

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

**Tuesday, August 27, 2002**

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

Mayor Thalhofers called the meeting to order at 7:00pm.

Mayor Thalhofers stated I would like to express, on behalf of the City of Troutdale and the City Council, our heartfelt sympathy to the loved ones and friends of Miranda Gaddis and Ashley Pond and to the Oregon City Community. I would like us to take a moment of silence.

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

**ABSENT:** None

**STAFF:** Galloway, Rauch, Nelson, Williams, Kvarsten and Stickney.

**GUESTS:** See Attached List.

Mayor Thalhofers asked are there any agenda updates?

Kvarsten replied we have no changes this evening Mr. Mayor.

**2. CONSENT AGENDA:**

- 2.1 Accept Minutes: May 28, 2002 Regular Meeting, June 11, 2002 Regular Meeting, June 25, 2002 Regular Meeting and June 25, 2002 Work Session.**
- 2.2 Resolution: A Resolution accepting a declaration of restrictive covenant from Somerset Development LLC requiring dedication of future public right-of-way.**
- 2.3 Resolution: A Resolution recognizing the completion of a water main and related improvements for the Troutdale Terrace Apartments and accepting them into the City's Fixed Asset System.**
- 2.4 Resolution: A Resolution accepting a public utility easement from Troutdale Terrace Limited partnership for the Troutdale Terrace Apartments.**
- 2.5 A Resolution establishing Individual Departmental Imprest Petty Cash Accounts for the handling of minor disbursements and rescinding Resolution No. 1488.**

**2.6 A Resolution approving an IGA between Metro and the City of Troutdale for funding of the Year 13 Waste Reduction Plan.**

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

No public comment received.

**4. PUBLIC HEARING / ORDINANCE (Introduced 7/23/02): An Ordinance amending Chapter 2.52 of the Troutdale Municipal Code, Disposition of Personal Property.**

Mayor Thalhofer read the Ordinance title and opened the Public Hearing at 7:08pm.

Kyra Williams, Finance Director, stated this is the second hearing on an ordinance amending Chapter 2.52 of the Municipal Code. There were no changes made or recommended at the first hearing.

Council had no questions.

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

No public testimony received.

Mayor Thalhofer closed the public hearing at 7:09pm.

**MOTION:** Councilor Daoust moved to adopt the ordinance amending Chapter 2.52 of the Troutdale Municipal Code, disposition of personal property. Seconded by Councilor Ripma.

Councilor Daoust stated this is a very clearly written ordinance.

**VOTE:** Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes; Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes.

**Motion was approved 7-0.**

**5. PUBLIC HEARING / ORDINANCE (Introduced 7/23/02): An Ordinance amending Chapter 10.12 of the Troutdale Municipal Code regarding parking vehicles in public rights-of-way.**

Mayor Thalhoffer read the Ordinance title and opened the Public Hearing at 7:10pm.

David Nelson, Chief of Police, stated this is the second reading for an amendment to Chapter 10.12 of the Municipal Code regarding parking vehicles in the right-of-way. Essentially what we are talking about is removing the 2-hour parking limit on Troutdale Road between Stark Street and Cherry Park Road. At the last meeting it was requested by the Mayor to add some additional language to section 10.12.090, which reads, "or public right-of-way". That language has been added and is included in the ordinance that is before you this evening. An issue was raised at the last meeting that I would like some clarification on. There was some discussion between the Mayor, Councilor Kight and myself regarding no parking signs on the east side of Troutdale Road between Stark Street and where the sidewalk starts. We listened to the tapes from the meeting and we weren't given real clear direction on that. I believe that some of the parking along that particular area of the road is occurring because there is no parking allowed on the west side. I didn't know if you wanted to wait and see if that parking problem is eliminated when we take the 2-hour parking signs down or if you wanted to go forward with the "no parking" signs at this time.

Councilor Kight stated let me clarify my position. There is really no shoulder on the east side of Troutdale Road. It was my idea that should we remove the parking restriction on the west side that we should make that area on the east side no parking. Essentially what they are doing is they are parking in the bike lane and it allows no area for the pedestrians to walk from the commercial section of Troutdale Road back to their homes on Troutdale Road or Beaver Creek Lane.

Mayor Thalhoffer stated I brought this matter up and Councilor Kight and I both agreed that this should happen. However, it has not been included in this ordinance that is before us this evening. Perhaps we could have another ordinance that prohibits the parking on the east side. There seemed to be a consensus of the Council to prohibit parking on that side of the street due to the fact that there is no shoulder on that section. Maybe we should have this as a separate ordinance.

Councilor Ripma stated I think as long as it is not included in this ordinance, why don't we wait a couple of months and see what happens. Nobody ever parked in that area when you could park on the west side of Troutdale Road. I agree not to amend this ordinance but why not wait a couple of months and see what happens. I bet they all move back over to the other side and then we won't need to put up signs. I favor not parking there, I agree with the goal. Rather than give direction to come back with an ordinance, I recommend that we give it a few weeks.

Councilor Kight stated I would agree with you Councilor Ripma up to a point. The problem is that we have already created a habit or pattern of people parking on the other side. I think they are going to end up eventually using both sides of the street to park.

Councilor Ripma stated if that happens I will support it one hundred percent, but I bet it doesn't.

Mayor Thalsofer called for a point of order. Lets address the ordinance that is before us right now and after this ordinance is taken care of then I think we ought to discuss this as a separate issue. Chief, do you have any additional information regarding the ordinance before us?

Chief Nelson replied no.

Councilor Kight stated on item two of the ordinance, which reads, "when vehicles are parked in the public right-of-way for the purpose of being offered for sale, the parked vehicles interrupt the flow of traffic and create hazards that compromise public safety". Could this also be interrupted that somebody could not park their car in front of their home, on a public street, and have a for sale sign on it?

Chief Nelson replied correct.

Councilor Kight asked how would you address that problem because people are going to have their cars for sale and they are not always going to be parked in their driveway.

Chief Nelson replied we would ask them to either move the vehicle onto their personal property or remove the sign.

Councilor Kight stated so the vehicle has to be parked on their private property. It would be unlawful to park their car in front of their home with a for sale sign on it.

Chief Nelson replied correct. They can only park their car in front of their home, on a public street, with no for sale signs on it for 72 hours.

Councilor Rabe asked how far does the right-of-way actually extend, for instance on Troutdale Road.

Jim Galloway, Public Works Director, stated it varies. Troutdale Road is a county road. The best of my recollection is that it varies even within that street depending on where the county has acquired property for eventual expansion. But in general terms the right-of-way normally goes from the back of the sidewalk on one side, or a few inches beyond that, to the back of the sidewalk on the other side. So it encompasses the pavement, the curb, landscaping strip (if there is one) and the sidewalk in almost all cases.

Councilor Rabe asked if I were on Troutdale Road up by Winks on the west side and I parked six feet off of the road, would I be in violation?

Galloway replied I don't know exactly where that right-of-way is. You would either be within the right-of-way, which you would then be in violation or you would be on private property, which is probably another set of problems.

Councilor Rabe asked what if it was a vacant piece of property and the owner gave me permission.

Chief Nelson replied as long as the owner gave you permission to park on his private property, than yes you could.

Councilor Smith stated with all the houses on the east side, there are only one or two on the west side, could they put no parking on the other side.

Chief Nelson replied it is the Council's decision as to whether there is parking on one side or the other or no parking on either side. We would prefer to have it all or nothing.

Councilor Ripma stated the idea here is to remove the 2-hour parking on Troutdale Road between Cherry Park and Stark Street. So that I am clear, this ordinance would apply to everywhere in the City?

Chief Nelson replied yes.

Councilor Ripma asked so there would be no more cars for sale on the street?

Chief Nelson replied correct.

Councilor Rabe asked what about boats and campers.

Chief Nelson replied boats would be considered a vehicle.

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

No testimony received.

Mayor Thalhofer closed the public hearing at 7:23pm.

**MOTION: Councilor Daoust moved to adopt the ordinance amending Chapter 10.12 of the Troutdale Municipal Code regarding parking vehicles in public rights-of-way. Seconded by Councilor Rabe.**

**Councilor Daoust stated this is a good ordinance that takes care of a problem that we have had with cars for sale on the public right-of-way.**

**Councilor Rabe stated I will support this ordinance basically for the safety reasons. I remember some years ago we talked about the infringement upon the bike lane, especially by Dairy Queen. I think it is aesthetically appealing to defer the used car lots that we see popping up along the sides of our streets. For those reasons and others, I support the ordinance.**

**Councilor Kight stated I am going to support this ordinance. I am still concerned about the cars parking on the east side of Troutdale Road, so we still need to address that issue. I think for the most part this allows people the freedom of having their cars for sale but they are going to have to do it on their own private property and not turn our streets in Troutdale into a used car lot.**

**Councilor Ripma stated I am willing to give it a try. We have wrestled with this issue for years as one street after another became a used car lot. This looks like a really good approach. I understand it is used in other cities throughout the state and I think it deserves our support.**

**Councilor Thompson stated I intend to support this motion because we need to prohibit parking vehicles for sale all over the city.**

**Mayor Thalhoffer stated I also support this as well.**

**VOTE: Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes; Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhoffer – Yes.**

**Motion approved 7-0.**

Mayor Thalhoffer stated at this time I would like to bring up the issue of parking on the east side of Troutdale Road. We more or less gave direction at the last meeting to have no parking at any time signs on the east side of Troutdale Road from Stark Street to the point where the sidewalk begins.

Chief Nelson asked would you like me to bring back an ordinance to the next Council meeting regarding the no parking signs on the east side of Troutdale Road or would you like to wait and see as Councilor Ripma suggested?

Mayor Thalhoffer stated I think we need to briefly debate the issue.

Councilor Kight stated I think it is clear, at least from my prospective, that we have already established a traffic pattern and a habit of those people that reside at the town houses on Troutdale Road. They are use to parking on the east side and walking across the street. They are going to park on the east side of Troutdale Road if they are heading north on Troutdale Road and walk across the street to their town house. I would rather be proactive on this and anticipate that is what is probably going to happen instead of waiting for it to happen. It is also dangerous for them to be crossing the street; it is not a well-lit area. Also when they park on the east side it ends up blocking the bike lane.

Councilor Rabe stated how far north from the bridge on the east side are you suggesting that we put the signs?

Councilor Kight stated it is probably 200 feet.

Councilor Rabe asked is it true that there is adequate parking in the town house complex for their residents?

Chief Nelson stated I believe the parking is on the backside of the town houses and I don't believe that there is a parking issue other than perhaps that there may be more than one vehicle per unit. I don't know what the design specifications are, if it was designed for only one vehicle per unit or what that situation is.

Councilor Rabe stated my fear is that if we impose the prohibition of parking there then the issue of the town houses being approved and built with inadequate parking will come up.

Chief Nelson stated we are almost solving the parking issue because we will now be allowing them to park in front of their town homes. Currently there is a 2-hour parking restriction in front of the town homes. So they are either parking on the east side to avoid that or they are finding some other place or they are gambling that they are not going to get issued a citation. With the ordinance that was just passed, we are removing the 2-hour restriction and that will allow them to park there for up to 72 hours.

Councilor Daoust stated I don't think that this is that big of an issue. I agree in principal with the Mayor and Councilor Kight that I don't want to see parking on the east side. But in summary, I agree with Councilor Ripma that there is no hurry to bring back an ordinance. Part of the reason is because it is kind of a piece meal approach to parking in the city. Even though it is an area that we know about, why not come back with an ordinance that says no parking in bike lanes. That would keep the bike lanes open on every street. Because it feels to me like a piece meal parking solution, I would rather deal with it later if a problem arises. I think the only reason that the habits have been developed is because of that 2-hour parking limit. That is pushing them across the street and once those 2-hour parking limit signs are removed they are going to move back over automatically. I would rather see something like no parking in bike lanes that would solve the whole problem throughout the city.

Councilor Smith stated I feel we do have a problem. Is there anyway on Troutdale Road to put 2-hour parking away from the houses just in short stretches.

Chief Nelson replied it is up to the Council as to where you would like the 2-hour parking restriction at or removed. We are just looking for some clear direction.

Mayor Thalhoffer called for a 10-minute break at 8:35pm.

Mayor Thalhoffer reconvened the meeting at 8:45pm and stated we are talking about parking on the east side of Troutdale Road from Stark Street to a point just before Beaver Creek Lane.

Councilor Ripma stated I don't think this is going to be a problem. Since those town houses were built everybody parked on the west side, which is the natural place for them to park. If you remember, that was not such a great situation either because it is a very narrow parking

area. I fully agree with the idea of eliminating parking along those fields. I was just thinking that it wasn't necessary to rush into putting an ordinance into place and that is why I was suggesting that we just wait and see what happens. If the majority of the Council wants to prohibit it outright, that is fine, I just don't see a need to rush right into it. It does seem like there were a dozen or so cars that always parked in front of the town houses, there isn't a bike lane on the west side. I assume that was legal.

Chief Nelson replied yes.

Councilor Ripma asked is parking prohibited in bike lanes already?

Chief Nelson replied yes, there is a state law prohibiting parking in a bike lane.

Councilor Ripma stated I am just assuming that no parking is actually easier for the police to enforce than 2-hour parking.

Chief Nelson replied yes.

Councilor Ripma stated I don't think it is going to be a problem and I am sort of against just enacting laws when I don't think they are necessary but it sounds like the majority of the Council is for it.

Councilor Thompson stated I have no problem with putting up no parking signs.

Councilor Ripma asked Councilor Rabe were you in support of this?

Councilor Rabe stated yes.

Mayor Thalhofer stated I strongly believe that we ought to put up no parking at anytime signs on the east side. I think it is very hazardous.

Councilor Smith stated when they build these apartments and town houses, don't they have sufficient parking in the back?

Chief Nelson replied yes. I believe they do have parking for those town houses. As I stated earlier, there may be a problem with overnight guests, or more than one vehicle per unit. I am not sure what the specifications are for the number of parking spaces for that development. I believe there was sufficient parking initially, however there could be new circumstances.

Mayor Thalhofer stated I would entertain a motion to give staff direction to bring back an ordinance regarding this issue.

**MOTION: Councilor Kight moved that we have "no parking" signs installed on the east side of Troutdale Road from the southerly point of Stark Street to the**



**northerly point of just south of the widening of Troutdale Road where there is a sidewalk. Seconded by Councilor Ripma.**

**Councilor Kight stated we want to move the cars from the east side of Troutdale Road to the west side of Troutdale Road primarily because there is no place to park on the east side. Essentially there is parking in the dirt and in the ditch. They are also covering up the bike lane. There is very little pedestrian way through there. It is very dangerous to the pedestrians crossing the road and the lighting is very poor in that area.**

**Mayor Thalhoffer stated I am in favor of this motion. This is direction to staff to bring back an ordinance.**

**VOTE: Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes; Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhoffer – Yes.**

**Motion approved 7-0.**

**6. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Chapter 9.40 of the Troutdale Municipal Code to regulate daytime curfew.**

Mayor Thalhoffer read the Ordinance title and opened the public hearing at 7:54pm.

Chief Nelson stated this is an amendment to Chapter 9.40 of the Troutdale Municipal Code regulating daytime curfew. This is an addition for us. Other cities such as Gresham and Salem have had this ordinance in place and we were waiting to see how those cities fared after implementing such an ordinance. It seems to be working very well. The primary reason is to give our officers some authority during the school hours to contact the juveniles to see if they are suppose to be in school or if they have a pass. If they don't have a pass it gives us the authority to detain them and either take them back to the police department or return them back to school and contact their parents. They can actually be issued a citation for curfew violation if they are skipping school. The second issue is we are trying to get a handle on the gang problem in East County. Repeatedly over the past several years there has been gang members coming in from other jurisdictions into Reynolds High School and we frequently have our officers, Gresham and County Officers at the high school because of reported gang fights that are going to occur after school. We have stopped vehicles from other jurisdictions that have had chains and guns in their cars in preparation for what appears to be a gang fight. This would also allow us to stop people from other jurisdictions and ask them to leave or issue a citation if they are under 18. The ordinance would essentially be for kids that are between the age of 7 and 18 and it will be effective on school days and school hours. There are a few typographical errors in the ordinance that I would like to point out. In Section 9.40.020(A)(1) we need to add the following language to the end of the sentence, "or by law to have care and custody of the minor". The second correction is in 9.40.020(B)(1) the fourth word in the second line should read "or" not "of". The final change that is needed is in Section 9.40.040(B) in the second line there is a reference to subsection 9.40.010(B) that

should read, "9.40.020(B)". We feel this ordinance is needed. After I prepared my staff report I spoke with Dr. Hud Lasher, Superintendent of the School District and to the Principal at Reynolds High School to ask them what they thought of this ordinance. They were both supportive of it. One area of concern that I had was the open campus for lunchtime. They do require the parents to give written permission at the beginning of the school year for juniors and seniors to leave campus for the lunch hour. They are issued a card from the school that says they are allowed off campus. If they do not have this card they are in violation of school policy. Since we only have one meeting this month and school will be starting in September we are asking that this ordinance be adopted tonight.

Councilor Kight stated I don't see any problems with this ordinance. Currently does the school district provide truancy officers?

Chief Nelson replied Reynolds High School has two school resource officers, one from Troutdale and one from Multnomah County Sheriff's Office. I have heard numbers anywhere from 4 to 7 security officers there. The security officers focus primarily on absenteeism and truancy issues. The enrollment at the high school is at 2,600 for this coming school year. They do have some people up there but they cannot address all of the needs.

Councilor Kight stated according to this ordinance if you had gang members showing up with knives, guns and chains, and they are wanting to engage in fighting with kids on campus, is there anything in our law that currently addresses that problem now? People just can't come onto a public school grounds and engage in this kind of behavior and walk away, aren't they trespassing on the school property?

Chief Nelson replied yes they could be trespassing on the school property. However, generally the information that we receive is that the fights are going to occur off of school property.

Councilor Kight asked does this give you the tool to address those kids that are going to commit a violent act in Troutdale?

Chief Nelson replied it will give us another tool to deal with kids under 18 years of age. It doesn't give us anything to deal with those that over the age of 18 that are still involved in gang activity.

Councilor Kight asked should we expect an ordinance to come forward at a later date to address those folks that are over 18 years of age?

Chief Nelson replied I don't know how we could legally regulate that other than trespassing. Like I said, most of these are occurring off school campus.

Councilor Kight asked if they are engaged in using a weapon, can't they be arrested for that?

Chief Nelson replied yes they could be if we are lucky enough to have lawful reason to stop them and we find it.

Councilor Kight asked do the neighboring cities have something similar to this?

Chief replied the City of Gresham does have a daytime curfew ordinance. I don't believe that Fairview or Wood Village has one.

Councilor Rabe asked if I were a non-resident of the City of Troutdale 16 years old that is a Portland resident, would they be subject to this ordinance?

Chief Nelson replied they would be. Once you enter the City of Troutdale you are subject to this ordinance.

Councilor Rabe asked there is a population of kids in this area that are home-schooled. How will that be address if an officer were to stop one of these kids?

Chief Nelson replied we could check with the school and they would have record if they were home-schooled and we would check with the parent. We very frequently have issues with the home-schooled children.

Councilor Rabe stated schools will also have early release days. Does Reynolds provide students with early release permits? A lot of seniors get out of school early.

Chief Nelson replied the first couple of months there is going to be a learning curve to become familiar with the comings and goings of the students. Once everyone becomes familiar with the students schedules all of this will be worked out. They could be stopped at 11:00 and asked what they are doing and they could say I am on early release and I am going to work and they would have their schedule with them. They may be issued a pass.

Councilor Daoust stated in section 9.40.020(B) reads, "no minor between seven and eighteen years of age who has not completed the twelfth grade may be upon any street, highway, park, alley, other place open to the public during school hours" I am okay up to that point, but then it continues to say, "except while attending school as required by ORS 339.010 to 339.065, unless such minor is". That just negates what was just said, or am I reading that wrong? The first part of the sentence says they can't be out on the street during school hours but we continue to say except while attending school.

Council discussed this wording and decided that they would go forward with adopting the ordinance but would like the City Attorney to review the language in this section and if it is found to be incorrect than an additional ordinance could be brought forward to correct it.

Councilor Ripma stated I am all for the idea. Just so I am clear, other jurisdictions have successfully had this in place and the courts haven't thrown it out?

Chief Nelson replied no. We actually talked about doing this a number of years ago but we decided to wait and see what the fallout would be and it has worked well.

Councilor Thompson asked has this been a problem in the past or is it an anticipated problem?

Chief Nelson replied it is becoming more of a problem. The school resource officers have been asking for this for quite awhile. I have been waiting to make sure that it was going to be successful in other jurisdictions.

Mayor Thalhoffer asked the penalty fee is set at not to exceed \$600, why don't we have community service in here?

Chief replied this is not changed from the existing ordinance. That would be left up to the juvenile court judge to determine whether or not there would be community service in lieu of the fine.

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

No public testimony received.

Mayor Thalhoffer closed the public hearing at 8:25pm

**MOTION: Councilor Kight moved to adopt the Ordinance amending Chapter 9.40 of the Troutdale Municipal Code to regulate daytime curfew incorporating the amendments outlined by the Chief Nelson. Seconded by Councilor Ripma.**

**Councilor Kight stated there is a problem with gangs coming into the city from outside of Troutdale. This provides a tool for our officers to alleviate that problem. We have the highest enrollment in the State of Oregon, 2,600 kids at Reynolds High School.**

**Councilor Ripma stated I support this for the reasons mentioned by Councilor Kight and also I approve of the way the Chief and the city handled this in watching to see how other jurisdiction faired with it. It is proven that it is a useful tool. I think it is unfortunately time that we are going to have to adopt it here in Troutdale. It is too bad we need tools like this, but we do. I am fully convinced that this is a good idea.**

**Councilor Thompson stated I support this. This should be an effective tool to take care of this problem.**

**Mayor Thalhoffer stated I also support this ordinance. I know the jurisdictions in East County are working together on a gang program and we will soon have an east county gang enforcement team. We need to keep the high school and the City safe and this is a tool that we can use.**

**Councilor Rabe stated I will support the ordinance. I think this is a good thing and if it is going to help I am in favor of it.**

**Councilor Daoust stated I will support the ordinance for the safety of the community, which is the most important thing of all. I would encourage the City Attorney to review section 9.40.020(B).**

**Councilor Smith stated I support the ordinance. It is too bad that things have gotten to a point that we have to have a daytime curfew.**

**VOTE: Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes; Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes.**

**Motion is approved 7-0.**

Councilor Rabe asked Chief Nelson could you take some time and talk to the City of Fairview and Wood Village because if Gresham and Troutdale have an ordinance regulating daytime curfew it would have a wider effect if those two cities could also put an ordinance into place?

Chief Nelson replied yes.

**7. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance adjusting the solid waste franchise fee, amending Chapter 12.10.050 of the Troutdale Municipal Code, repealing Ordinance No. 572 and declaring an emergency.**

Mayor Thalhofer read the Ordinance title and opened the public hearing at 8:33pm.

Kevin Rauch, Environmental Specialist, stated our franchise agreement with our waste hauler, Waste Management, allows us to review franchise fees around the region. If we see franchise fees being collected by other municipalities in the Metro regions greater than what we are collecting in Troutdale, through this process we can raise our franchise fee. I did some research in the region and several jurisdictions that I have listed here including Gresham, Wood Village, Portland and Clackamas County are all charging franchise fees to our hauler of 5%. Our current franchise fee that we are collecting is 4%. This ordinance is repealing ordinance #572, which set our current franchise fee at 4%, and increasing the franchise fee to be consistent with the region at 5%. This increase of 1% is estimated to generate around \$15,000 annually to the General Fund. The reason for the emergency is that it would allow us to put this ordinance into affect at the same time the resolution that follows this agenda item, which is a rate pass through for other issues that we will get into in a few minutes, this would allow them to occur simultaneously. We are going to have two readings of this ordinance, which is the normal process for an ordinance, the first is tonight and the second hearing will occur on September 10<sup>th</sup>. In order to enact this at the same time as the resolution, if it were to pass, which would set the rate increase as of October 1<sup>st</sup>; October 1<sup>st</sup> does not allow 30 days after the second reading on September 10<sup>th</sup>, thus the emergency.

Councilor Kight stated it looks like it amounts to \$.20 for a 32-gallon garbage can, what is the average size of can in Troutdale?

Rauch replied a 32-gallon garbage can and 32-gallon yard debris is the most common in Troutdale by a large majority.

Councilor Kight asked the total is \$.20 for garbage and recycling?

Rauch replied yes for that service level.

Councilor Kight asked not everyone has yard debris, lets say they have a compost pile and only have the 32-gallon garbage can, how would they be affected?

Rauch replied it would affect them differently. Their rates would be slightly less since they would have a yard debris exemption.

Councilor Rabe asked how much is the yard debris exemption?

Rauch replied I believe it is \$2.50 a month.

Councilor Daoust asked it says the franchisee shall inform the city if any other city is charging a larger franchise fee. Did we find this out from Waste Management?

Rauch replied yes.

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

No public testimony received.

Mayor Thalhoffer closed the public hearing at 8:38pm and stated that a second hearing will be held on September 10<sup>th</sup>.

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| <b>8. RESOLUTION: A Resolution establishing solid waste collection fees and rescinding Resolution No. 1543.</b> |
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Mayor Thalhoffer read the Resolution title.

Kevin Rauch, Environmental Specialist, stated Metro Regional Government has imposed several rate increases, actually one rate increase with several parts to it, which in effect have raised the tip fee for disposal of municipal solid waste at their transfer stations from \$62.50 to \$66.25 per ton. The second paragraph of my staff report addresses what the previous ordinance addressed, the 1% franchise fee that we are trying to simultaneously put through with this rate pass through, which Metro has adopted. The total will be increases for curbside residential rates of 2.34%, commercial rates of 3.45% and drop box rates of 1.10%. We worked these numbers out with Waste Management; we did not go through a formal rate review process. We strictly took the numbers from the increase by Metro and passed those through with the 1% increase in the franchise fee. Those are the numbers that we came up with for the new rates. Looking at other cities in the region, Gresham, Fairview and Portland

as well as Clackamas County have all passed similar rate increase. If this is passed our 32-gallon rate would be \$18.30, up from \$17.90. As you can see we are still well below the rates of local jurisdictions in the region. We believe that the rate changes are fair and consistent with a cost of service methodology and recommend Council adoption.

Councilor Kight asked with Oregon going through a recession, how do they justify this increase based on the consumer price index in the Portland Metropolitan Area? How do they justify the increase of cost in operation when everybody else is actually reducing their cost of operation?

Rauch replied I can't really answer that question. Metro would have those answers. For me to try and explain why they raised their tip fee would be difficult.

Councilor Kight stated so essentially this tip fee is a pass through from Metro to the City of Troutdale.

Rauch replied correct.

Councilor Kight asked you haven't done any add-ons?

Rauch replied no, besides the franchise fee.

Councilor Kight asked other than that, there is no additional revenue to the City of Troutdale with this increase?

Rauch replied correct.

Councilor Daoust stated Metro's tip fee was the result of an increased transaction fee, increased excise tax, increased regional system fee. I think part of Metro's regional system fees were a vote by the Metro Council to cover some of the greenspace public entry projects. I have a process question, we are going to be voting on a resolution that includes the franchise fee increase when we haven't voted on that ordinance yet, is that going to be okay?

Rauch replied if you are comfortable you can go ahead and vote on this and if not we could bring this resolution back at the September 10<sup>th</sup> meeting.

Erik Kvarsten, City Administrator, stated I think Section 1 of the Resolution, which deals with the effective date, would address that. It is scheduled to take effect October 1, 2002. If you decided to take an alternative route on the prior matter, you could amend/rescind this resolution.

Councilor Ripma stated the appliance disposal fee, is that new?

Rauch replied that was existing.

Councilor Ripma stated six months ago I wanted to dispose of two televisions sets and Waste Management charged me \$25.00 per set. I was told by Waste Management that fee was unregulated and they could charge what was customary. I am very please that there is a \$15.00 charge; that is more reasonable. What alarmed me about what happened to me is that it was \$50.00 to dispose of two televisions, and that is why you see appliances on the ground all over the place.

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

**Councilor Ripma stated Metro's increase in the tip fee; the haulers are entitled to recover that from the citizens who end up paying it. The wisdom of whether Metro should fund greenspaces this way is questionable in my mind. As the rates for garbage hauling goes up, that is another reason why you see people dumping their garbage any place they want. I personally think it ought to be a cheap as possible. But we don't control that, Metro does, and we do have to pass it on. This is a reasonable resolution and I support it.**

**Councilor Daoust stated for the person with the 32-gallon garbage can and a 32-gallon yard debris, the franchise fee increase is \$.20 a month and the increase in the tip fee that Metro is charging is another \$.20 a month. I think it is reasonable in representing the cost of things today.**

**Councilor Kight stated I will support this. This is a pass through cost. I don't expect the company to absorb these tip fees; these are costs that are beyond their control.**

**Councilor Smith stated I feel it is nominal compared to what it could be.**

**Councilor Thompson stated I support it.**

**VOTE: Councilor Kight – Yes; Councilor Rabe – Yes; Councilor Daoust – Yes; Councilor Smith – Yes; Councilor Ripma – Yes; Councilor Thompson – Yes; Mayor Thalhofer – Yes.**

**Motion approved 7-0.**

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

Councilor Kight stated that it has come to my attention that we have certain properties/homes in the City that are a problem. One of my neighbors brought it to my attention that there is a piece of property that has been for sale for some time now and next door to them is a very ill kept home. Unfortunately we do not have ordinances that address that. Gresham has looked at this situation in their city and through the authors of Rich Faith and Jack Hanna, they have come up with a maintenance ordinance. I would like the



Council to direct the Citizens Advisory Committee (CAC) to look at this ordinance and tailor it to the City of Troutdale to address homes that are in disrepair.

Mayor Thalsofer asked if the Council had any objections to referring this matter to the CAC? No objections stated by the Council. The matter will be referred to the CAC for review.

Councilor Kight thanked Travis Hultin on a job well done on the street improvement project between 3<sup>rd</sup> and 4<sup>th</sup> and Harlow.

Councilor Rabe stated there is a new master plan that is being reviewed for Glenn Otto Park. They are now looking for citizen input. There was a meeting held tonight. There will be additional meetings held on September 17<sup>th</sup> and October 15. This is your opportunity to give your opinion on this master plan.

Councilor Daoust stated the sign at Columbia Park by Imagine Station that lists all the contributors is beginning to delaminate and is in need of some maintenance.

Mayor Thalsofer expressed sympathy to the community in Oregon City for the loss of Ashley Pond and Miranda Gaddis.

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| <b>10. ADJOURNMENT:</b> |
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**MOTION: Councilor Thompson moved to adjourn. Seconded by Councilor Ripma. Motion passed unanimously.**

Meeting adjourned at 8:57pm.

**Paul Thalsofer, Mayor**

**Approved September 10, 2002**

**ATTEST:**

**Debbie Stickney, City Recorder**