

CITY OF Troutdale AGENDA

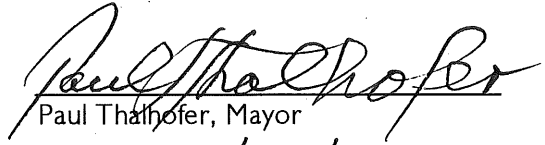
**CITY COUNCIL - REGULAR MEETING
TROUTDALE CITY HALL
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099**

7:00 P.M. -- March 23, 1999

- (A) **1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) **2. CONSENT AGENDA:**
2.1 Accept Minutes: February 23, 1999 Regular Meeting
2.2 Adopt Findings: Adopt findings affirming Mayor's decision to deny a City Business License.
2.3 Intergovernmental Agreement: Authorize the City to enter into an Intergovernmental Agreement with the City of Gresham to provide specific computer related services to Troutdale.
- (I) **3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) **4. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance adopting Title 8, Health and Safety, Chapter 8.36, Life Jackets in the Sandy River, requiring life jackets on all children 12 years of age or under when they swim in the Sandy River.
Mayor Thalhofer / Lt. Nelson
- (A) **5. LIFE GUARD PROGRAM** *Mayor Thalhofer / Lt. Nelson*
- (A) **6. PUBLIC HEARING / ORDINANCE (Introduced 3/9/99):** An Ordinance amending Title 3, Revenue and Finance, Chapter 3.08, Transient Lodgings Tax, Sections 3.08.020, Tax Imposed and 3.08.030 Exemptions from chapter provisions, increasing the transient lodgings tax from six percent (6%) to six and ninety-five one hundredths percent (6.95%), dedicating ninety-five one hundredths of one percent (.95%) of the transient lodgings tax to the Troutdale Chamber of Commerce and exempting federal employees who rent rooms for official federal government business from the tax. *Callan*
- (A) **7. PUBLIC HEARING / ORDINANCES (Introduced 3/9/99):**
a An Ordinance requiring future development to connect to the public water system and amending Chapter 12.03 of the Troutdale Municipal Code.
b An Ordinance requiring future development to connect to the public sanitary sewer system and amending Chapter 12.04 of the Troutdale Municipal Code. *Galloway*

(I) **8. COUNCIL CONCERNS AND INITIATIVES**

(A) **9. ADJOURNMENT**


Paul Thalhoffer, Mayor

Dated: 3/18/99

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

March 23, 1999 7:00pm

Meeting was called to order at 7:03 p.m. by Mayor Thalhofers.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofers called on Councilor Daoust to lead us in the Pledge of Allegiance.

Mayor Thalhofers asked for the roll to be called.

City Recorder Stickney called the roll.

PRESENT: Thalhofers, Smith, Rabe, Daoust, Ripma, Thompson(7:09).

STAFF: Nelson, Callan, Galloway, Kvarsten, Sercombe, Stickney

GUESTS: Larry Fowler, David Bauman, Rob Klever, Nancy Cox, Courtenay Ellison, Ramona Piluso, Kurt Jensen

Mayor Thalhofers stated that agenda item number 5 will be moved to the end of the agenda and we will recess the City Council meeting and hold an executive session and will then reconvene the City Council meeting and discuss agenda item number 5.

Sercombe stated that the executive session will be held in accordance to ORS 192.660(1)(f) to consider records that are exempt by law.

2. CONSENT AGENDA:

- 2.1 Accept Minutes:** February 23, 1999 Regular Meeting
- 2.2 Adopt Findings:** Adopt findings affirming Mayor's decision to deny a City Business License.
- 2.3 Intergovernmental Agreement:** Authorize the City to enter into an Intergovernmental Agreement with the City of Gresham to provide specific computer related services to Troutdale.

Mayor Thalhofers called this item and read the consent agenda.

MOTION: Councilor Ripma moved adoption of the consent agenda. Councilor Daoust seconded the motion.

YEAS: 5
NAYS: 0
ABSTAINED: 0

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

Larry Fowler stated I am a Deputy Chief with Gresham Fire and Emergency Services. The purpose of my visit tonight is to thank the City of Troutdale Mayor and Council for your support during our recent budget hearings. As you know we were facing significant budget cuts and the support that you have shown has convinced our Budget Committee and Council to reconsider those cuts. I also want to extend an invitation to any of you who would like to attend the final budget hearing which will be on March 30th at 6:30pm.

Courtenay Ellison stated I have some concerns about what has been coming across on the news and on the internet about the Y2K problem. I saw a article in the Troutdale paper about it and I was wondering if you were going to address what the Mayor of Portland has said about it or what the officials in Washing D.C have been talking about?

Mayor Thalhofer stated my understanding about it is that we are in good shape. Mr. Kvarsten would you like to add anything to that.

Kvarsten stated probably the best way for me to answer your question is to provide you with a copy of our program that we developed to address the Y2K issues. We have a Y2K Committee with a representative from each department and we are going to do a number of steps. I am pleased with the progress we are making. I understand there are some community issues as well which we are addressing.

4. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance adopting Title 8, Health and Safety, Chapter 8.36, Life Jackets in the Sandy River, requiring life jackets on all children 12 years of age or under when they swim in the Sandy River.

Mayor Thalhofer called this item and recessed the City Council meeting and opened the Public Hearing.

Mayor Thalhofer stated that those of you that have lived in Troutdale for a while and you have been to the Sandy River, you know that it is a very treacherous river and it has the capability of whisking a child away at almost any time especially while playing on the beach in the water and if the parents are not paying attention. As you know, there is a law that requires life jackets on children 12 and under when they are in a boat. I submit to you that a child being in the Sandy River without a life vest on is more dangerous then a child in a boat without a life vest on. I have been down to the beach on countless occasions in the summer time and I have seen kids in the river who are very close to the current and the parents are not paying attention. I submit that if they are wearing a life vest and they do get swept into the current at least they have a chance, without it they don't.

Lt. Nelson reviewed the staff report contained in the packet.

Councilor Daoust asked could you elaborate on how you see this being enforced if we pass this Ordinance?

Lt. Nelson replied it will be enforced through our Beach Patrol initially. Our Beach Patrol is ran from Memorial Day through Labor Day and they are down there seven days a week during that time period. They are not going to spend all of there time looking for this type of violation it would be one of the many things they are looking for while they are on patrol on the beach.

Councilor Daoust asked could you clarify what the eventual fine or penalty would be?

Lt. Nelson replied it is listed that is will not exceed \$200.00.

Councilor Daoust asked so that is not a fixed amount?

Lt. Nelson replied that would be assessed by the court.

Councilor Smith stated does Portland require life vests for children that are out playing on the beaches?

Lt. Nelson replied no, not to my knowledge.

Councilor Ripma asked does any city require life jackets?

Lt. Nelson replied not to my knowledge.

Councilor Ripma stated you mentioned that the beach patrol will be enforcing this, are we expanding the beach patrol?

Lt. Nelson replied no, it would be the same two officers, they would be down there eight hours a day and during that time period this would just be one of the many violations that they would be looking for.

Councilor Ripma asked wouldn't this take away from the other functions of the beach patrol officers by having yet another thing for the officers to enforce?

Lt. Nelson replied it will take time if they see a violation that is occurring to make contact with the parent and if they decide to issue a citation that will also take time.

Councilor Ripma stated I noticed that failure to ensure a child has on a live jacket, 8.32.040, if a person commits the offense of failing to ensure a child has on a life jacket, if the person is the parent, lawful guardian, or other person lawfully charged to the care and custody of the child. I am wondering how will the police handle this, say you see a child without a life vest on, do you have to track down the parent who may be at home.

Lt. Nelson stated the way I would look at that is the person who is in care or custody of that child while they are at the beach at that time.

Councilor Ripma stated so anyone over the age of twelve can be issued a citation.

Lt. Nelson stated that if the person is over twelve years of age and has been give the authorization by the parents to care for the children under the age of twelve, then yes.

Councilor Ripma stated I would like to ask a question of the City Attorney about the enforcement of this. It seems like it would be difficult if a group of kids are at the river and there is a twelve year old in the water, the police are to assume he is the oldest. How does an Ordinance like this work?

Sercombe replied there are not many ordinances like this to make generalizations about. I assume that the police would enforce this the same way that they would enforce other ordinances. There are other ordinances like this around the state that are parental responsibility laws, that the parents are responsible for the actions of their children. The City of Woodburn has a parental responsibility ordinance.

Councilor Ripma asked for the Woodburn one for example, the parental responsibility law, does the parent have to be with the child to be responsible or is the parent responsible whether they are with the child or not?

Sercombe replied the former.

Councilor Ripma stated I am concerned about the way this is worded. If you encounter a child under twelve violating, I guess the child isn't violating the ordinance, but the person who commits the offense is the person who is lawfully charged with the care and custody, if there is no one around the police have to go track them down at home. Is that right? That sounds very time consuming and takes the police away from important duties that they have already on the beach. Is that what they have to do?

Sercombe replied I don't know what they have to do, it is more addressing an operational question and I assume

that the police would assess what would be the best use of their time in terms of enforcing this ordinance.

Lt. Nelson stated you are talking about a child who is under twelve years of age down at the river with no parental guardianship at all or no one showing care for that child. Our first question would be why is that child down there without a adult. If the child was under twelve years of age and they were down there swimming with no guardianship or custodian at the time then what we would ask the child to do is to leave or not swim in the river any longer and we could make contact with the parent later, we wouldn't have to do it right at that moment.

Councilor Thompson stated on 8.32.050 says affirmative defense to ensure a child has a life jacket. That means that you could be let off the hook if you took reasonable steps to prevent the child from being in the Sandy River. Could you describe what reasonable steps would be?

Lt. Nelson replied if I had my eleven year old child go down to the river and provided for a life jacket for that child, by providing money to rent on, if I took steps to ensure the child had a life jacket or the needs to rent one and they choose not to do so that would probably qualify.

Mayor Thalhoffer stated the fact that there isn't another ordinance exactly the same as this in the state, in your opinion does that have anything to do with why we shouldn't have one in a river such as the Sandy which is very dangerous?

Lt. Nelson replied I can't speak for other cities. I think this is a tool we could use to try to save lives.

Councilor Rabe stated Blue Lake and Oxbow Park have no such ordinance, is that correct?

Lt. Nelson replied not to my knowledge.

Councilor Rabe stated if I am at the river with my eleven year old in thirteen inches of water and my child is on a floatation device, am I in violation?

Lt. Nelson replied by that description, yes.

Councilor Rabe stated my only concern is it seems as if there is a lot of subjectivity with regards to the interpretation of who is in compliance and who is not. It was always my impression that the original position for the folks who patrol the beach was to basically reduce if not eliminate criminal behavior. We are not planning on increasing the staff so we are asking the beach patrol officers to do more and I would be more concerned if I was going to have to weigh this thing out as to which one would be more important.

Lt. Nelson replied it would be a difficult choice. You are asking us to enforce some criminal behavior, we use ordinances to do that currently. The purpose of this is not really criminal behavior, it is trying to reduce the loss of life. You are trying to mix apples with oranges.

Councilor Rabe asked how would the officer really know how old that kid is?

Lt. Nelson replied in most cases a twelve year old does not carry identification so we would rely on the parent or guardian that is in charge to be honest with us.

Councilor Rabe stated my concern is that we will have an ordinance that is not really enforceable or marginally enforceable. I think it is a good idea, but people are concerned that we don't need to be doing this sort of thing, this is what parents are supposed to be taking care of.

Lt. Nelson replied I agree with your statement, but unfortunately it is not the case.

Councilor Daoust asked I am not so concerned about how enforceable it is or whether the police have subjectivity in what they do. I think it is a good idea if you have subjectivity in what you do. Based on your assessment of the

situation, is this right now the best tool that we have to save lives?

Lt. Nelson replied the best tool would be to close the beach. If we are not going to close the beach, then this would be one of the tools I would use.

Councilor Daoust stated say for instance the police act more in the mode of engaging people in a discussion if they find kids in the water that don't have a life vest on. After engaging with people the police either hand out life vests that maybe the city has that were donated or show the people where they can rent the vests and the police only fine those that are in belligerent denial. How do you react to that? Some of us are getting hung up on how enforceable this is and we see police writing tickets to every parent that has a kid in the river, turn it around a little bit as to how things might actually be enforced.

Lt. Nelson replied in reality what is going to happen is we will be focusing on younger kids. If we see some kids in the river that look under the age we will be talking to the parents letting them know there are life vests available at the store to rent or borrow. We will be using this as an educational process, we aren't out there looking to cite these people.

Councilor Ripma asked were any of the six deaths children under the age of twelve?

Lt. Nelson replied no.

Councilor Ripma stated you are on the River Safety Committee. What are the technical merits of the life vest in a swift river? Recently a skilled kayaker with all the gear drowned while on the river. I wonder about kids getting swept away and ending up under a log unable to control themselves, the fact that life jackets might actually encourage kids to get out in the fast water. Has that been considered?

Lt. Nelson stated that has not been considered. That is something that I will have to take back to the group to discuss.

Councilor Ripma stated it sounds like to me that this would take some time away from the important functions of the beach patrol officers such as dealing with alcohol on the beach. Would you prefer that the beach patrol be expanded if we adopt this ordinance?

Lt. Nelson replied I would like for it to be expanded, however I don't think there are funds to do so.

Councilor Thompson asked who will be providing these life jackets?

Lt. Nelson replied we have some at the police department we have some at Jacks Snack and Tackle. We also wrote a grant to try to receive additional life vests. We are not using City money to purchase these.

Mayor Thalhofer asked are you familiar with the case where the gentleman dove in to save a child and he drowned in the process of trying to save the child?

Lt. Nelson replied I believe that was last year. There was a child swimming who was apparently in trouble and an adult dove in to try to save the child and the adult ended up drowning.

Mayor Thalhofer stated if because a child has a life vest on, they are lulled into deeper water and they get into the current. What are the chances of surviving in the current if they have a life vest on?

Lt. Nelson replied obviously better then if they do not.

Mayor Thalhofer asked do you feel like you have the staff to enforce this?

Lt. Nelson replied we could enforce it but it will not be the only ordinance violation that they will be looking for.

Councilor Rabe stated I am assuming that this covers from the Troutdale bridge up river, how far are we going, all the way to Tads?

Lt. Nelson replied any part of the river that is in the City.

Councilor Rabe asked is it typical for the patrol to go up that far?

Lt. Nelson replied we go that far on our side of the river, they do not cross the river.

Councilor Smith asked what percentage of the people at the river now with small children wear life vests?

Lt. Nelson replied very few.

Councilor Ripma asked could we as part of a program provide the life vests and make them available to people and have the beach patrol encourage the use of them without adopting this ordinance but just as a safety measure?

Lt. Nelson replied yes we could.

Mayor Thalhoffer asked is there anyone else who would like to speak to us about this?

No comments received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council Meeting at 7:46pm. This matter will be brought up at the next council meeting for consideration at that time.

5. LIFE GUARD PROGRAM

Mayor Thalhoffer called this item and stated this item will be heard as the last item on the agenda.

6. PUBLIC HEARING / ORDINANCE (Introduced 3/9/99): An Ordinance amending Title 3, Revenue and Finance, Chapter 3.08, Transient Lodgings Tax, Sections 3.08.020, Tax Imposed and 3.08.030 Exemptions from chapter provisions, increasing the transient lodgings tax from six percent (6%) to six and ninety-five one hundredths percent (6.95%), dedicating ninety-five one hundredths of one percent (.95%) of the transient lodgings tax to the Troutdale Chamber of Commerce and exempting federal employees who rent rooms for official federal government business from the tax.

Mayor Thalhoffer called this item closed the City Council meeting and Opened the Public Hearing at 7:51 pm.

Tracy Callan reviewed the staff report contained in the packet.

Councilor Daoust asked that the City's first disbursement to the Chamber would be not later than August 5, 1999. Given the fact that SummerFest is in July, what will the Chamber do for an operating budget for SummerFest?

Callan replied the Chamber Board is working on that issue. As far as the City's disbursement to the Chamber, that is the earliest that we could possibly disburse due to collecting the receipts.

Councilor Rabe asked it would appear that the Chamber's budget would run around \$48,292. Comparatively speaking to that of which we have provided them in the past, that is a similar sum isn't it?

Callan replied it is an increase.

Mayor Thalhoffer asked if there was anyone who would like to speak on this issue.

Kurt Jensen, President of the Chamber stated I am here to make myself available for any questions.

Councilor Daoust asked does the fact that the City's disbursement to the Chamber would be no later than August 5th, and SummerFest is in July, what is the Chamber going to do for an operating budget for SummerFest?

Jenson replied we have had several meetings to discuss our budget. We believe that we have ideas and have come up with plans to make sure we are going to operate fiscally responsibly.

Councilor Daout stated the Mr. Gazewood has used an inflation increase of 1.25%, are you comfortable with his assumptions?

Jenson replied I respect his interpretation.

Councilor Smith asked does the budget also include running the train station?

Jenson replied we are excited about the possibilities, but it is not a factual yet.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council Meeting at 7:55pm.

MOTION: Councilor Daoust moved that we increase the transient lodging tax from 6% to 6.95% dedicating .95% of the transient lodging tax to the Troutdale Chamber of Commerce. Seconded by Councilor Ripma.

Councilor Daoust stated one of the reasons I am for this is I am very aware of the budget constraints on City funds and I am afraid that the City of Troutdale would not be able any longer to give money to the Chamber. The Chamber is probably one of the more important entities that this city has, so I favor this method of funding for them.

Councilor Ripma stated I favor this because the Chamber has provided excellent tours and services at great cost to them for several years now. When faced with the budget crunch that they are under they actually went around to the various lodging facilities in Troutdale and got a form of grudging okay on this, lets just say we have yet had any act of opposition from the hotels and motels. I think that speaks well of the Chambers efforts and recognition by the hotels and motels in town of those efforts and there willingness to go along, however reluctantly with this tax increase, is an endorsement of the idea and certainly is an endorsement for the Chambers efforts over the years. I enthusiastically endorse this and hope the Chamber carries on with its good work.

Mayor Thalhoffer stated I was fortunate to be one of the founders of the Chamber. The down town is better because of the Chamber. The visitors center is very important to the economy. The Chamber has put on the SummerFest and the grand parade, it is a small town parade and we love it that way. The SummerFest and the HolidayFest have been outstanding. I envision the hotel/motel tax growing and one of the ways I think it will grow is that I envision Troutdale being a small convention center and should promote it as such. We need the Chamber and they have done a great job and I am in favor of this one hundred percent.

Sercombe for Councilor Kight, he supports this ordinance, he believes it is important independent source of revenue to the Chamber. The Chamber does work that affects 12,000 to 15,000 people that visit Troutdale each year and that this is an important revenue source for the Chamber and the City. He is strongly in support of the ordinance.

Councilor Smith stated I support this ordinance because I know the Chamber does a lot of good things. There is one down side that I am very unhappy about, they tend to get into political things that affect the Council at public functions and I feel that is wrong.

YEAS: 7 (Kight voted by phone)
NAYS: 0
ABSTAINED: 0

7. PUBLIC HEARING / ORDINANCES (Introduced 3/9/99):

- a** An Ordinance requiring future development to connect to the public water system and amending Chapter 12.03 of the Troutdale Municipal Code.
- b** An Ordinance requiring future development to connect to the public sanitary sewer system and amending Chapter 12.04 of the Troutdale Municipal Code.

Mayor Thalhoffer called this item and closed the City Council meeting and opened the Public Hearing at 8:10pm.

Galloway reviewed the staff report contained in the packet.

Councilor Daoust stated I appreciated the responsiveness in changing the distance from 300 feet to 1,000 feet. In my mind I was looking at the east side of the Sandy River and the effects it would have on those folks.

Councilor Ripma stated besides the east side of the Sandy River is there any other area in the City that wouldn't be affected by this ordinance?

Galloway replied the southern most portion of Jackson Park Road, basically 1,000 feet south of the bridge over Beaver Creek would be the nearest source of water.

Mayor Thalhoffer asked if there is anyone who would like to speak to us on this issue.

Nancy Cox stated I live on the east side of the river and I was shocked when I listened to the discussion on the first reading of this ordinance. I had the feeling that some of you feel that we have sewer on that side of the river. Tads was forced, I don't know if it was City, County or State, in order to keep her business open she had to put in a liquid. At that time people tried to hook up that were close to her. It is only liquid and she has to have it pumped. There is no sewer and no water, we are in the City. Some of the people in this City Hall have told friends of mine that we are not in the City, we are in the City. I was a little upset that you were talking about my trailer court and my side of the river and we had no idea there was any Ordinance that could affect us. I don't think it would, I think even Tads is over 1,000 feet, and what she has is not going to ever be for us. I haven't, but somebody has been told by the City that we will never get sewer or water, it could be cost prohibited. I am sure there are people that would be interested.

Councilor Daoust stated it was your property Nancy that I was thinking of. The main reason was if for instance your well went out, according to this Ordinance, you would have to incur the cost of hooking up to the City.

Cox replied doesn't a line have to go past your house?

Councilor Daoust replied there would have to be a new line put in.

Cox stated I don't think you want that, right?

Councilor Daoust replied let me clarify where you stand. Is it your desire to be on City water and sewer?

Cox replied I want both water and sewer. We would be very interested. In fact several years ago it came to a vote but there wasn't enough of us and the residents on Jackson Park Road voted it down.

Councilor Daoust stated could staff clarify what the cost would be to the neighbors if they hooked up to the City water and sewer. I don't need a dollar figure, maybe just the process so they understand how the process would work to get hooked up.

Galloway replied it depends on what decisions you want to make. Typically, in past years, the way that infrastructure has been expanded to other areas of the City has been a local improvement district (LID). The properties that benefit from doing so are assessed a pro-rated share of the cost for making those improvements. That certainly would be one way and it sounds like the method that was tried several years ago and a sufficient number of property owners didn't go along with that. Another mechanism would simply be for the City to add it to its Capital Improvement Plan and through some source of City funds put the line in and charge it to all the residents of the City, not just the ones who benefit. That is probably not the way we have done that sort of thing in the past. Another mechanism, one that is fairly new to the City, is the reimbursement district, where one particular development bears the cost to put in the infrastructure and other properties, as they connect to it, pay back there pro-rated share to the entity that sponsored the project. Those are the three things that come to mind.

Councilor Daoust stated well Nancy, the way this is written, whether it is 300 feet or 1,000 feet, you are not required to hook up.

Cox replied I don't think it will affect any of us.

Councilor Ripma asked your not opposed to this Ordinance now, the way it is written?

Cox replied not really.

Councilor Ripma asked is the fact that Tads has this liquid sewer line, could that impact people over there by them being within 1,000 feet of that line to which it sounds like nobody can really hook-up to?

Galloway replied the system that Tads has is not a full sanitary sewer system. It is referred to as a step system, basically it is a septic tank system where the solids go into the tank and they are pumped out and the liquid is pumped into the City's system. It is my understanding that when that was put in, I believe under a State mandate, the City assisted in putting a line in. I believe that some properties along that route also got assessed costs and I believe it was sized to handle some properties in between. I don't believe it was sized to handle anyone to the east beyond that.

Councilor Ripma stated so someone near Tads on the east side would not be less than 1,000 feet from the nearest adequate public sanitary sewer main?

Galloway I think you are right, that 1,000 feet gets you to about Tads.

Mayor Thalhofer closed the Public Hearing and reconvened the City Council meeting at 8:30pm.

MOTION: Councilor Ripma moved to adopt both ordinances. Seconded by Councilor Daoust.

Councilor Ripma stated I think Nancy's support is plenty.

Councilor Daoust stated that this is a well intentioned ordinance and I support it.

Councilor Smith stated I support it.

Councilor Thompson stated I also support it.

Mayor Thalhoffer stated I also support it.

Councilor Rabe state I am also in support of it.

Sercombe for Councilor Kight - Councilor Kight is in support of both of the ordinances. He thinks it is important that the City takes the lead in protecting well heads and the aquifer.

YEAS: 7 (Kight voted by phone)
NAYS: 0
ABSTAINED: 0

Mayor Thalhoffer recessed the City Council Meeting at 8:35pm to hold an executive session after which we will resume the City Council Meeting.

Mayor Thalhoffer reconvened the City Council Meeting at 9:30pm.

5. LIFE GUARD PROGRAM

Mayor Thalhoffer called this item and stated about three years ago after four young people drowned in the Sandy River in the City of Troutdale, I became concerned that this is something that we don't want to see go on and on where there are people drowning without trying to do something to prevent this. We have put up signs in both Spanish and English to warn them of the danger of the Sandy River. Last year Multnomah County put up a huge sign which warns people of the danger in Russian, Spanish, English and one other language. We have taken steps to make the Sandy River, at least in the main beach area, a safer place for people to be. We have formed a River Safety Committee. We had Gresham Fire Department, Multnomah County River Patrol, City of Troutdale Police, City of Gresham officials, Red Cross, Mt. Hood Community College swimming people and now we have the Coast Guard involved with the life vest program. The City of Troutdale had established a program last year which was going to be presented to the City Council. The Troutdale Police came up with the program, it was all ready to go but ballot measure 50 cut the funds dramatically for the City, so we cut the program. Now the program is before us only it will be funded by the Troutdale Booster Club. That is the background, now I will turn it over to Lt. Nelson.

Lt. Nelson reviewed the staff report contained in the packet.

Councilor Daoust asked we would have the Beach Patrol program and the Life Guard program, could you explain the overlap in the two programs or how they would work together?

Lt. Nelson replied the Beach Patrol will be working seven days a week, the life guards would be working two to three days a week. The life guards are civilian people and what they would be doing would be monitoring people in the river itself.

Councilor Daoust asked our main area of focus would be just Glenn Otto Park around the bridge?

Lt. Nelson replied yes.

Councilor Daoust asked could you go over the extensive list of training that the life guards will get?

Lt. Nelson replied they would have to have certain levels of life guard training already. They would also have to attend a three day swift water training course. They would also receive in-service training on a monthly basis, first aide and C.P.R.

Councilor Daoust asked is it true that the life guard will be a City seasonal employees that works for the Police Department?

Lt. Nelson replied yes.

Councilor Smith asked the signs posted, what kind are they and how many are posted on the beach?

Lt. Nelson replied the signs talk about the dangers of the Sandy River and one of them lists the names of the people who have drowned.

Councilor Ripma asked how many of the drownings have been in the City?

Lt. Nelson replied six in the City since 1996

Councilor Ripma asked have there been any outside the City at Lewis and Clark Park?

Lt. Nelson replied yes.

Councilor Ripma asked is there any reason this program has to be ran by the City? We have a Booster Club who has raised the money, why is the City involved, which has limited jurisdiction, why not the County, State or Metro, have they been approached?

Lt. Nelson replied I don't believe they have been approached.

Councilor Ripma stated we are all concerned about the Police Department being short handed right now. Does the Police Department have additional resources not being used that can be directed to this now?

Lt. Nelson replied this would fall under my duties and I would just have to make time to do it.

Councilor Ripma asked won't it take away from some of your time?

Lt. Nelson replied obviously it would.

Councilor Thompson asked I understand that the Troutdale Booster Club has raised the funds for this year.

Lt. Nelson replied to my knowledge they have raised most of the funds.

Councilor Thompson asked what about next year, is ther any commitment there?

Lt. Nelson replied it is my understanding that yes, they would want to keep the program going. It is up to them to raise the money.

Councilor Rabe asked could the Beach Patrol be trained for this task?

Lt. Nelson replied we have discussed that, but there focus is the beach, up in the park looking for violations of the law or City Ordinances.

Councilor Daoust asked short of closing the park, is this our next logical step?

Lt. Nelson replied yes, I think it is a step we need to at least try. There is no guarantee that this will work.

Councilor Ripma asked how many other cities have life guard programs like this?

Lt. Nelson replied Cannon Beach is the only city to my knowledge.

Councilor Ripma stated right now we have signs saying the river is dangerous, basically advising people not to swim. Has your committee considered the additional risk to the public from having life guards. Obviously that would indicate that this is an area where swimming is encouraged. Have you talked about that?

Lt. Nelson replied yes. The risk of harm has been discussed by having life guards there. The life guards are going to be educating people about not jumping off the rocks or the bridge. They are going to be encouraging people to swim in a different area, not down by the bridge. They will try to put them in shallower waters. That discussion has been brought up several times.

Councilor Ripma asked having life guards, would you say that is a mixed message to people who have been warned in four languages to not even go in the water?

Lt. Nelson replied I think people could develop there own opinion and maybe think that.

Councilor Ripma asked do life guards ever die saving people?

Lt. Nelson replied I imagine they do. I don't have any statics to support that.

Councilor Ripma asked have we ever had citizens die trying to save people?

Lt. Nelson replied yes.

Councilor Ripma stated I am just worried about the risk.

Mayor Thalhofer asked have you ever known a life guard who died in the act of duty?

Lt. Nelson replied I have no personal knowledge of anyone.

Mayor Thalhofer stated as I understand it, the area to be patrolled by life guards would be from under the bridge south easterly upstream to another little area that has been developed where the water is more shallow, is that correct?

Lt. Nelson replied yes.

Mayor Thalhofer stated having been on the River Safety Committee and meeting with the different agencies, have you been struck by there desire to do something to save lives in the Sandy River?

Lt. Nelson replied that has been there goal.

Mayor Thalhofer asked do you see a problem with being innovative and starting a program that maybe no other city has? Perhaps no other city has exactly the same type of problem that our City has.

Lt. Nelson replied this is a unique problem and situation and other than closing the park altogether, I think we have to attempt to solve the problem. This may be only one part of solving the problem, the life jacket ordinance may be another part. It may get to the point where we decide to close the park completely.

Councilor Rabe asked if life guards were there and there was injury or loss of life to them, who would carry the burden of the insurance coverage?

Lt. Nelson replied it would fall under a workers compensation claim.

Councilor Daoust stated in your dealing with other life guards and this Gresham Parks and Recreation person that you are familiar with. How would he respond to some questions that I have heard other councilors make that life guards could cause more risk or that life guards could cause more harm because people take more risk. Do your discussions with people that deal with water safety, is there any basis at all for these concerns that some councilors have?

Lt. Nelson replied yes there is some basis for it. A lot of the life guards are more into education and they feel that if they are there and they see people doing specific behavior and perhaps they can educate them into not doing that. It has been brought up that if they are there people may take additional chances or risk if life guards are present. A lot of their focus is education.

Councilor Daoust stated I suppose we could say that possibly some of the deaths that are caused from drowning are caused by ignorance or lack of knowledge and if the life guards were there they could prepare people better for swimming in that river.

Lt. Nelson replied that is one way to look at it.

Councilor Ripma asked in the case of a young man who jumps illegally off the bridge and has had to much to drink and doesn't understand English very well, how much good is a life guard who's focus is on education going to do for that guy?

Lt. Nelson replied in that scenario, probably very little at all.

Councilor Ripma stated that is a percentage of the ones who end up dying there.

Mayor Thalhofer asked with the signs there and being at the entrance and with life guards patrolling the area, you think that encourages people to take additional risk or perhaps does that cause them to be more cautious?

Lt. Nelson replied I think most people don't read the signs to be honest with you. The idea of having people down there trying to educate or trying to tell people that are going to be using the river what to do or not to do would be more successful.

Rob Klever stated I am a Troutdale resident and the president of the Troutdale Booster Club. We have organized this year as a non-profit organization dedicated and concerned with addressing issues in Troutdale and using resources available in the private sector to address some of these problems and find solutions. We have not raised the required funds to fund this program for this year. We plan on having a city wide picnic on May 23rd at Glenn Otto Community Park for fund raising.

Councilor Daoust stated I assume by the Booster Club taking this on, as far as humanitarian things, this was the number one priority.

Klever replied absolutely. Public safety should be our number one concern.

Councilor Daoust asked how much in contributions or commitments has the Booster Club raised?

Klever replied probably \$2,000 to \$3,000 in immediate donations with pledges for much more once we get our financial set up. We still have not been accepted as a 501 C3, tax exempt organization, our paper work is in.

Councilor Ripma asked how long does it take to get a 501 C3?

Klever replied it takes longer then two months.

Councilor Ripma stated maybe it is a little premature for us to be considering this until you are ready to go with the money. As you know the City doesn't have any money and we are relying on your commitment.

Klever replied if the primary push of our group is to go to the community and say help us raise funds for life guards for the Troutdale beach on the Sandy River, and we raise the funds and then we turn around and do not have the program. To me that is a breach of faith for why we tried to raise the money.

Councilor Ripma asked is the only thing you plan to do is the life guard program?

Klever replied that is our number one concern.

Councilor Ripma asked have you approached Metro or the state or county which would have potentially the necessary jurisdiction to cover both sides of the river and could use your money just as well as we could and perhaps better?

Klever replied no. We thought this was a Troutdale problem we could help solve.

Councilor Ripma asked would it be inconsistent with your charter for you to approach them?

Klever replied it wouldn't be inconsistent but our primary concern as a committee organizing is to do things within the City of Troutdale.

Councilor Ripma asked how does one join the Troutdale Boosters, I have not heard?

Klever replied we are still organizing, we have organized as a non-member organization but to become a Troutdale Booster, we want everyone to become a Troutdale Booster.

Councilor Ripma asked are there membership dues?

Klever replied no.

Councilor Ripma stated the bottom line is presently you do not have the funds and without the 501 C3, that is the key to getting donations.

Mayor Thalsofer asked do you have any doubts that you will be able to raise the money?

Rob Klever replied I have no doubts.

Councilor Rabe asked if the Life Guard Program were not the target, but something which would mitigate the problem of water safety, for instance availability of life vests, additional signage, possibly additional Beach Patrol staff covering overtime, is that something the Boosters would be opposed to or would you support it?

Klever replied to what extent we would support it, I couldn't tell you, but that does fit within our goal of a safer

beach area. Whether it is expanded to educational avenues, we have had contact with the MCTV people about assisting them in producing an informational video that could be several languages to reach all members of the community.

Councilor Rabe asked assuming the Life Guard Program doesn't occur, would the Boosters just drop and run?

Klever replied we are still going to address the problem in whatever way we can.

Councilor Daoust stated the Troutdale Boosters are not policy makers, they are simply suppliers of funding for programs the City can not afford to pay for. Could you address the future funding of this program, is it the policy to continue the funding after the first year?

Klever replied that is something we really haven't addressed either. Our primary concern was getting the program going this year and creating a solid foundation for the Boosters Club itself so that it could continue to do funding operations like this. I would anticipate that we could do that for a few years, I can't give you a specific time frame. I would think that eventually it would be something the City would absorb as part of its budget process.

Councilor Ripma asked could you operate the program rather than have the City do it?

Klever replied the way our structure is right now as a beginning group, probably not. For us to hire and run the program, the scope of that would be too great for us at this point.

Councilor Ripma asked if the City were to decline at this time to commit ourselves to it, based on various reasons, you haven't raised all your money yet and so on, would you consider going to the County, Metro or the State and offer the money to them and see if they might operate the program?

Klever replied again, that would have to be a decision of the board as a whole.

Councilor Ripma asked you said you had no doubt about raising, perhaps even up to \$30,000. As president of a non-profit organization that has raised \$30,000, it is harder than you think. I encourage your enthusiasm and I wish you all the best.

Mayor Thalhoffer asked from your experience, has there been a lot of support for this program?

Klever replied yes. Doernbecher Children's Hospital, Timberline Dodge, Toyo Tanso, Yoshida Group, Reynolds School District, Mt. Hood Community College, Troutdale Lions, Troutdale Chamber of Commerce personnel, Gresham Fire Department, Portland Dive Team, Red Cross. There are a lot of people and interest in doing it as a community building effort.

Councilor Ripma stated while I support the concept of the Booster Club helping to fund something that the City would start, I am very concerned about the fact that to me there is a balance of risks to the public from having life guards versus not. I understand that the Lieutenant, Mr. Klever and others have been looking at this for some time, and I have been following it to the extent I can, I guess in talking to as many citizens as I can about the problem and I am just concerned that the provisional life guard possess as much risk to the public as not. Many of the deaths are the result of people who are, unfortunately these are hot summer days, they have had too much to drink, they are not the type of people who are always susceptible to being directed by a whistle being blown. So I have a great deal of concern about the wisdom of going forward with this. The fact of the deaths are very sad and I don't belittle that at all, but that isn't the only consideration for the citizens of Troutdale. I think we have to balance and try to judge the risks and it is a policy decision. I think as much about what the lieutenant said about parents thinking that they don't have to watch their children as much with a life guard around. The fact that it seems like the City is taking on somewhat of a parental role concerns me. I am also concerned, as well intentioned and as excellent as obviously the Booster Club is, I am sure they will be able to raise the funds, but they don't have them

yet. I don't want to start a program that may end up costing the City when we don't have the money. Also the fact that there is no commitment from the Boosters for future years. I intended, if I was going to go forward with this program, that it would be funded by the Boosters. In future years, if the Boosters don't support it, my feeling is that the City would be stuck with having to pick it up. For those reasons I am not prepared to go forward tonight with the Life Guard Program, it is way to soon at least until the group raises the money. If we do turn them down, I would encourage them to go to the County, Metro or the State because of the better coverage.

Councilor Daoust stated it seems to me, I would rather take the attitude of what we can do to help, versus take the attitude of reasons why we can't. Pursuing the attitude I am going to take, what we can do to help, obviously this is a big problem for the City of Troutdale. It has been a problem for years. There is no way we are way to soon, unquote, I think we are way to late. We have tried other things and it doesn't seem to help. I think the Life Guard Program is the next logical step to pursue. First of all if we have a private governmental cooperation, to me that is ideal for getting programs funded that a governmental agency can't fund. That is one reason the Governor of the State of Oregon is supporting this group. This is a prime example of an excellent effort by a private group to help out government. Secondly it is pro-active, I am hearing reasons why we can't do things and it goes against being pro-active and trying to do something for a big problem we have. I applaud City staff and people that are trying to make this a pro-active thing. The entire basis of the Life Guard Program is to save lives, whether it is at a swimming pool, a beach or somebodies back yard pool. To make the argument that a Life Guard Program causes more risk, it causes people to take additional risk, it may cause more harm is ludicrous. It goes against the entire basis of a Life Guard Program that agencies fund and spend money doing. If the Life Guard Program saves one life, as Rob Klever said, I think the whole thing is worth it. I don't really see the benefit to the City of Troutdale to have another agency or governmental agency run the program like Metro or Multnomah County. I really don't see why that avenue would be pursued. Lastly, I would hate to tell the Boosters that they are wasting their time.

Councilor Smith stated as far as what you said about the Boosters, it's a good idea, but to force it in one meeting without looking at the ramifications of what it will cost the City in the long run when right now we are short of money. When you have a life guard on duty, you have mothers who will send their kids there because they know there is a life guard. The drownings are in the deeper area around the bridge, I think. At this time, I feel strongly that this is being forced at us without digging in and knowing what extra cost might affect the City. At this point I would have to vote no.

Councilor Ripma stated the argument of whatever we can do to help, I am afraid pre-supposes that we have unlimited funds to do whatever we want to do. The reason I said it is to soon, it's to soon because they don't have the money yet and the City would end up footing the bill. The idea that this is private government cooperation, we are the ones who end up hiring the employees, we are the ones who are on the hook for their money if it isn't raised. It is one thing to have the hope that it will be raised, that isn't good enough in my opinion. The idea that life guards are set up to save lives, therefore it is impossible for them not to be effective, in a pool yes, a pool is designed for swimming and the life guard is designed to save lives in the pool. But in the Sandy River where we have signs up that say it is dangerous and cold and fast currents, I don't think it is that clear. I think we would possibly increase the risk to the public by having them there. It is not ludicrous, you may not agree with me but I think an argument could be made. Finally if the County, State or Metro operated the program we would benefit just as much, we are in the County, State and Metro and then it wouldn't fall on our backs which is what I am mostly worried about.

Councilor Thompson stated the funds are what it comes down to. Although I don't think that life guards are a particularly affective way to remedy the drowning, I think they might help. There is a certain amount of personal responsibility that we all have to undertake and when you go swimming in the Sandy River. I assume that means you are undertaking the responsibility for yourself. You see people breaking traffic laws and they have to take responsibility but we have to have a police force to protect them from themselves. The life guard would perform some of that same duty in regards to the swimmers in the Sandy River. Overall I would be in favor of doing the Life Guard Program if we had the funding secured, but without the secured funding I don't see how we could do

it because the City can't afford it. The Boosters don't have the money now, if they could get the money, I would be happy to go along with the program.

Mayor Thalhofler stated would anyone like to set this over and let the Boosters decide whether they feel like they can fund this?

Councilor Ripma stated if you are saying put it off until they have the money and can turn it over to us, then yes. I don't want to put it off for them to come back with a yes we are sure we can, because I believe Rob Klever. It is just that we may get stuck with it all summer before they do raise the money.

Mayor Thalhofler stated I am talking about the Boosters coming back with a better reading on exactly how much funds they have to date and how much they plan to have and whether they can guarantee that the program will be funded. I have no doubt that they can raise the money because of the caliber of the people involved in the Boosters. As far as the long term commitment, they will be deciding that. This has taken us three years to get to this point, to say now that we need to do different things and let Metro do it, I didn't think I would ever hear that out of Councilor Ripma's mouth. We have had Multnomah County at the table at the River Safety Meeting and everybody involved thinks this is the best way to go short of closing the beach. The signs have had some impact, they warn of the treacherous waters of the Sandy River and then to say that having life guards in addition to the signs is going to make them feel secure, I don't think it is logical. I think it is going to scare them even more. The life guards will be warning people to stay out of the dangerous parts of the river. The Life Guard Program is not going to save everyone, but it is a step in the right direction. If for some reason the Boosters would not want to fund this in the following year, my intention when I first addressed this after Ballot Measure 50 wiped out the program the police department put together, was that we would go to other private organizations. If all the funds are not available at the beginning we could scale it back to fit the available amount of funds. This is a flexible program.

Klever stated the figure I have heard, that is unofficial pledges, is up to \$16,000 at this point. I can't guarantee that. If the Council is concerned with a specific dollar amount, if we said we would have the \$20,000 that the City is asking for by the first day which is May 7th, would this Council then commit to this program?

Mayor Thalhofler stated there are some Councilors who do not want to commit to this program under any circumstances I can tell. Every road block they can think of has been thrown up tonight to put it off.

Councilor Rabe stated I don't necessarily see all the comments as being obstacles, I think they could be interpreted as somewhat objective questions not necessarily road blocks. One of the things people asked me to do as I became more involved with city government was to try to find a way that the City could become less involved in every single activity that we take on. I go swimming in the Columbia River, boating, hunting, I climb, there is an inherent risk in the things we do in our life, and for those of us who disregard them we must understand that there are circumstances that could happen. I myself have never felt like I am going to be watched over by everybody, all I have to do is read the guidebooks to know all the risks will be mitigated just because I followed the rules. In the case of swimming in the Sandy River, if someone wants to try a Life Guard Pilot Program and they want to fund it one-hundred percent externally, I am for it, give it a try. To impose that on the City and citizens in a time when we have budget constraints, I haven't heard anything out there from anybody that they want this service. I am hesitant to make any commitment at this point. I have no history of any other city doing this and what problems they may have run into. I would like to see something a little more concrete. I am not interested in looking for something else for the City to be responsible for. I would rather see people be responsible for themselves. Calling these drownings accidental, I'm not so sure that it is an accident. Some of those things that people do to themselves are fool-hearted and should we be responsible and put somebody else in jeopardy for someones fool-hearted behavior. I would like to hold back and see a little more information. I would be interested in seeing how Cannon Beach has handled this.

Mayor Thalhofler stated I am in favor of setting this over to the first meeting in April.

Sercombe for Councilor Kight. Councilor Kight is in support of this program provided that the Booster Club offers there support. He believes that the City doesn't have the dollars but he is in support of the program provided that there is funding.

Mayor Thalhofer stated if there are no objections, we will set this over to the April 13th City Council meeting for a decision.

No objections were made.

8. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhofer called this item.

No Council concerns were stated.

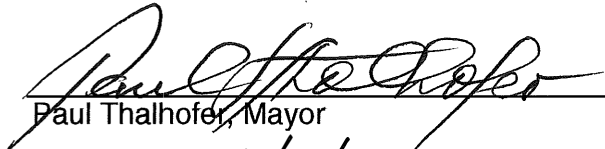
9. ADJOURNMENT

Mayor Thalhofer called this item.

MOTION: Councilor Thompson moved to adjourn the meeting. Councilor Ripma seconded the motion.

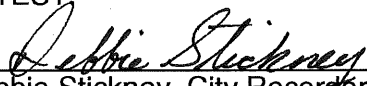
**YEAS: 6
NAYS: 0
ABSTAINED: 0**

Meeting was adjourned at 10:40pm.



Paul Thalhofer, Mayor
Dated: 6/9/99

ATTEST:



Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

March 23, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
LARRY Fowler	Gresham Fire	618-2355
Jim Galloway	City Hall	665-5175
DAVID BAUMANN	938 SE Roberts	666-4425
ROSS KLOVER	1420 SE EVANS AVE	661-6460
Nancy Coy	Ordinance # 78 th period	665-9086
Courtenay Ellison	137 Maple Blvd	491-8747
Rauna Silvestro	1062 Jackson Pl. Rd.	666-2067

CITY OF TROUTDALE PUBLIC COMMENT SIGN-IN SHEET

March 23, 1999
CITY COUNCIL MEETING

PLEASE COMPLETE THE FOLLOWING

PRINT NAME <small>(please print)</small>	ADDRESS	PHONE #
LARRY Fowler	Gresham Fire	618-2355
KURT Jensen	107 EHCRH	492-1997
Nancy Cox	1703 SE Wood Day	665-9086