

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

**March 26, 2002**

Mayor Thalhofers called the meeting to order at 7:01pm.

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

Mayor Thalhofers called on Councilor Thompson to lead the Pledge of Allegiance.

**PRESENT:** Ripma, Thompson, Thalhofers, Kight, Rabe and Daoust.

**ABSENT:** Smith (excused)

**STAFF:** Galloway, Kvarsten, Nelson, Allen and Grief.

**GUESTS:** See Attached List.

Mayor Thalhofers asked are there any agenda updates?

Kvarsten replied we have no updates Mr. Mayor.

**2. CONSENT AGENDA:**

**2.1 Accept Minutes: February 26, 2002 Regular meeting.**

**2.2 Resolution: A Resolution accepting the March 12, 2002 Special Election Results from the Director of Elections, Multnomah County, Oregon.**

**MOTION: Councilor Thompson moved to adopt the consent agenda. Seconded by Councilor Kight. Motion passed unanimously.**

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

Mayor Thalhofers asked is there anyone here that would like to speak to us on a non-agenda item?

Jack Hanna, Gresham City Councilor, stated I would like to share with you some of the activities that I have recently engaged in. I took a trip back to Washington D.C. to the National League of Cities Legislative Conference. The reason that I would like to share this information with you is because I took some information and requests from the City of Troutdale as well as information and requests from Gresham. As the Public Safety Liaison for the Gresham Council, my main directive was to the public safety meetings and lectures and that is where I spent most of my time. A lot of that was information on funding and grants

and money that will become available for emergency management services and antiterrorism tactics. In talking with the emergency management folks, one of the things I found out was that no matter what happens it is going to be your local police and your local fire departments that respond first. There are a number of regional agencies, your emergency management agencies, FEMA and they are quick to admit that it is going to be 24 to 48 hours before you see them put their feet on the ground. The burden to get a situation under control falls upon the local governments. The method that they talked about for funding is they would have grant funds available to the state to be administered down to the local governments. Which means the money would go to the state then to the county and then we would see what ever was left. The states are allowed to take twenty percent management fee. One of the requests that I took back with me was that the federal funding be changed to have it sent directly to, at least no higher than the county level to go to the local agencies because that is where the funding belongs and it is where the response is going to be. The reason I am bringing this back to you is because most of the response that we are going to have out here is going to be on a regional basis. If anything significant happens I don't think that Troutdale is going to jump on it and solve it right away and I don't think that Gresham is going to either. We are all going to be asking for help and wait until we get it. I took this back as a regional request and need and I think we got a regional response from the members of the congressional delegation that we talked to. I have provided you with a copy of the material that I took back with me (a copy is contained in the packet).

Gail Thurber stated now that Measure 26-27 has passed I want to verify that both 708 and 710 will be removed at Multnomah County and that a letter will be sent and we will receive notification when the letter is sent.

Marnie Allen, City Attorney, stated in your packet tonight there is a letter that we drafted to Multnomah County informing them of the election results and requesting that the plan that was filed not be implemented. I would be happy to provide a copy, at the Councils direction, to Mr. York and Ms. Thurber.

Mayor Thalhoffer replied would you please do that.

Gail Thurber stated on the Troutdale City URL it is still showing adopted ordinances 708 and 710. I am assuming that when this letter is sent that they will also be deleted from the web site. The web site shows ordinance 710, it also shows the Town Center Urban Renewal Plan and the report on the Town Center Urban Renewal Plan. We just want to verify that both 708 and 710 will be removed from the web site as well as recorded at Multnomah County.

Roman York stated the results of the election was 73 percent against the Urban Renewal Plan and that there should be a motion that both of these ordinances are null and void.

Mayor Thalhoffer stated the ordinance that was the subject of the vote for sure is null and void.

Allen stated Mayor, as you have stated that is correct. The effect of the referendum petition is to make the ordinance that was referred null and void. The ordinances will not show as being repealed unless the City Council, by ordinance, specifically repeals them. Just as an example, a law that is adopted by the State Legislature that is subsequently found to be

unconstitutional, referred to a vote, it is not removed from the statutes unless there is a subsequent action by the legislature to amend or repeal that statute. It would be up to the Council to decide if you would like staff to bring forward an ordinance repealing both of the ordinances.

Mayor Thalhoffer stated I think we should repeal both of them.

**4. MOTION: A Motion authorizing the City Administrator to enter into an Intergovernmental Agreement with Clark County, WA to provide joint law enforcement services.**

Mayor Thalhoffer called this item.

Chief Nelson stated I would like to make one correction, and that is that the Mayor would be entering into this agreement not the City Administrator. This request is for the Mayor to enter into an intergovernmental agreement with the Troutdale Police Department and Clark County Sheriff's Office. The purpose of this is to allow some joint law enforcement services in the event of a critical incident or if the need arises to allow the Clark County Sheriff's Office to come into the City of Troutdale or for us to go into their jurisdiction. There are four primary areas of the agreement, critical incident being one. The second issue gives us the authority to enter into the State of Washington and enforce laws in that jurisdiction. The third is to go in and do criminal and administrative investigations. This will allow us to work together. I don't see this happening very often; primarily it will be on the criminal investigations. The Mayor asked me a question earlier this evening regarding real estate, on page 19 in section 6. That is not going to occur with the City of Troutdale. We are not going to enter into any kind of partnership with Clark County where we would be building buildings. This IGA encompasses many organizations in the State of Washington and Oregon.

Councilor Kight asked is there going to be any exchange of assets between these different agencies?

Chief Nelson replied no, just personnel.

Councilor Kight asked if people are injured, would we have liability in that situation?

Chief Nelson replied yes. We would have some liability if a Gresham Officer came in to assist us and was injured or if property was damaged.

Allen stated my recollection was that the agreement imposes liability on the agency that was negligent. For example if a Clark County Officer responded and was negligent and caused the injury then they would maintain potential liability. I think we have the initial obligation to defend a lawsuit and to pay any judgment or costs but then could look to the other jurisdiction if they were negligent.

Councilor Daoust asked if we get help from the City of Gresham do we pay for any of the officer's services?

Chief Nelson replied no.

Councilor Daoust asked if we needed to receive help from Washington State, would we pay for their time?

Chief Nelson replied we could be liable for that. Right now if Gresham comes into our city or we go into Gresham, Fairview or the County there is no cost exchanged.

Councilor Daoust asked I know it is not easy to predict cost for something like this but in the case we do need it are you planning on building this into your budget request?

Chief Nelson replied I had not planned on that.

Councilor Daoust asked should we?

Kvarsten replied that would fall to the general fund contingency.

Councilor Ripma asked on page 8 it lists the participating agencies, it does say that it is not necessarily limited to them, but Troutdale is not listed.

Chief Nelson replied when I spoke with Sheriff Lewis about this he indicated that if we sign the agreement then we would be added to the agreement.

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

No comments received.

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

**Councilor Kight stated this is great for our police department and others to work in a cooperative nature should there be a worse case scenario.**

**Mayor Thalhofer stated I support this. I think it is great that we have mutual aid in Oregon and now to have it extended to Washington.**

**VOTE: Councilor Thompson – Yes; Mayor Thalhofer – Yes; Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes, Councilor Ripma – Yes. Motion passed 6-0**

**5. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending the Troutdale Municipal Code to regulate Speed Racing.**

Mayor Thalhofer read the Ordinance title and opened the Public Hearing at 7:30pm.

Chief Nelson stated this is an ordinance to prohibit speed racing under Troutdale Municipal Code (TMC) 10.32.060 and to amend TMC 10.36.010A, permitting us to impound certain vehicles involved in the violation of TMC 10.32.060. As you have probably all seen in the media over the last few months, there have been quite a few fatalities and serious injuries in the East County area as a result of speed racing. We have two areas in the city that we have been called to or we have driven up on where participants are engaged in speed racing activities. Those two roads are NE Graham Road and NE Sundial Road. Multnomah County and Gresham have adopted similar ordinances and we would like to follow suit and make sure that we don't encourage people to come to Troutdale because they don't have any other areas to engage in this activity. I have attached a copy of ORS 811.125, which prohibits speed racing. I have also attached an article written by Portland Chief Mark Kroeker. This ordinance will give us the authority to cite and impound the vehicles of not only the participants but also the spectators that were involved in the activity.

Councilor Thompson stated the ordinance provides for towing vehicles. What would be the procedure for getting the vehicle out of impoundment?

Chief Nelson replied it would be the same as it is now. If we impound a vehicle under this ordinance or any other city ordinance, such as driving without a valid drivers license or no insurance, they would have to come to the police department and pay a \$50.00 tow release fee, show us proof of ownership of the vehicle, a valid drivers license and valid insurance. We then give them a release form and they take that to the tow yard.

Councilor Thompson asked so it costs them \$50.00?

Chief Nelson replied in addition to that there might be towing and storage fees.

Mayor Thalhoffer asked is it easy to determine who is a participating spectator and who is not?

Chief Nelson replied what we would view as a spectator or a participant would be someone that is actually engaged in the dropping of the flag or waving arms to indicate the race will start between two vehicles. A person that is located at the end of the race to determine the winner. People parked along the side of the road sitting on the hoods of their cars watching the activity would be considered a spectator. There would have to be some common sense played into this because the particular area where this is taking place is in an industrial area and some people could be just traveling trying to get back and forth, that would fall under the officers discretion and common sense.

Councilor Kight asked have you had contact with Mt. Hood Community College as far as putting signage on their property where the spectators have normally been parking?

Chief Nelson replied I did contact Mt. Hood Community College because they had some concerns because some of their property abuts these particular roads. We received a letter back from Mt. Hood Community College giving us permission to arrest anyone that is violating the trespass law while engaged in this type of activity. They are in the process of posting their property for no trespass and no parking.

Councilor Kight asked could you describe to us how long that stretch is behind the airport and how fast some of these cars are racing?

Chief Nelson replied the road is about one half mile long or perhaps a little longer than that. They can reach speeds of up to 70 - 90mph fairly quickly. Some of the cars engaged in this are built specifically for this purpose.

Councilor Kight asked is there any danger to the general public relative to these speed racers? Some of the spots they are racing in are kind of isolated.

Chief Nelson replied in the areas they have picked in the past, they have been isolated, but they could race anywhere. The concern is you have people racing at speeds that they are not trained to drive at and the road surface may not be the best for that kind of activity. It is easy to lose control.

Councilor Kight asked how many people have you seen in the past participate in these activities, both spectators and racers?

Chief Nelson replied I have not seen any. The Officers have seen a large number, around 100.

Councilor Kight stated I understand that they communicate through the internet to let people know when and where the race is going to take place. How many officers do we have on at any one particular time to take care of these 75 to 100 racers and spectators?

Chief Nelson replied we have a minimum staff of two officers.

Councilor Kight asked do you receive backup support from other police agencies when this occurs?

Chief Nelson replied yes. We would call in the Gresham Police Department, Multnomah County Sheriff's Office or Fairview Police.

Councilor Rabe asked was this ordinance modeled after Gresham?

Chief Nelson replied primarily we used the County ordinance but we did use pieces of both.

Councilor Rabe asked does Wood Village have a speed racing ordinance?

Chief Nelson replied it would be through the county because the Sheriff's Office is the law enforcement agency for Wood Village.

Councilor Rabe asked would that also apply for Fairview?

Chief Nelson replied it would be up to Fairview whether they want to adopt an ordinance.

Councilor Rabe asked but you are not aware if they have one at this time?

Chief Nelson replied no.

Councilor Rabe asked how long has Gresham had their ordinance in place?

Chief Nelson replied just in the last month or two.

Councilor Rabe asked have you had any discussion with their officers regarding enforcement or any flaws that they have found in their ordinance?

Chief Nelson replied no. My concern when we were discussing this was with seizing and impounding the vehicles of spectators primarily. It is used as a tool to encourage people to not go out there and to let them know that can happen. It would be impossible for us to go out there and impound 100 vehicles if that is the number of vehicles out there. It gives us the authority and tool to do that if we need to.

Councilor Rabe asked have any of our officers had an opportunity to accompany some of Portland's officers on the scene and see how it would be enforced as to who is a spectator and who is not, it seems it could be subjective.

Chief Nelson replied it is very subjective. No, we have not been able to participate in going to a scene where this is being enforced. These are fairly new ordinances.

Councilor Daoust asked are you able to cite and seize based on Multnomah County Ordinances?

Chief Nelson replied we would have to adopt Multnomah County's ordinance and we have not done that.

Councilor Ripma asked the impounding of the vehicle, we are not intending to keep the vehicle.

Chief Nelson replied correct.

Councilor Ripma stated there is a provision in here for a fine to be levied, is that something that other jurisdictions do?

Chief Nelson replied they are given the authority to do that, yes.

Councilor Ripma stated it seems like after going through all the trouble of enforcing this some sort of fine would be appropriate. I am sure that the fees associated with seizing the car is probably going to plenty of punishment but a fine seems like a good idea also.

Chief Nelson stated that we could cite them into municipal court for an ordinance violation and the judge would have the authority to fine them up to \$1,000.00.

Councilor Kight stated these young kids that own these cars spend a lot of money to race these vehicles. Could they race their vehicles out at PIR?

Chief Nelson replied the police community has used PIR for training; it is very expensive to rent that course. I don't know if PIR is going to open up to something like that or not. Woodburn Drag Strip would probably be better for these people.

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

No public comment received.

Mayor Thalsofer closed the public hearing at 7:47 and stated that there will be a second public hearing on this ordinance on April 9<sup>th</sup>.

#### **6. COUNCIL CONCERNS AND INITIATIVES:**

Mayor Thalsofer called this item and stated we will be having a meeting soon to discuss options for the old sewer treatment plant site.

Councilor Kight stated I would like to commend Officer Pam Bailey and Officer Ryan Rist. On my police ride-along they brought to my attention the problem of speed racing. Sergeant Pat Newton authored the ordinance that was brought forward this evening and I appreciate the work that was done on it.

#### **7. ADJOURNMENT:**

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

Meeting was adjourned at 7:50pm.

**Paul Thalsofer, Mayor**

**Approved May 14, 2002**

**ATTEST:**

**Debbie Stickney, City Recorder**