a reserve officer with the Sheriff's office or a different organization.

Councilor Canfield stated thanks for bringing the photos, they were kind of shocking. Marnie Allen, is there a risk to the City if something were to happen if we made an exception for a particular group and didn't have a city police officer present?

Marnie Allen replied yes. I think decisions about when you want to allow use of the City building and under what conditions always present a risk and it is really a question of how we best manage that risk. In the past the practice and one of the tools that the City has had available and probably the primary tool the City has been using to manage the risk is to have a police officer present. Some may argue that that in of itself doesn't go far enough in managing the risk. If you put one officer in a City facility with 300 people where alcohol is being served, you have also put that officer and the City in a difficult position in trying to manage and control what is going on in the building, on the property and people leaving the property. It is a question of how do you best want to manage that risk and how much risk do you want to assume. Weighing on the other hand the positive aspects of having community events and having a building that you make available to people and allowing people to drink responsibly at those events. You just have to weigh both.

Councilor Canfield stated Freda you brought up a good comment about the deposits, that is something that the Council does need to address.

Councilor Kyle stated you are doing a great job. I had a meeting at the Cox Building recently and I noticed that the Annex room floor had been flooded. Can you tell me how that happened?

Freda Emmons replied several weeks ago we had a downpour of rain. It flooded so quickly that the drains could not handle the amount of rain and the rain came in the front and the back. We had a shop-vac so we were able to vacuum up the water.

Councilor Daoust asked Rich Faith, I don't have the schedule of fees in front of me but we do charge a higher fee if there is going to be alcohol, right?

Rich Faith replied yes.

Councilor Daoust asked are the additional fees we collect if there is going to be alcohol meant to off-set any cleaning costs?

Rich Faith replied in addition to higher costs if they are serving alcohol, there is also a higher damage deposit. That deposit is what we rely on for cleanups and repairing any damage that might occur. The deposit is twice as much if you are serving alcohol.

Councilor Daoust asked so we have that built in already to cover exceptional cleanup costs, would that be correct?

Rich Faith replied I guess one would have to ask whether it is an adequate deposit not knowing how much labor might have to go in to cleaning up and repairing. Is a \$500 damage deposit adequate?

Councilor Daoust asked how is the cleanup handled? Do we contract out the additional cleanup?

Rich Faith replied it would depend on the extent of the damage or the extent of the mess that was made. The caretakers could possibly handle it but if it is overwhelming then we may have to call in a cleaning company particularly if there is another event that is scheduled for the next day or later that day and it needs to be ready for that event, then you might have to call in a cleaning service in order to take care of it.

Councilor Daoust asked has the requirement for police presence been historically waived for the Shriners.

Rich Faith replied I know it has been in the past, the Mayor could probably tell you how long that has been occurring.

Mayor Thalhoffer stated yes it has historically been waived. I have been Mayor for 12 years now and I have waived it every year and it was waived by Mayor Cox before me.

Councilor Daoust asked have we ever had any problems with the Shriner event that you are aware of?

Rich Faith replied not that I know of.

Councilor Canfield asked do the people that use the building have to sign a rental agreement?

Rich Faith replied yes.

Councilor Canfield asked what kind of language is in the agreement regarding the expectations for the condition of the building when they are done using it?

Rich Faith replied I don't recall the exact wording but the expectation is that they will leave it as they found it, in a clean and orderly manner.

Councilor Kyle asked and the deposit is returned if the building is left clean?

Rich Faith replied yes.

Councilor Daoust asked did the group that used the building last week get their deposit back?

Rod Emmons stated after an event we send the City an email letting them know whether or not the group cleaned up. I do not know how much money was refunded to that group. They did come back Sunday morning and cleaned for about 3½ hours. We had another event Sunday that started at 2pm and if they would not have come back and cleaned up there would have been no way that we could have gotten it cleaned in time; we would have had to call for help. Their deposit was only \$250 and that would not have been enough to cover the cost of the cleanup and damage. Just to clean the carpet costs \$150.

Councilor Thomas asked in regards to your duties as caretaker, I would assume that general cleaning other than standard maintenance stuff really isn't part of your job?

Rod Emmons replied no its not. Our job is basically to let people in, show them where the cleaning supplies are, make sure that they have everything they need for their event. It is not really our job to clean up after them.

Councilor Thomas asked and normally your job wouldn't include security either would it?

Rod Emmons replied no.

Roger Rees stated this is a family dinner event, it is not a party. Yes there is alcohol available but there is also soda pop available. We have children at the event and we



certainly are not going to run any risks there. That would be the poorest image in the world for the very organization that takes care of children to create a situation to put children at harm. We would be delighted if you and your families would like to join us.

Wayne Dennis stated I am the person who wrote the letter asking the Mayor to waive the police requirement. Bill Farr use to be the caretaker at the park and he would tell me that we leave it in better shape than it was when we got there. I have been attending this event at the Cox Building for 20 years and we have never had an incident. I feel very confident that it will be taken care of and we appreciate being able to use the facility.

**MOTION: Councilor Daoust moved to adopt the resolution adopting city building rental fee exemptions and reductions for certain public service and non-profit organizations. Seconded by Councilor Daoust.**

**Councilor Daoust stated we have certain criteria and the Shrine Club has met that criteria for us to be able to set a different rate. They are a good public service organization, they are non-profit, they have a connection with the City of Troutdale and they provide a benefit to the local community, especially our precious children.**

**Councilor Gorsek stated I would completely agree with Councilor Daoust.**

**Councilor Ripma stated I also concur with Councilor Daoust and I favor the motion.**

**Councilor Thomas stated I would also agree with Councilor Daoust.**

**Mayor Thalsofer stated I think the Gresham Shriners and all of the Shriners do a great job in providing services for children who are in one way or another disabled or handicapped. I just can't say enough for the Shriners for taking on that wonderful work.**

**Councilor Canfield stated my Grandfather was a Shriner for 30+ years. I really appreciate the work that you folks do. The Shriners have proven that they have a connection to Troutdale and provide a benefit and those are the rules so I support the motion although I am concerned about the loss of revenue. That is something I would like us to take a look at in the future.**

**Councilor Kyle stated I am not going to support this motion. Looking at the fiscal impacts, to me I would have to separate the Shriners out from the whole mix here. This resolution is going to have a fiscal impact on us of \$18,000 and I have a hard time with that when I know the condition of the buildings. I have also looked around at what it costs to rent buildings and our rates are reasonable. Even our police policy is lighter than most other places. I can't support the whole package.**

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

**Motion Passed 6 – 1 (Councilor Kyle).**

**MOTION:** Councilor Daoust moved to grant permission to the Shrine Club to use their own security group at their steak feed. Seconded by Councilor Gorsek.

Councilor Daoust stated I am convinced that they can handle it. It is a small group and a family event. We haven't had any problems with the Shriners in the past years and I don't want to break tradition over something that we have never had a problem with. I am willing to go along with tradition that has been around for years as I understand it.

Councilor Gorsek stated I agree. I do know some of the officer that the Shriners mentioned and I am sure that they are more than capable of seeing to problems if they arise.

Councilor Ripma stated I favor the motion. I appreciate Mr. and Mrs. Emmons presentation tonight. I do not think this is a wrong exception, I think it is a right exception based on many years of experience with this group. It is an exception but it doesn't break the rule. I also think that sometime in the future we ought to address some of these other issues that the Emmons raised about charging more for larger groups and perhaps requiring two officers if it gets too large. Those are separate issues from the issue in front of us this evening.

Councilor Thomas stated I disagree with the motion personally because we are setting a precedent that would allow other groups to come in and say why should we have to pay for police when certain other groups are able to get out of it. I feel it is important to have people there that have jurisdiction and the authority to make arrests and enforce the laws.

Mayor Thalsofer stated I favor the motion. The Shriners are responsible people. This is a family event. Considering the good work that they do and the fact that they have many police officers that attend this event, I don't think there are going to be any problems. If this becomes a problem then we will confront the problem.

Councilor Canfield stated the Shriners are obviously responsible and have been responsible for years. I am sure 95% of the people who use Troutdale facilities are responsible also. I still think that it is a greater risk to the City if we do not have a Troutdale police officer present. I respectfully disagree with those who are in favor of tradition, but I think one of the worse reasons in the world for doing anything is because that is the way we have always done it. There is definitely a greater risk even though 95% of the folks who use the facilities are responsible. I am going to vote against this.

Councilor Kyle stated I am also going to vote against this.

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

**Motion Passed 4 – 3 (Councilor Thomas, Councilor Canfield, and Councilor Kyle).**

**6. PUBLIC HEARING / RESOLUTION:** A Resolution conveying city property to Multnomah County for construction of a pedestrian bridge across Beaver Creek.

Mayor Thalhofer read the resolution title and opened the public hearing at 8:15pm.

Rich Faith, Community Development Director stated this resolution is being brought before you to allow Multnomah County to go forward with their bridge construction project of a new pedestrian bridge across Beaver Creek on the west side of Glenn Otto Community Park. State statute requires governing bodies to hold a public hearing when conveying public property and action must be by resolution. The existing bridge across Beaver Creek was part of the original construction of the Historic Columbia River Highway in 1915-1916. This bridge is aging and is in need of repair because of the structural deterioration. Originally the County was planning to demolish this bridge. They came before this Council in July of 2003 to express what their intentions were. At that time representatives of the Troutdale Historical Society testified in opposition to the plan to demolish the bridge because of its historical significance. On the basis of that the Council asked the County to look at other alternatives. The County did that and retained an engineering firm to analyze some of the various alternatives. In December the County presented those alternatives to you. Of the various alternatives that were studied the Council expressed its support for the alternative that involved restoring the existing bridge to its original construction and design and constructing a new pedestrian bridge parallel to the existing bridge that would be for the purpose of bicyclists and pedestrians. The County has completed the engineering work and is ready to proceed with construction but in order to do so it entails the need for some of the city owned property that is now part of Glenn Otto Park. The County has left it up to us to determine in what manner we want to convey interest in the property to them, by easement or ownership of the property. They need approximately 6,100 square feet of Glenn Otto Park property to construct the bridge and another 900 square feet of property for a maintenance easement in conjunction with the bridge construction that entails some bank stabilization work. Our City Attorney has prepared a Fee Simple Determinable Road Deed to perfect this property conveyance. A fee simple determinable deed conveys ownership to another party as long as that party uses that property for the purposes specified in the document. In this particular case that means after we approve this deed, convey the property, if for some reason the County is unable to carry out the project then the property automatically reverts back to us. Staff recommends adoption of the resolution.

Councilor Daoust asked the easement just covers the bridge right? What about the sidewalks connecting the bicycle and pedestrian bridge, do they need an easement for reconstructing the sidewalk?

Rich Faith replied there will not be sidewalks as part of the road construction.

Councilor Daoust stated but they will be building a new bicycle and pedestrian bridge.

Rich Faith replied correct.

Councilor Daoust stated and there will be sidewalks that connect that bridge that are not existing now, right?

Rich Faith replied I don't know the answer to that. Maybe Patrick Hinds from the County can answer that.

Patrick Hinds, Multnomah County Transportation, stated I believe that the park already has sidewalks in front of it and the bridge has a sidewalk on the south side. I don't know if you have seen what our plan looks like for this project but we have an area where we intend to feather in the elevation from the bike and pedestrian bridge into the parking lot area. We will probably be removing two or three parking places in the park adjacent to the outflow from the pedestrian bridge. There is an existing entrance in and out of the park in the vicinity on the westerly side of the park, that will remain open. The idea is that pedestrians and bikers can go into the park or continue easterly on Historic Columbia River Highway.

Councilor Daoust asked is all of that work covered under this deed?

Patrick Hinds replied the area of the bridge and the feathering at both ends on the city property is covered by this deed. The project continues westerly approximately 500' with sidewalks and street trees and other improvements.

Councilor Kyle asked when will the sidewalks further westerly be tied in with the street trees?

Patrick Hines replied our plan calls for the sidewalk and then the street trees right behind the sidewalk.

Councilor Kyle asked will that be done all at the same time?

Patrick Hines replied yes, it is all one project.

**MOTION: Councilor Ripma moved to adopt the resolution conveying city property to Multnomah County for construction of a pedestrian bridge across Beaver Creek. Seconded by Councilor Thomas.**

**Councilor Ripma stated this is part of a very good project to save a historic bridge. We appreciate the County's cooperation in working with the City on this project.**

**Councilor Thomas stated this removes a serious safety factor with the existing Beaver Creek Bridge as far as pedestrian and bicyclists access across that bridge. I think it will be a nice amenity for the City.**

**Councilor Daoust stated this is a good project. We get a lot of bicyclists coming through town heading east and west. This will help the bicycle traffic.**

**Councilor Gorsek stated I agree and I support the motion.**

**Mayor Thalhofer stated I am a tough sell on whether or not that bridge is historic. I am not sure that it is but I am going to support the motion.**

**Councilor Canfield stated I kind agree with the Mayor. It is such a tiny bridge. That bike trail is really tricky when you are going across right now and I do appreciate the County's cooperation in fixing this in a way that will keep the bridge historic.**

**Councilor Kyle stated I am going to support this because that bridge gets a lot of joggers and bikers going across it.**

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

**Motion Passed Unanimously.**

**7. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance adopting a new Section 2.08.245 of the Troutdale Municipal Code approving budgeted stipends for the Mayor.

Mayor Thalhofer opened the public hearing at 8:30pm and read the ordinance title.

Kathy Leader, Finance Director stated this ordinance will authorize the city to provide the Mayor with a stipend when there is authority through the adopted budget. This issue came up during the budget committee meetings in recognition of the extensive amount of time that the Mayor spends in his duties with the City as a way to compensate the Mayor for his lost wages due to the time commitment to the City. During the adopted budget process there was approval of a \$6,000 stipend for the Mayor for Fiscal Year 2005-06.

Councilor Canfield stated this stipend was shoveled at light speed through the budget committee with virtually no discussion. Can you give me some background of how this came to be?

Kathleen Leader stated I am new to the city but I know that at one point the Mayor did receive a stipend and it was included in the language in the Municipal Code. I am not sure at what point that was removed by the council and new language was added only allowing reimbursement of expenses for council members. This proposed change is a result of a recommendation by a budget committee member; it was not included in the proposed budget. It was discussed at the budget committee and a majority of the members agreed to include the \$6,000 stipend for the Mayor.

Councilor Canfield stated if I could ask the committee member that made this proposal how this came about I would feel a lot more comfortable about it.

Councilor Thomas stated I brought this issue up at the budget committee. After working with the Mayor for the last two years, and also understanding that at one time he did receive a stipend, I have seen the amount of hours that he puts in to support the city at the risk of his own wellbeing as far as his ability to earn money in his chosen profession. He spends a lot of time during the day attending meetings so I felt it was necessary to try and compensate the Mayor for some of the time that he puts into supporting the city.

Councilor Kyle stated under fiscal impacts in your report, could you explain item B to me.

Kathleen Leader stated the way the ordinance is drafted the amount of the stipend for the Mayor would be established during the budget process each year.

Councilor Daoust asked so this is a yearly thing?

Kathleen Leader stated my assumption would be that each year we would include the stipend in the proposed budget and it would up to the budget committee and council to evaluate it each year.

Councilor Kyle asked when was the previous stipend discontinued?

Mayor Thalhoffer replied January 1, 2001. It had been in existence since 1969.

Councilor Kyle asked why was it discontinued?

Mayor Thalhoffer stated some of the budget committee members felt that no elected official should be compensated.

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

No testimony received.

Mayor Thalhoffer closed the public hearing at 8:35 and stated this is the first public hearing on this ordinance. A second public hearing will take place on July 12, 2005.

Mayor Thalhoffer called for a break at 8:35pm and reconvened the meeting at 8:50pm.

**8. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance amending Chapter 2.20 of the Troutdale Municipal Code, Committees and Commissions, adding a Public Safety Advisory Committee.

Mayor Thalhoffer opened the public hearing at 8:50pm and read the ordinance title.

Chief Nelson stated as you may recall back on February 22, 2005 during a work session myself and Mike Goss, a resident of Troutdale, presented the idea of creating a public safety

advisory committee. At the May 10, 2005 Council meeting I presented a staff report that outlined what this committee would look like. This ordinance is an attempt to capture all of the ideas that we have been discussing the last few months. The proposed committee membership would include one resident who is a business owner, one resident from the faith community, one representative from a multi-family housing community, one member from the Reynolds School District, one high school or college student, and three at-large members. One of the committee members would serve as the chair of the committee and one would serve as a co-chair in the absence of the chair. The Municipal Code, Section 2.20.010 (A)(5) would be amended to include the Public Safety Advisory Committee. This language would include: the membership of the committee; that the City Council will make the appointments to the committee; the term of the committee members will be 4 years with the high school or college student term being 2 years. Section 2.20.120 would be added to include: what the committee charge would be; requirements of when the committee will meet; formation of the committee; and duties of the committee.

Councilor Daoust asked with regard to the membership of the committee, you list one member from Reynolds School District, you could interpret that as anybody that lives within the Reynolds School District or you could interpret it that they have to be working for the Reynolds School District. I assume you meant an employee of the school district.

Chief Nelson replied that is correct.

Councilor Daoust stated that is unclear.

Chief Nelson suggested changing that language to an employee of the Reynolds School District.

Councilor Daoust stated that would work. When we list one member being a student, do we also want the student to live in Troutdale?

Chief Nelson replied all of the positions would require them to live in Troutdale which was the direction I received from the Council at the May 10<sup>th</sup> meeting.

Councilor Thomas asked how did you come up with 4-year terms?

Chief Nelson replied I thought that was what we reached consensus on the last time we met.

Mayor Thalhoffer stated I have a hard time with an 8-member committee.

Councilor Kyle stated I missed the May 10<sup>th</sup> meeting, I remember from the work session that you had some hesitation about this, are you comfortable with this proposal?

Chief Nelson replied yes.

Mayor Thalhoffer asked is there anyone here who would like to testify regarding this issue?

No testimony received.

Mayor Thalhofer closed the public hearing at 8:58pm and stated this is the first public hearing on this ordinance. A second public hearing will take place on July 12, 2005.

**9. PUBLIC HEARING / ORDINANCE (Introduced 6/14/05):** An Ordinance amending Chapter 12.10 of the Troutdale Municipal Code by renumbering it and reassigning staff responsibility for solid waste.

Mayor Thalhofer opened the public hearing at 8:58pm and read the ordinance title.

Jim Galloway stated this is the second hearing of a proposed ordinance that is a housekeeping measure. As you are aware the solid waste and recycling responsibilities for a number of years has resided in the Public Works Department. During the budget process this year staff brought forward a recommendation to reassign that responsibility to the Community Development Department. The proposed budget was prepared that way, the budget committee approved it, and Council adopted the budget with that provision included. The changes that we are proposing today would simply implement that.

Council had no questions.

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

No public testimony received.

Mayor Thalhofer closed the public hearing at 9:00pm.

**MOTION: Councilor Thomas moved to adopt the ordinance amending Chapter 12.10 of the Troutdale Municipal Code by renumbering it and reassigning staff responsibility for solid waste. Seconded by Councilor Gorsek.**

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

**Motion Passed Unanimously.**

**10. MOTION: A motion casting Troutdale's vote for a Representative and Alternate to serve on JPACT (Joint Policy Advisory Committee on Transportation). The nominees from the 4 Cities Meeting held on June 16<sup>th</sup> are: Paul Thalhofer and Charles Becker.**

**MOTION: Councilor Ripma moved that the city vote for Paul Thalhofer as the representative on JPACT and Charles Becker as the alternate. Seconded by Councilor Gorsek. Motion passed 7-0.**



**Councilor Ripma stated we discussed this at a work session and at the 4 Cities meeting and I just decided to vote for the best man for the job.**

**Councilor Gorsek agreed with Councilor Ripma.**

**Councilor Daoust asked don't we alternate with Gresham?**

**Mayor Thalhofer stated Gresham had the position of representative for a number of years and we had the alternate. It was time for someone else from the smaller cities to take over. We had been alternating with the City of Gresham and the three smaller cities for the position of representative. The councilor from Fairview that was elected as the JPACT representative had a conflict with his business and was unable to make meetings. The alternate, Councilor Shields from Gresham, had to attend the meetings. The three small cities feel like it is still our turn because we did not have a full term as representative. It is a very important position and we need someone there who will take it seriously and spend the time that it takes.**

**Councilor Daoust asked do the other two small cities agree that it is still our turn?**

**Mayor Thalhofer replied yes.**

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

**Motion Passed Unanimously.**

## **11. STAFF COMMUNICATIONS**

Rich Faith stated there were some comments made at the Business Summit last Tuesday about the impacts of some proposed changes to the Development Code and how that specifically affects some properties. The proposed amendments have been under review by the Citizens Advisory Committee (CAC) going back to the end of last year. Internally we have been working on the amendments for well over a year. There have been a number of citizens attending the CAC meetings. The CAC has approved the amendments and they are being forwarded to the Planning Commission (PC). The PC will be holding a work session on June 29<sup>th</sup> at 7pm and they will hold the first public hearing at their regular meeting on July 20<sup>th</sup>. Notices have been sent to property owners within the Town Center area.

John Anderson stated a 4 Cities meeting has been scheduled for July 21<sup>st</sup> at 6pm at Gresham City Hall to discuss the proposal by the City of Portland to purchase PGE.

John Anderson stated we have hired a new part-time Human Resources Manager, Terry Pinnell.

## **12. COUNCIL COMMUNICATIONS**

Mayor Thalhoffer stated the Troutdale Business Summit that was held last Tuesday night was a success and there was a good turnout. We heard some concerns and some issues were brought up which we will be addressing. I want to thank the staff members for attending and helping out. I want to assure the planning staff that we have a great deal of confidence in them and we appreciate their hard work.

Mayor Thalhoffer stated unbeknownst to Multnomah County, Troutdale, Fairview or Wood Village, the City of Gresham, who has been negotiating with Multnomah County for the transfer of County roads to the City of Gresham, has asked for amendments (gut-and stuffing) to HB 2908 which is the transportation bill. There has been a first hearing on HB 2908 which we didn't know was happening. After the Mayors of three small cities submitted letters to Speaker Minnis, Senator Laurie Monnes Anderson and Representatives Krieger, Barker, Smith, Flores and MacPherson, Speaker Minnis called a meeting of all the Mayors and Multnomah County officials yesterday. Speaker Minnis now needs to make a decision on what position she will take. Our main concern is that we want to make sure that Multnomah County has enough critical mass left in their Transportation Division to serve our needs, as they currently do, after the transfer of roads to Gresham. Speaker Minnis assured us that if she does anything to help Gresham with this situation that the three small cities will not be harmed. As soon as she makes her decision she will call us.

Mayor Thalhoffer stated the Ad-Hoc Fire Service Committee will be meeting Thursday at 3pm to consider Gresham's response to our proposal. If we come to an agreement we will be bringing the recommendation to our respective councils in July.

Councilor Canfield reminded everyone to mark their calendars for SummerFest on July 16<sup>th</sup>. There will be a parade and a lot of fun games.

Councilor Kyle stated there is a lot of entertainment planned for this years SummerFest at Glenn Otto Park. This is a family oriented event and there are a lot of kids activities planned. There will also be a street dance in downtown at Mayors Square.

Councilor Kyle stated I was overwhelmed at the negative responses received on the Business Summit survey regarding the quality of water. We are going to be addressing all of the issues that were raised at the meeting, however, I am requesting that the Council address the water quality issue first.

Councilor Kyle stated we received a letter from Mary Sessions regarding yard sales in Sandee Palisades. Do we have anything that addresses her concerns in our ordinances?

Rich Faith replied yard sales are exempt from obtaining a business license and are exempt from sign permits, however, there are restrictions as to the number of signs, the size of signs and the placement of signs. The only difference between this event and other yard sales is that in the past they have requested permission to put up large banners to

announce the event. Normally a yard sale is restricted to signs that are no more than six square feet in size, but because of the nature of this event and the fact that they raise money for charitable purposes we have recognized it as a special event under our definition which entitles them to additional signage. We don't have any other regulations that relate to yard sales.

**13. ADJOURNMENT:**

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

Meeting adjourned at 9:35pm.

**Paul Thalhofer, Mayor**

**Approved October 11, 2005**

**ATTEST:**

**Debbie Stickney, City Recorder**