

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

Tuesday, November 18, 2003

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

Mayor Thalhofer called the meeting to order at 7:01pm

PRESENT: Mayor Thalhofer, Councilor Gorsek, Councilor Ripma, Councilor Thomas, Councilor Kight and Councilor Kyle.

ABSENT: Councilor Daoust (excused).

STAFF: Jim Galloway, Interim City Administrator; Rich Faith, Community Development Director; Marnie Allen, City Attorney and Debbie Stickney, City Recorder.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Galloway replied we have no changes this evening.

2. CONSENT AGENDA:

2.1 Accept Minutes: September 16, 2003 Work Session, September 23, 2003 Regular Meeting and October 14, 2003 Regular Meeting.

MOTION: Councilor Thomas moved to accept the consent agenda. Seconded by Councilor Kight. Motion passed unanimously.

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

Lorne Mitchell stated that he has asked Waste Management if they would please re-chain his garbage can back to the tree after they have emptied it to keep the wind from blowing it down the road, they replied that is a contract issue. Lorne asked the City if they would look into that.

Jim Galloway, Interim City Administrator replied he would look into the issue.

Lorne Mitchell stated that I want to thank Jim Galloway for allowing Travis Hultin to keep an eye out on the county construction work on Hensley Road at the end of 12th Street. I realize

this is a county road and Troutdale has no jurisdiction over it, but I appreciate the way Travis kept an eye on the project. I would also support removing 262nd from the street sign; it has always been Hensley Road.

4. PROCLAMATION: National GIS Day.

Mayor Thalhofer read the proclamation.

5. MOTION: A Motion approving the sewage treatment plant redevelopment concept plan prepared by Thompson, Vaivoda & Associates Architects, Inc.

Rich Faith, Community Development Director stated in 2000 we secured a transportation growth management grant from the State of Oregon to help us look into redevelopment of the former sewage treatment plant site. We engaged with a consulting firm to assist us and we began a fairly extensive public participation process to gather comments about the best way to approach redevelopment of this site. That all culminated in a series of options or alternatives that were looked at and were taken to the planning commission. The planning commission conducted their hearing in July 2001 and forwarded a preferred option to the Council for consideration. The Council conducted public hearings in August and September of 2001 but took no action on the recommended plan. That was followed up with a work session in October 2001 where we looked at the requirements of the Town Center Overlay District and how those impacted the preferred option and some of the recommended layouts for the development of the site. The Council, in their goal setting session this year, felt it was time to resurrect this and move on with this project. We obtained another design firm, Thompson, Vaivoda & Associates to work from where we left off in 2001 and provide us with some new designs. That resulted in the concept plan that is in front of you this evening. The architect presented this to you at a work session on October 21st and from all indications it appeared that the council was receptive and impressed with the work they had done. We felt it was necessary to get some formal action from the council so we are clear on the direction.

Councilor Ripma asked the approval that you are asking for is that our official stamp of approval on this as a concept and allows you to meet with developers, is that correct?

Rich Faith replied yes.

Councilor Kight asked do we have any perspective developers?

Rich Faith stated I believe that Erik Kvarsten has spoke with a couple of perspective developers.

MOTION: Councilor Ripma moved to approve the master plan concept as presented and to direct staff to proceed with discussions with prospective

developers to determine a strategy and a process for redeveloping the site consistent with the master plan concept. Seconded by Councilor Kight.

Councilor Ripma stated I think this is an excellent plan and if we can figure out some way to accomplish it, I am all for it.

Councilor Kight stated this is the direction that the city has needed to take for some time. This provides direction so that we can sit down with developers and they will have a concept and direction on what we are trying to accomplish.

Councilor Thomas stated this takes a lot of the ideas of the original concept, which had some challenges. I think this really cleans up a lot of the issues and it will be a win win situation for everyone involved.

Mayor Thalhoffer stated this is a scaled down version of what we were going to do with the urban renewal. This is just one piece of that and I hope we can accomplish this with developers coming forth. I think this is a great idea and I think it will work. I am excited about this.

Councilor Gorsek stated I was impressed during the previous presentation with all of the ideas and concerns that they had worked on in terms of the wind, riverfront, sustainable buildings and all of the environmental aspects. I think this is a really good plan.

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

Terry Smoke stated I own the Troutdale General Store. My fear of this concept is if the intermodal railroad system that is being proposed on the ALCOA property, gets developed it would hurt this development with its noise and the damage from debris that is kicked up from the railroad. I clean my filter system on the roof once a month from the railroads that are currently here. I really enjoy what is here right now because it is part of our atmosphere that we have in Troutdale. The fact that Metro wants to designate that area as a significant industrial area, I believe that vote is coming up soon, I don't know what this council can do to block that but I don't like the way that Metro is tying to the Port to make this happen. It is a fear of mine that it will hurt this concept.

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

Motion passed 6-0.

6. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Chapter 2.48 of the Troutdale Municipal Code regarding Elections.

Mayor Thalhofler read the ordinance title and opened the public hearing at 7:22pm.

Debbie Stickney, City Recorder stated the majority of the amendments to the elections chapter of the Troutdale Municipal Code are being proposed to allow us to follow the procedures set forth in the Oregon Revised Statutes, which contains election provisions that apply to city elections. The amendments being proposed for the candidate election process will change the filing period for candidates from 15 days to approximately 90 days. There will be no change to the filing method for candidates; it will remain by petition only signed by not fewer than 25 registered voters. The remaining process will follow state law. The amendments being proposed for the initiative and referendum process will change the filing period for a referendum petition to be filed from 60 days after the council enacts a measure to 30 days, which is consistent with the state election law. Additionally we are proposing that we add language to our code that specifies when a measure can be placed on a ballot, which is contained in Section 2.48.050 of the proposed ordinance.

Councilor Gorsek asked is there no intention of changing from the 25 required signatures for candidates to a larger number? When was the 25 signatures enacted?

Stickney replied that has been in the code since 1982.

Councilor Gorsek is there no desire on the council's part to raise the number to reflect the increase in population since 1982?

Mayor Thalhofler stated that was discussed at the work session and it was decided to leave it at 25.

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

Roman York stated I don't think that the change should be made from 60 days to 30 days for filing a referendum petition. There is a lot of paper work and a lot of times these activities are undertaken by people who work 8-5 and they are doing this on a volunteer basis in their spare time. Under the definition of completed petition it says you need 100% of the signatures required for verification. 100% of what? I think that number should be included in this.

Debbie Stickney replied that the State Law outlines the requirements for signatures for initiative and referendum petitions to be 10% and 15% of the registered voters. Since the number of registered voters constantly changes we could not put an exact number in the code.

Roman York asked could you cross reference the state law in the definition in the code.

Debbie Stickney stated we will add a cross reference to the definition.

Mayor Thalhofler closed the public hearing at 7:35pm and stated that the second public hearing will be held on December 9th.

7. PUBLIC HEARING / ORDINANCE (Introduced 10/28/03): An Ordinance pertaining to public works services and amending Title 12 of the Troutdale Municipal Code.

Mayor Thalhoffer read the ordinance title and opened the public hearing at 7:37pm.

Councilor Kight declared a potential conflict of interest. In section 12.02.020 it calls for an amendment where the property owner would be responsible for paying the sewer and water utility bill for tenants. Since I have rental property in Troutdale I will not be voting on this since I believe this would be a conflict of interest.

Councilor Kight stepped down and did not participate.

Jim Galloway, Public Works Director stated we have numerous changes being proposed for Title 12 of the Municipal Code. Most are of a housekeeping nature. At the first hearing I addressed each of the proposed changes. Tonight I will highlight those that I think are more substantive. Section 12.01.070 we are amending to make it a violation of the code for non-payment of utility bills and also for non-compliance with the terms and conditions of a public works permit. Section 12.01.080 provides for penalties for those violations. Sections 12.03.055, 12.04.055 and 12.06.055 we are requiring someone to submit a written request to initiate utility service and to provide for a deposit, however that would not go into effect until at some future date that the council would enact a resolution establishing the amount of the deposit. At the last meeting I believe the question was asked as to how someone would obtain that form to apply for utility service, I have spoken with the finance director and that form would be made available in a variety of ways including picking it up at city hall, call city hall and we could mail or fax the form to them or they could download it from the web page. I believe those are the items that are of significance.

Mayor Thalhoffer asked is it necessary to make failure to pay within 30 days a crime?

Jim Galloway replied this is certainly not a tool that we would intend to use for every resident who falls behind in making a utility payment. We see the principle object of this particular tool applying to the apartment complex owner. Typically if someone does not pay their bill we do a variety of things. One is to put a lien on the property. If the apartment owner doesn't intend to sell the property for some time the lien may not be much of a tool to use. If it is an individual family residence and they don't pay for a particular period of time, we can shut off the water. Again, that is not necessarily the right course of action to take for an apartment complex where you have several tenants who may have paid their water bill via the rent and it is perhaps the apartment owner who is failing to pass on a portion of that to the city for the utility bill. So we are looking for one more tool and we envision that the most likely candidate to use that tool on would be in the scenario that I just outlined. We don't see that as the tool for the average residential occupant who falls behind in their utility bill.

Mayor Thalhoffer stated you explained it and I don't like it.

Councilor Kyle stated I am uncomfortable with this whole thing. Number one because I had my water shut off and the bill was mailed to a bad address the second time and I think someone should have hung something on my door. I am still confused about this account holder. The way I would interpret this it would say that the account holder is responsible for the bill although it may be a tenant. Is there clarity there that if the tenant doesn't pay then the second account holder would be the owner? It seems like we had a lot of testimony when we heard this before about this issue.

Jim Galloway replied I believe it is. We view the account holder as generally the person who applies for the utility service. I think as we work with this process where folks make a written application and sign their name, we will get a better handle on who those folks generally are. We have added however, that if the account holder does not pay that we can come back upon the property owner, which I believe is already a provision allowed by state law.

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 7:46pm.

MOTION: Councilor Ripma moved to adopt the ordinance. Seconded by Councilor Thomas.

Councilor Ripma stated I would like to invite staff to once again state the reason and what problem is solved by making failure to pay the utility bill within 30 days after the end of the billing month unlawful.

Jim Galloway replied the situation where I would see that most likely to be used would be a situation where you have an apartment owner who has not paid the utility bill. Putting a lien on the property is a tool we have to work with but if the owner is not planning to sell the property in the near future putting a lien on the property may not do anything to get their attention. The next tool we would typically use for a single-family residence could be turning off the water service. Again, for an apartment complex with a number of tenants that may not be a fair thing to do because quite likely they have paid their utility bill via their rent and it is the apartment owner who has not passed on that portion to the city to pay for the utilities. It gives us one more tool to bring that particular party into municipal court and try to convince them to make restitution.

Marnie Allen, City Attorney stated frequently what happens is that the tenant moves out so there is no tenant for the property owner to look to for reimbursement and they are not always very motivated to try to bring the debt current with the city. A lien and foreclosure procedure is probably cost prohibitive in terms of the city trying to collect an unpaid balance. Shutting off the water to an apartment complex really isn't an option so this seemed to be about the only option left to try and recoup the cost the city has incurred in those limited situations.

Councilor Ripma stated since this seems to be the issue that has been raised in discussion. I believe that the city staff has fully justified this provision making it an offense not to pay your utility bill. First, you should pay your utility bills. Most all citizens do. I firmly believe that our staff is not going to abuse this power. It would be used in cases where we have no remedy that is effective to collect a delinquent utility bill. I think it is like any other enforcement mechanism; the city has to have the ability to go and collect on delinquent utility bills from the owner if necessary. Therefore, I favor the proposed changes.

Councilor Thomas stated I think it is important that the city have another tool that they can use. I have faith in city staff that this would only be used when it is absolutely necessary. It appears, based on discussions in the past, that some of the other options just don't pan out in the end. We need to not only help protect the owners but also give us the tools to help keep the rates down and keep the utility bills paid.

Mayor Thalsofer stated I think the punitive measure in this is unnecessary. If you are not going to use it very much, then why even have it? I think we can collect most of the water bills in a timely process, which we do now. This says if your water bill isn't paid within 30 days after the billing it is an offense and I guess then they can cite you into court. This just rubs me the wrong way and I don't think we should do it.

Councilor Kyle stated I also have an issue with this penalty statement. Although our current staff may not use this, if we put it into law will a future staff use it?

Councilor Gorsek stated I would concur with Councilor Kyle and Mayor Thalsofer. It does seem excessive. In section 12.01.080(b) it says, "in addition to the specific remedies stated elsewhere in the code, any person found guilty of violating any provision of Title 12 of the Code shall be subject to a penalty not to exceed \$1,000 per violation. Each day in which the unlawful act is caused or permitted shall be a violation." I don't have a problem fining somebody on a day-to-day basis but I think \$1,000 is pretty high. I would like to see that lower.

Councilor Ripma stated if the objection was the size of the penalty or the length of time, perhaps it could be extended to 60 days after the end of the billing period, I would agree to that and we could lower the maximum penalty to \$100 a day. Would that help?

Mayor Thalsofer replied no.

Councilor Kyle stated the period of time is not my problem; it is the penalty.

Councilor Ripma stated the reason you have a statute that you are not going to use very often is to encourage people to follow the rules and pay their bills on time, which most people do. It is truly unfair to those who do pay on-time that there isn't some

penalty for failing to pay. We really don't have any way to collect until the property is sold now.

Mayor Thalhofler stated we have another mechanism, which is requiring a deposit.

Councilor Ripma asked is that in this ordinance?

Mayor Thalhofler replied no, but the option to require deposits is. We would have to address that at a later time if we decide that deposits are necessary. I might be interested in a deposit, not right now but I might be later if it looks like we still have a problem. I am definitely not interested in this penalty under any circumstances.

Councilor Gorsek stated I worry about the criminalizing aspect of not paying a water bill. I know it wouldn't be used very often and I certainly have the faith of our staff to do the right thing, but the precedent and the fact that we might not all be here and someone else can use this tool is something that I would be concerned about.

Councilor Ripma asked the City Attorney, if it wasn't made unlawful to fail to pay with the prospect of a fine, could we still go and get a civil judgment? Is there some way to structure it so that a civil judgment could be obtained for the delinquent amount plus costs?

Marnie Allen, City Attorney replied the option that comes to mind for me is the city would have a contract claim, if they have now assigned the account holder and/or property holder accountable. You would have to bring a civil lawsuit to circuit court to try and recover. Let me clarify, this does leave open the option for a \$1,000 penalty, but typically the distinction between something that is criminal and something that is not is sending someone to jail and this does not include the option of sending someone to jail so it is not technically criminal.

Councilor Gorsek asked if we say we are going to cite someone for failure to appear, isn't that going into the criminal realm?

Marnie Allen replied we only cite them for fail to appear after we have issued and served a citation to appear in court. Fail to appear is a separate criminal offense.

Councilor Gorsek stated I agree but what I am saying is it still has the effect of criminalizing the water bill.

Marnie Allen replied no, it only has the affect of subjecting someone to a fine. What criminalizes this is if someone doesn't respond to a citation to appear in court.

Councilor Gorsek stated that is my point, do we want criminalize somebody for not appearing for a water bill issue. I am saying that I am uncomfortable with that aspect.

Marnie Allen asked so you wouldn't want the court to issue a warrant for failing to appear on a citation.

Councilor Gorsek replied no.

Marnie Allen stated we could propose some language to address that if you want the option to impose a civil penalty but not the option to cite someone for failing to appear and issue a warrant for failure to appear. In fact I don't believe that the municipal court issues warrants for failing to appear on non-criminal matters.

Councilor Ripma asked the procedure that you outlined for obtaining a civil judgment for non-payment of a water bill, is that as cumbersome as the lien recovery?

Marnie Allen replied I think so.

Councilor Ripma agreed.

Marnie Allen stated maybe another option would be in paragraph B where we impose the \$1,000 fine we say guilty of violating any provision of Title 12 shall be subject to a \$1,000 fine. We could change that language so that you are not being assessed \$1,000 fine if you violate it, but instead add a new section so it would be any provision of Title 12 except 12.01.070(e) and then add a new section that says anyone who violates 12.01.070(e) and doesn't pay their bill on time may be cited into municipal court and the Judge may order them to pay the bill and any costs the city incurred to cite them into court.

Councilor Ripma asked what is wrong with that?

Mayor Thalsofer stated I don't like it. I don't like the penalty part.

Councilor Ripma stated that is not a penalty.

Mayor Thalsofer replied yes it is.

Councilor Thomas asked how else do you propose that we collect the delinquent bills?

Mayor Thalsofer replied we have all kinds of ways to collect the water bill.

Councilor Ripma asked how?

Mayor Thalsofer replied read the ordinance. We send out bills and people pay the bills. We have some that don't pay and we have ways to collect.

Councilor Ripma stated liens are the only remedy right now.

Mayor Thalsofer asked why are we talking about a penalty? I don't see where a penalty is warranted. No matter how you tweak it, it is still a penalty and I think it is unnecessary. Before I would go there I would talk about deposits, but I am not ready to do that yet. Why don't we wait and see how this new ordinance works first. Penalties are for the criminal code and they shouldn't be in this kind of an ordinance in my opinion.

Councilor Kyle stated I am thinking that because we made a language change, it use to be that the tenant was responsible and now if the tenant doesn't pay there is also another account holder so that is one more step that we didn't have before.

Councilor Ripma stated the responsibility was always with the property owner in the end. If the property owner didn't pay then we put a lien on the property. That is the way it is now, so that is not a change.

Councilor Gorsek stated I thought that the issue we heard in the testimony we received was that fell under the ORS and that they didn't recognize the ORS's as having the authority and now we are saying it is city ordinance and we do have that authority. Isn't that the change?

Jim Galloway replied it is a clarification. Under state law we had that authority in the past.

MOTION WITHDRAWN: Councilor Ripma withdrew his motion and suggested that staff revise the ordinance to remove the penalty.

Jim Galloway stated if you move to adopt the ordinance striking section 12.01.070(e) that would remove the penalty and violation to not pay the utility bill.

MOTION: Councilor Ripma moved to adopt the ordinance deleting Section 12.01.070(e). Seconded by Councilor Thomas.

Councilor Gorsek stated I still don't like Section 12.01.080 in terms of the \$1,000 a day. I would like that figure reduced. Other than that I am fine with it.

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

Motion passed 5-0.

8. PUBLIC HEARING / ORDINANCE (Introduced 10/28/03): An Ordinance renaming NE Hensley Road as SW Hensley Road and renaming NE 262nd as SW Hensley Road.

Mayor Thalsofer read the ordinance title and opened the public hearing at 8:10pm.

Jim Galloway reviewed the staff report contained in the packet.

Council had no questions.

No public testimony received.

Mayor Thalsofer closed the public hearing at 8:13pm.

MOTION: Councilor Thomas moved to adopt the ordinance renaming NE Hensley Road as SW Hensley Road and renaming NE 262nd as SW Hensley Road. Seconded by Councilor Kight.

VOTE: Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Kight – Yes; Councilor Kyle – Yes; Councilor Gorsek – Yes.

Motion passed 6-0.

9. RESOLUTION: A Resolution accepting the Columbia-Cascade River District Vision as a guide in that area's future development.

Mayor Thalsofer read the resolution title and stated that the Columbia-Cascade River District Vision has been a vision put together by the East Metro Economic Alliance. In my opinion, and in the opinion of some others, what the Port of Portland wants to do with regards to the intermodal railroad on the ALCOA site is inconsistent and incompatible with this vision. After we are through with this agenda item I would like to discuss a motion to oppose the Port of Portland's plan to build an intermodal railroad on the ALCOA site.

Councilor Ripma stated the vision is great. If the city were to adopt this vision, does that mean that we want to see development and that we somehow push for the development of the east side of the Sandy River, the 1000 acres in the Scenic Gorge area? That is one of the things mentioned in this vision. What would be the effect of this as far as the development areas outside of the cities?

Rich Faith, Community Development Director replied do you mean to the east of the Sandy River?

Councilor Ripma replied yes.

Rich Faith stated I noticed that in here as well and I am not sure myself what is anticipated because I don't recall that the full analysis that was done spelled out anything in particular that would occur on the east side. I think it is merely trying to emphasize that what makes this entire area that we are in what it is, is the fact that we are a gateway to the Historic Columbia River Gorge. We are strategically located in relation to the Columbia River Gorge and that to the extent that some kind of linkage perhaps or utilization of those features as part

of the overall vision could be captured. I don't know how realistic it is to be able to do anything on the east side of the river or not but it is something they are trying to explore as part of the overall vision.

Mayor Thalhoffer stated that is true. I think any effort to do anything on the east side of the river is dead on arrival because that is in the hands of the government.

Councilor Ripma stated the way it reads in Goal 1, as part of the tourism development area, it could be interpreted to mean that the physical land would be left alone but used in its natural state. That would be a fair interpretation.

Councilor Thomas stated it appears to me that in the Goal 1 statement that they were looking at the natural resources more to preserve them than to develop them and the subsections were to clarify what could be done on the Sandy River or the Columbia River, is that correct?

Rich Faith replied I think it speaks to more than that. In the Columbia Cascade River District, this study, there are extensive wetlands as well and I think it is recognizing the resource value of those wetlands and trying to incorporate those into whatever type of development would occur there.

Councilor Kight asked who ultimately has jurisdictional control over how that property is developed?

Rich Faith replied it is outside of the City of Troutdale, but it is within our urban planning area. We have an IGA with Multnomah County and they have given us the land use jurisdiction. The way they have done that is they have adopted our comprehensive plan and our zoning ordinances for those properties.

Council discussed the zoning of the ALCOA property and whether or not the Port of Portland's proposed intermodal railroad development could happen on that property.

Rich Faith outlined the steps, as he sees it, that we need to take if our intent is to try to make this vision a reality: First we adopt the vision along with asking Wood Village, Fairview and Gresham to also adopt the vision and agree that we like the concept behind this vision and that this is what we are going to strive for in the future. The next thing we have to do is somehow get recognition at Metro that this vision has merit and would be beneficial to the region as a whole and it would not be detrimental to the Metro 2040 Growth Concept or the Functional Plan. So we would have to demonstrate to Metro that taking this land out of its industrial designation, which it has now, and putting it into another designation such as employment, still fulfills the objectives of the 2040 Concept Plan. Metro would have to modify their Concept Map and their Title 4 Map, which specifically identifies industrial employment areas. The next step would be to change the zoning or do a master plan mixed use type of development through an overlay process. We need to get to the point where we have a full Master Plan done for the area and the Metro maps and the 2040 Concept Plan and everything else have all been modified to pave the way for us to do all of that. That is going to be a long process.

Councilor Kight asked would that nullify what the Port is trying to accomplish?

Rich Faith replied yes.

Councilor Kight asked what kind of timeframe are we looking at?

Rich Faith replied there is a short version and a long version. If we fail at the short version, which could be as soon as next spring then we would go into the long version, which would probably be a one to two year process. What I learned today is every year Metro modifies its 2040 Growth Concept Map to recognize errors in their mapping. Over the years jurisdictions have requested changes to the 2040 Growth Concept Map to reflect master plans they have adopted. If Metro is in agreement they will make the changes. We have the opportunity to submit a request for a change in the 2040 Growth Concept Map on the basis that our vision is not strictly industrial in nature and that the current industrial zoning and the industrial designation that occurred on the Metro map, as well as our own zoning, is no longer valid and needs to be changed. So we would ask them to modify their map in accordance with this vision and what we intend to do. They may disagree and not accept our arguments in which case we would have to go through a much longer process of actually seeking an exception to the Metro 2040 Growth Concept and Functional Plan.

Councilor Kyle stated there has been a lot of time and energy put into this plan and I like it.

Councilor Gorsek stated I also like the plan. Goal 1.5 states, "Recognize that Government, Lady, McGuire and Sand Islands are natural resources that may be useful to our development efforts either as viewing resources or other more active sites". Obviously I would want to be really careful with how active we made those sites. There are wildlife issues and a lot of other things and we wouldn't want to try and do any real substantial things out there, at least I would hope.

Councilor Ripma asked the designation of the industrial area in Troutdale as regionally significant industrial area by Metro, wouldn't that be incompatible with the vision?

Rich Faith replied absolutely. It creates an additional hurdle. If we are seeking a change in the map from industrial to employment, taking on the regionally significant industrial area makes it that much more difficult to present the arguments as to why what we want to do is not contrary or inconsistent with the whole regional plan because it adds another level of emphasis and importance to these lands as industrial.

MOTION: Councilor Ripma moved to adopt the Resolution. Seconded by Councilor Kight.

Councilor Ripma stated I hope that it is a statement of our wish to have this vision ultimately carried out. I hope it is interpreted as opposition, as it is intended by me at least, to the Port of Portland's proposed intermodal railroad and to the designation of

Troutdale's portion of this as regionally significant industrial area, which would make it far more difficult for us to carry this vision out.

Councilor Kight stated essentially we have to recognize that we are at the west end of the Scenic Columbia Gorge and I think we need to enhance what for years has been a piece of property that can now be converted from an industrial site (ALCOA) to something that could attract tourism, hotels, convention site and so on. It could also incorporate educational facilities. I would much rather see that kind of development than a switching yard for twelve trains a day. I can't even imagine the noise and additional traffic that would create.

Councilor Thomas stated I think this really dovetails well with what has been happening within the City of Troutdale and surrounding cities to enhance the draw to East County.

Mayor Thalsofer stated it has taken us a while to get to this point and now we need an action plan to implement this vision. This fits in well with our overall idea of putting a mixed-use development out here. The aluminum plant has been here for years. It was a great use at the time because it created a lot of family wage jobs and it was a real value to the community. Now it is abandoned and it is blight on our landscape. To replace that blight with another blight, such as an intermodal railroad, doesn't make any sense to me. We want to try and do something much more tasteful than an intermodal railroad.

VOTE: Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Kight – Yes; Councilor Kyle – Yes; Councilor Gorsek – Yes.

Motion passed 6-0.

Mayor Thalsofer proposed that the Council pass a motion to resist any effort by Metro to include the ALCOA site as a regionally significant industrial area.

MOTION: Councilor Ripma moved that the City of Troutdale resist any effort by Metro to include the ALCOA site as a regionally significant industrial area. Seconded by Councilor Thomas.

Councilor Ripma stated the proposal to include our area in the regionally significant industrial area, in fact the idea of designating regionally industrial areas came about in part to support the addition of new industrial lands in other places away from us. It is complicated like everything else with Metro but the idea that new land should be added near where development is sought in Washington County and other areas around the Metro perimeter should cause Metro to want to restrict what happens to our industrial land, our future and our tax base is simply outrageous. This would do lasting harm to Troutdale and I think it is a serious mistake for Metro to do that to us

particularly when it is for the benefit of property owners out in the more industrially developed areas in other parts of the region.

Councilor Thomas stated for me it doesn't make sense for us to designate that area as regionally significant industrial area. It takes away a lot of our flexibility of how that can be developed to best benefit Troutdale. As a city we should be able to determine how the property is developed that best suits our needs. It surprised me that the first plan didn't include the ALCOA property and then a week later a new map showed up that did include that property.

Mayor Thalhofer stated the Metro staff actually recommended that the ALCOA site not be included. I am going to trust the Metro Council to do the right thing. Rod Park is here tonight and I am sure he is hearing our arguments.

Councilor Gorsek stated I understand the whole issue of industrial land is a big and serious problem for Metro. At the same time, if we weren't turning the Pearl District into a really nice upscale place, there was a lot of nice industrial land that could have been used there but it has been converted for other uses. I can see both sides. I think we do need to consider things regionally, but at the same time we need to think about what is best for our city.

VOTE: Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Kight – Yes; Councilor Kyle – Yes; Councilor Gorsek – Yes.

Motion passed 6-0.

Mayor Thalhofer called for a break at 9:00pm and reconvened the meeting at 9:06pm.

Councilor Kight left the meeting at 9:00pm.

Mayor Thalhofer proposed that the Council pass a motion to oppose the Port of Portland's plan to put an intermodal railroad operation on the ALCOA site or anywhere in the Columbia-Cascade River District.

MOTION: Councilor Ripma moved that the City take an official position opposing the Port of Portland's plans for the ALCOA site for an intermodal railroad operation. Seconded by Mayor Thalhofer.

Councilor Ripma stated we have heard the Port's plan several times in detail. I think they have heard us say that we oppose that and that it conflicts with our future vision for the city. I think an official motion like this puts us on record in opposition. I think we should forward this to the Governor as well. The Governor appoints all members of the Port of Portland Commission and has more influence with them than anyone else.

Mayor Thalhofers stated Troutdale is going to be the most heavily impacted by the intermodal railroad. I far as I am concerned it will screw up that whole area. Initially they say there will be six trains a day operating twenty-four hours a day and they will eventually have twelve trains. Each train has one hundred and twenty cars with a container on it. If half of those had to be moved by truck you are talking about a whole lot of truck traffic. The roads can't handle the traffic we have now much less five hundred additional trucks. They haven't even talked about the truck traffic. This would be a total deterrent to anything related to the Columbia Cascade River District Vision.

Councilor Kyle stated obviously an intermodal railroad is not in my vision for that area. My biggest concern is do we have anybody organized to bring our citizens together to inform them? I don't know what an intermodal railroad looks like. I don't think it is too early to organize our citizens and gather up some information so we have some facts to fight with.

Mayor Thalhofers stated we are doing that. We are showing a big movement. At the League of Oregon Cities Conference I attended a session which included most of the environmental groups in the state and I got the names of all of the main groups that can help us in this fight against this intermodal railroad and I will be contacting them. It is going to be a huge effort for us to stop this. Did you have something specific in mind that you would like to have us do?

Councilor Kyle replied organize a citizens group. I have had a lot of conversations with citizens about this and they want to know what they can do to help because they do not support this.

Mayor Thalhofers stated your point is well taken and we need to do that, it is just a matter of getting organized.

Councilor Gorsek stated I think there are a lot of good reasons to be opposed to this but I think we need more information. One of the things that I have been somewhat bothered about, and I don't blame you Mayor, is that the four mayors know much more about this project and what is going on then the council. It would have been nice if the entire council could have toured the site like the mayors did. To some degree, just by circumstance, the council has been somewhat left out of the loop. I find that I don't have enough information to say yes or no on this motion right now. The other thing is as you look at the Columbia Cascade River District Plan, I don't know that an intermodal railroad is necessarily inconceivable with most of the tourist stuff in the vision. I also don't know if the Port of Portland would be willing to make the traffic changes that we would absolutely need. I also don't know if they could make the rail adjustments. For me it is too early to say no, and it is possible that the River District Plan is compatible with the intermodal railroad. I won't be able to support this motion at this time.

Councilor Thomas stated I think that one thing we need to be careful of is that, yes I am opposed to the intermodal railroad because it blocks out the whole Columbia River from anything, but at the same time we need to be willing and able to work with the Port of Portland just in case. On the same note as Councilor Kyle, we could put some information in the Champion newsletter to inform our citizens. I also have to agree with Councilor Gorsek with regards to being the last to find out what was going on, which concerns me.

Mayor Thalhoffer stated this was the first council to hear the Port's presentation.

Councilor Ripma stated the Port did come and explain the entire project to us and we had an opportunity to ask questions. I think it is clear what they want to do and to me it is quite clear that it is inconsistent with the vision we are looking at that involves tourism and other kinds of job creating entities. There is not a way to make a mile long loop of rail yards running 24-hours a day consistent with any kind of viable good development of the site for our future tax base. I am comfortable with supporting this motion now. We don't know everything. We do need citizen support for this position. I have not heard any citizen in Troutdale say they like this proposal; I have only heard opposition. I favor going forward now with passing this motion. We need to take a stand and also have information in the Champion and involve the public as much as possible.

Councilor Gorsek stated I disagree with that. I think what you are doing is throwing out a lot of ideas about how you feel, but it doesn't necessarily mean that it is accurate. To vote before you have all the information is putting the cart before the horse.

VOTE: Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhoffer – Yes; Councilor Kyle – Yes; Councilor Gorsek – No.

Motion passed 4-1.

Council directed staff to forward a letter to the Governor informing him of the City's position.

10. COUNCIL CONCERNS AND INITIATIVES:

Councilor Thomas congratulated the students at Reynolds High School for putting on an outstanding play.

Mayor Thalhoffer stated some of council attended the League of Oregon Cities Conference.

Mayor Thalhoffer encouraged all the councilors to attend next year's conference.

Councilor Kyle stated that the classes were exceptional at the conference.

Councilor Gorsek stated that the session on council and staff relations was very good. In regards to GIS Day, the map that was displayed this evening is a good example of what GIS can do for you. This week at Mt. Hood Community College we have student posters on geographic topics in the Social Sciences lobby if anyone would like to stop by and take a look.

Jim Galloway stated that Multnomah County will be presenting design options for either restoring, rehabilitating, or replacing Beaver Creek Bridge at a public meeting to be held at 7pm on Monday, December 1st in the City Conference Building at 223 Buxton. The County will present their findings to the City Council at the December 9th Council meeting.

11. ADJOURNMENT:

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

Meeting adjourned at 9:35pm.

Paul Thalhofer, Mayor

Approved February 24, 2004

ATTEST:

Debbie Stickney, City Recorder