



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA

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

**7:00 P.M. -- July 27, 1999**

**Mayor**

Paul Thalhofer

### City Council

Pat Smith  
David Ripma  
Bruce Thompson  
Jim Kight  
Paul Rabe  
Doug Daoust

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
  - 2.1 **Accept Minutes:** May 11, 1999, May 25, 1999, June 8, 1999 and June 22, 1999 Regular Meetings.
  - 2.2 **Business License:** Month of June, 1999
  - 2.3 **Motion:** A motion to accept the Pre-design Engineering Report for the Troutdale Water Pollution Control Facility as prepared by CH2M Hill in June 1999 and endorse its submission to the Oregon Department of Environmental Quality for approval.
  - 2.4 **Resolution:** A Resolution accepting the dedication of a ten-inch ductile iron water main from the Reynolds School District and the Church of Jesus Christ of Latter Day Saints and adding it to the City's Fixed Asset System.
  - 2.5 **Resolution:** A Resolution authorizing the Mayor and City Recorder to sign Supplement No. 12 to Agreement No. 30129-87 with Multnomah County for road maintenance.
  - 2.6 **Resolution:** Resolution acknowledging the City of Troutdale's Y2K Readiness.
  - 2.7 **Report:** A Report informing the Council of bid results for including graphics in the repainting of the Stark Street Water Tank (Reservoir #2).
- (I) 3. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) 4. **PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance imposing a Privilege Tax upon Natural Gas Utilities. Gazewood
- (A) 5. **LIFE GUARD PROGRAM** Mayor Thalhofer

(A) 6. **PUBLICHEARING/ORDINANCE (Introduction):** An Ordinance adding Chapter 9.50, Prohibited Swimming, to the Troutdale Municipal Code; and Declaring an Emergency. (pertaining to prohibiting swimming in the Sandy River)

(I) 7. **COUNCIL CONCERNS AND INITIATIVES**

(A) 8. **ADJOURNMENT**



Paul Thalhofer, Mayor

Dated: 7-23-99

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

July 27, 1999 7:00pm

Meeting was called to order at 7:02 p.m. by Mayor Thalhofner.

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

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

PRESENT: Thalhofner, Smith, Thompson, Kight, Rabe, Daoust, Ripma.

STAFF: Chief Berrest, Lt. Nelson, Callan, Ortega, Wiesinger, Sercombe, Kvarsten, Stickney.

GUESTS: Jill Keller, Al Hayward, David Baumann, Kurt Jensen, Rob Klever, Diane Nilsen-Wright, Susan Hauge, Ray Regelein, Dave Munson, Patrick Brothers, Daniel McMorris, Willie Hayward, Ana Hayward, Wang Hui, Marleen Sperr, John Becker, Sunny Klever, Richard Weill, Michael Blankenship, Jane Frazier, Juge Gregg, Chris Angius, Loraine Domine, David Maydew, Max Maydew, Larry Cleys, Michael Greenslade, Bruce Tarbet, Junki Yoshida, Linda Yoshida, Valerie Todda, Lynde Brown, Laura Jennings, Christine Vags, Joey Fuangloe, Greg Grosbrecht, Richard Brown, Lorne Mitchell, Alex Mauch, Jack Galss, Gina Renna, Shelley Glass, Shanna Glass, Shirley Prickett, Kimberly Shannon, Frank Windust, Jim Traut, Don Katz, Gary French, Donald Golladay, Diane White, Shannon White, Donald Gagnon, Misty Lizarraga.

Mayor Thalhofner asked are there any agenda updates?

Kvarsten replied on agenda item # 4, the Assistant Finance Director Kyra Wiesinger will replace Bob Gazewood as the staff person for that item.

**2. CONSENT AGENDA:**

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- 2.6** **Resolution:** Resolution acknowledging the City of Troutdale's Y2K Readiness.

**2.7 Report:** A Report informing the Council of bid results for including graphics in the repainting of the Stark Street Water Tank (Reservoir #2).

Mayor Thalhoffer called this item and read the consent agenda.

**MOTION: Councilor Thompson moved adoption of the consent agenda. Councilor Kight seconded the motion.**

**YEAS: 7  
NAYS: 0  
ABSTAINED: 0**

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

No public comment received.

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance imposing a Privilege Tax upon Natural Gas Utilities.

Mayor Thalhoffer called this item, closed the City Council Meeting and opened the Public Hearing at 7:08pm.

Wiesinger reviewed the staff report contained in the packet.

Councilor Ripma asked NW Natural Gas does not appear to be opposed to this, is that right?

Wiesinger replied it doesn't appear that they are. They informed us that another city within the State of Oregon requested to have this increase and informed us that we could also make this increase.

Councilor Kight asked what is the purpose of the increase?

Kvarsten replied if you recall, private utilities use the public right-of-ways in the course of their business and pay a franchise fee. Those run between 5% and 7% for PGE. For some time NW Natural Gas has been below the other utilities. There has been some recent action which has allowed cities to bring the natural gas more into line with the other utilities.

Councilor Kight asked I noticed this increase is going into the General Fund, is there some reason that we don't have a designated slot or project for the increase?

Kvarsten stated if you recall during the budget deliberations we had noted that I would be counting on some additional miscellaneous revenues to maintain an adequate beginning and ending fund balance in the General Fund.

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

No public testimony received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council Meeting at 7:15pm.

**MOTION: Councilor Ripma moved that we consider the Ordinance at a single meeting. Seconded by Councilor Kight.**

**YEAS: 7  
NAYS: 0  
ABSTAINED: 0**

**MOTION: Councilor Ripma moved adoption of the Ordinance imposing a Privilege Tax upon Natural Gas Utilities. Seconded by Councilor Kight.**

**YEAS: 7  
NAYS: 0  
ABSTAINED: 0**

## **5. LIFE GUARD PROGRAM**

Mayor Thalhofer called this item and stated in 1994 there were three drownings in the Sandy River and that prompted me to form a River Safety Committee. We studied many different options on how to prevent drownings in the Sandy River. The Committee was composed of Multnomah County River Patrol, Gresham Fire, Red Cross, Jack Glass, Troutdale Parks and Recreation, Troutdale Police. We discussed many different options and found that most of them resulted in body recovery not in saving lives. As a result of the River Safety Committee meetings it was decided to put together a program to see if we could devise one that might work. That program never did get off the ground because ballot measure 50 came along and axed it and it never even got far enough to take to Council. This last fall it was my desire to see if we could get private funding for it. I considered making a grant application to the Fred Meyer Trust and then Junki Yoshida approached me and said he thought he could get a number of business people together who could raise the funds for the Life Guard Program. The program was brought before Council in March and April and voted down both times. One of the problems that was apparent in the first two meeting was that the Boosters hadn't raised all the money. This time they have raised all the money necessary to fund the program, so it would be a program for next year because it is to late this year. The money is there now, it wasn't before so that is why this issue is being brought back to Council.

Chief Berrest stated over the last few months I have been made aware of a few inaccuracies surrounding the drownings in the Sandy River. In preparing for this meeting this evening I personally went back to 1990 in looking at our police reports. Since 1990 we have had eleven drownings within the City limits of Troutdale. For some time we have received credit for 1 drowning that occurred North of I-84 on the east side of the river, the person still lost their life but it was not within the City limits of Troutdale. Since 1990 eleven people have drowned, five were Hispanic, three Asians, two White and one Black. All were males between the ages of 15 and 34. The incidents have occurred on the following days; three on Tuesday, three on Saturday, two on Monday, two on Thursday and one on Sunday. The earliest drowning occurred on May 17<sup>th</sup> and the latest August 24<sup>th</sup>. All of the incidents have occurred between the hours of 3:05pm and 7:25pm. Since 1990 we have no recorded deaths as a result of jumping off the Troutdale Bridge, there have been serious injuries. We have had one near drowning we are aware of, the thing with near drownings and those that may occur, we don't know about them. As far as professionals we have not recovered a victim and revived him, it is strictly a recovery operation. Alcohol has been involved in two incidents, and how it goes with alcohol, generally the investigating officer will question witnesses and family members, whoever else is present there whether or not there was alcohol, drugs or medication involved prior to the incident. Sometimes we do not have witnesses that can provide that information to us and we are not able to determine if alcohol has been a factor. We do know that one male was extremely intoxicated and one other individual had been drinking prior to the incident. We do know that a large percentage of the victims were inexperienced swimmers or described as poor swimmers. We have been unable to determine any other cause of the incident other then inexperience. We have all talked about cold water, swift currents, obstacles in the water, we have not been able to confirm that these were contributing factors.

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

Councilor Daoust stated I appreciate your report on other cities in Oregon that may have a program or don't have a life saving program. The one that I noticed was Seaside, they have a life saver program with four life guards. The Chief of the Fire Department said that they make about ten to twelve saves per summer because of the life guard program. How many years have they had a life guard program?

Lt. Nelson replied I am not sure.

Councilor Daoust asked could you elaborate on the Blue Lake Park situation, and why they don't have life guards now?

Lt. Nelson stated Blue Lake Park stated that they did have two drownings however the main reason that they closed, according to my research, was that they were changing the physical layout of the park at the time that these drownings occurred and they said they were not related, and there were just too many financial impacts on the park to continue the life guard program.

Councilor Ripma asked is it not true that Blue Lake, that the County was sued for one of the drownings. They were unable to locate a boy in the water and he died and they eventually settled out of court for \$600,000?

Lt. Nelson replied I have heard rumors to that affect, I have not had any administration from Blue Lake Park relay that information.

Mayor Thalhofer asked does the City of Cannon Beach have life guards?

Lt. Nelson replied yes.

Mayor Thalhofer asked are they operated by the Police Department?

Lt. Nelson replied yes.

Mayor Thalhofer asked what is there record as far as being sued?

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

Mayor Thalhofer asked do you know the time period that Seaside and Cannon Beach run their program?

Lt. Nelson replied it is similar to what we have proposed.

Councilor Kight asked Gladstone has three drownings a year, did they indicate why they have not started a life guard program?

Lt. Nelson replied no they did not. They do have a similar beach patrol program like we have.

Councilor Kight asked the Portland Metropolitan Area is surrounded with lakes and rivers, did you find any municipality, either city or county, that had a life guard program?

Lt. Nelson replied no, the only ones I found were on the coast.

Councilor Kight asked at the coast, do you know if they have life guards in the areas that are dangerous?

Lt. Nelson replied I do not know.

Councilor Kight asked how much staff time would be involved in running this particular program?

Lt. Nelson replied when it is up and running it would be about five hours a week on average.

Councilor Kight asked how much money would be involved as far as the City staff time?

Lt. Nelson replied I will have to get back to you.

Councilor Kight asked in checking with all the different cities, did you find any city at all that has a life guard program on a river?

Lt. Nelson replied no.

Diane White stated I live immediately north of the Troutdale bridge. My kids and I use life jackets to swim in the Sandy River. The proposed closure of swimming 300' north of the bridge will affect my families use of the river. I am in favor of recommending life jackets. I propose that a check point be made for the users of the beach and that it would be randomly manned due to financial availability. At the check point I am recommending a .50¢ user fee. I am also recommending that life jackets be used for all ages, because this park is unique and potentially dangerous. I believe it was two years ago when a man went into the water to try to save his nephew, but the nephew was pulled out by his father and the uncle drowned. I believe in using life jackets for all people as a safety precaution as all people use seat belts. I think the random check will send a clear message of "caution when swimming on the Sandy River, water conditions change daily and it could be potentially dangerous to users." I feel this is necessary and if someone wants to swim without a life jacket they can go elsewhere. I would like to see the City take action but that the users be respectful and responsible.

Councilor Rabe asked do you think that it would be appropriate for the City to engage itself in a formal life guard program on that beach and if so do you believe it would be effective?

White replied I am not sure as to the City's responsibility, I do believe it would be effective because I know where they go in and there is a window of opportunity. Usually south of the bridge somebody will try to swim across the river and they do not understand the strength of the current, they are trying to get to the other side and once they realize they are not going in the direction where they would like to be then they start to panic. If somebody was about fifteen feet south of the bridge, there is a window of opportunity for somebody else in a life jacket to go into the water and I believe they could save them.

Jack Glass stated I own Jack's Snack and Tackle. I witness a lot going on there just since I have been in business there. I was a fishing guide on the river and I have worked the river very avidly and also have assisted with victim recovery, I was even responsible for a save. All of these events seem to be just south of the bridge. The Life Guard Program is a valid program but I can sympathize with the City in there concern with liabilities. We have a group that has raised the money to sponsor this program and they have worked hard to do this and I think it is a very good program. When you call it Life Guard then we fall into another liability issue. I would like to make a suggestion for the life guard to maybe be called a safety monitor person, who is not responsible for diving into the water to try to save someone. Still place somebody in the high risk area and train them with a throw ring, give them a radio just to sit there and watch the high risk area. They would have tennis shoes on and not be bare foot like a life guard would be. You can throw a life ring forty to fifty feet, you are not going to be able to swim there as quickly as a life ring could get there. The quickest response is to have somebody in the high risk area at the high percentage times and have them monitor the area and if something goes on, if they see an event they can verbally warn the person and if they continue they can use the radio to contact the police. This is an alternative that hopefully both parties can still work together on because the money is there we need to make use of it and make that a safe area.

Mayor Thalhofer stated I think that is an excellent idea.

Councilor Rabe asked what your proposing is that the individual would probably stay by the rocks?

Glass replied that is correct. I would also suggest additional signage that would clearly state "high risk area, life guard not on duty," the same type of signage that is at public pools.

Russell Eidman stated I am the person that worked together with the Police Department and the Parks and Recreation Department to come up with a plan. My background is I am a leisure studies major, aquatics minor

at the University of Oregon who went from the university to Assistant Manager then Manager of the Aquatic Facility and aquatics coaching. I ran several different swimming pools over the course of about six years. I have trained 150 to 200 life guards. When this all started I was working for the City of Gresham as the Aquatics Coordinator. I helped the Police Department come up with a plan that if we were to man the park with life guards or a water safety person, what would be the best approach and design something that would work with the given amount of money that would be beneficial and came up with the list of equipment and prices and put the paper work together for the City. To give people an idea of what we would actually be talking about, as far as if we would have a person or persons down at the park, we are not talking about the life guard that you would see at the swimming pool with shorts and bare feet, and please understand you are also not talking about the kind of person that you would see on Bay Watch. What we are talking about for this particular park is a unique situation and a chance to do something that isn't exactly like what other cities or other parks are doing on lakes and pools, but a chance to adapt. What I mean by that is we came up with this plan from scratch, and got together with some people who do swift water rescue training and talked about this at length with a number of different aquatic professionals and asked is this a good idea and if so, how can it be done? I consulted a couple of swift water rescue trainers, the aquatic director at the college and some other people about this and what we came up with is a person who would wear sandals and a shirt that would identify them and had equipment that they would use to assist people in trouble. By no means would somebody, a water safety person, be somebody who was standing on the shore or seated in there chair ready to run and dive into the water and swim out and grab a hold of somebody. I don't want people to have that impression. Rather, the first option would be a throw bag, similiar to what the fire department uses, which is what I use. I was guarding down at the river several weekends last summer and we would have a throw bag and assist from the shore without even getting wet as the first option. Then if you did ever have to enter the water you would do so with your buoy, a hard plastic rescue buoy. And by no means would there ever be person to person contact with a victim at a rescue without equipment. The equipment is there to keep the rescuer safe. With the size of the river and with the areas where most of the drownings occur a lot of times emergencies that resulted in drownings in the past could have been avoided without a rescuer even getting wet. Most of the instances of drowning that I have discussed with Jack and other people who were on the scene, I can't think of one that couldn't have been avoided. When I talk with Lt. Nelson, Tracy Callan and the Mayor about these kinds of things and having somebody down there, it would be just as much for the purpose of education and a watch dog, having somebody observing what is going on and warning people and trying to prevent people from putting themselves into dangerous situations more then somebody to jump in and do a rescue. That would be a possibility and we are not talking about taking a pool life guard who knows nothing about the river or swift water rescue and putting them in that position. What we did is we arranged to have a swift water rescue training done by a certified trainer for those life guards. They would have life jackets, sandals or water shoes. One thing I have heard in the past is that this shouldn't be done because it is a liability for the City. My professor at the University of Oregon, who retired from there, is now a expert witness for aquatic lawsuits. So when somebody drowns at a pool and the family sues the pool or the park and recreation district or the city because their child drowned at their pool, this is the kind of person the court calls on to make those decisions. Anybody can sue, somebody can walk down the sidewalk out here and trip and sue the city because the sidewalk was in bad repair. You only have an instance of being liable for something happening if measures were not taken that were not reasonable for somebody to take in that industry. In my opinion, and in the opinions of the other professionals that I have talked to about this particular park and river, is that having an area like that, with the history that it has and the dangerous features that it has, and having it open to public swimming is as much of a liability then you would face if you had life guards out there. Even having a person such as a water prevention officer would greatly reduce the possibility of people being able to hold the City to that. That is something else that I would be glad to gather more information on.

Councilor Daoust stated I am glad we clarified that. I think each one of us has a different vision of what a life guard would do. Some of the comments that have been brought up earlier relate to the fact of having life guards and having signs out there and some comments would be such that if people see signs warning them that the river is dangerous, and on the other hand we have life guards, that you can't have both. The comment was made that life guards would invite people into the river to take additional risks. Can you comment on that?



Eidman stated I have heard that and I think where that comes from is you go to a park like Blue Lake and you have a designated area that is roped off with buoys where they have a life guard. That whole picture, in the minds of most of us, means here is your swimming area, it is an invitation. What we have here is a unique situation and this is only an issue here because of a unique set of circumstances. You have this place that is so accessible so close to town and beautiful, inviting and a wonderful place to go and with a parking lot right there it is a short walk and it is terribly hazardous so you have this combination. I think it has been widely publicized. I think you have ways to counteract that, there has been a lot of work done for new signage down there, they are in multiple languages. You can have a sign added that states, no life guard on duty and you could have the water safety people down there. You could have a sign that says, staffing of this park in no way condones swimming here, a lawyer would have to word that. It would be something saying what the City's position is. The important thing would be that the staff that is there aren't just standing there looking around, they are interacting with the public.

Councilor Ripma asked this program that you are talking about is really very similiar to what Jack Glass was just talking about. In essence this is the life guard program that we considered just two months ago, correct?

Eidman replied yes.

Councilor Ripma asked you mentioned that one of the jobs would be interacting with people there and try to tell them when they are doing something foolish. I am concerned about that because unlike in a pool, presumably a life guard could kick them out if they are misbehaving, this is a public place. Wouldn't that present a problem? Aren't the very people who are likely to take the foolish risks, or had too much alcohol, the very ones that are just going to blow off any kind of life guard warning and not listen, is that not the danger here?

Eidman replied to answer your first question, are those not the same people, yes of course. It is real interesting for me to speak on this because not only did I come up with the equipment and the plan, but this last summer I had a chance to be down there three weekends in a row, so I got a real taste of what it would be like. There were people that were jumping off the rocks and that sort of thing, that crowd of people who say take a hike, what are you going to do. You are always going to run into those people, and there were people I talked to and told them what they were doing wasn't safe and I would go away and come back five minutes later and they were doing the same thing. You are right, you are not going to be able to protect people from themselves, but having somebody there and having that education going on is sure a whole lot better than having nothing at all. If somebody is doing something unsafe and they have been warned by City staff that you shouldn't be doing that because it is not safe and they continue to do it and they got hurt, it would be hard for that person to say it was the City's fault. I don't want to reduce this to a liability thing, because it is not. The bottom line here is we have an opportunity to protect lives and to stop these dangerous things from happening and it would be a shame to throw away an opportunity to prevent loss of life or injury to people because there are always going to be those few people out there who aren't going to listen. How far a staff person would push an issue is a topic for training and between the water staff and the police department. One of the things that I said would be an absolute must if you were to do this was, direct radio contact with the police. One of the beauties of this is you mention, a lot of the people that get themselves into trouble have been drinking and this would go a long way in preventing that and curbing that.

Councilor Ripma asked would it not be better to have an Ordinance that could allow the person to give out a ticket?

Eidman replied that is not necessary because you already have police down there.

Councilor Ripma stated it is a public waterway and if someone is jumping off the rocks and there is no ordinance against it, what authority do the police have. The very type of person that is likely to ignore the warning and get into trouble and be irresponsible is not going to be hard pressed at all to sue the City, I can assure you that is just the type of person that will.

Eidman replied to sue and to have grounds to sue or to win are two different things?

Councilor Ripma asked wouldn't it be possible that the very presence of a person down there ready to throw you a life ring would encourage people to take foolish risks?

Eidman replied the people that are going to take the foolish risks are going to do it one way or another. The people that I witness doing it were doing it before they knew I was there. The fifteen or sixteen year old boy who drowned last summer wasn't jumping off the rocks or logs, he was just walking along the rocks and didn't know any better and he was completely dressed and not planning on going for a swim. A non-swimmer like him shouldn't have been where he was at all and if there would have been somebody there that boy would not have drowned.

Councilor Ripma asked your professor, the expert witness for aquatic lawsuits, I was more alarmed by the fact that people do get the million dollar settlements and your assurance is that reasonable and prudent measures would protect the city. How does he make a living if people don't sue?

Eidman replied I am not saying that people wouldn't or couldn't sue. You can't stop somebody from suing. What I am saying is first off, you are not any more protected now then you would be with the staff because you have an area that has a long history of being very dangerous but is still open for swimming. You have people, I know of aquatic professionals in Multnomah County that have suggested to City staff, to this Council that the park be closed for swimming. There is more of an argument there for somebody to collect money from the City for there son or daughter drowning there then there is through the proposed plan of having staff down there.

Councilor Ripma asked is the Sandy River dangerous to swim in?

Eidman replied when I have been down there in the spring, April and May, it is terribly dangerous. When I was down there in August and September, there is no good reason why anybody should drown in that stretch of the river during that time of the year except for the rocks, for doing things that a person should not be doing and in a place that is staffed they wouldn't be doing, the crazy things. Any average swimmer can swim across the river at the park. I watched kids do it all day, I watched people that I considered a non-swimmer make it across. It is the people doing the really outrageous things and things that a trained person can see coming a mile away.

Councilor Thompson asked would they have any enforcement authority at all?

Eidman replied as far as ordinances, I would not suggest that, writing tickets, I would not suggest that either. Their job would be to educate, prevent and watch what is going on.

Mayor Thalhoffer asked how many life guards or water safety people are in the plan that you developed?

Eidman replied four.

Mayor Thalhoffer asked how many people heeded your warnings and your admonitions?

Eidman replied nine out of ten.

Councilor Kight asked you have trained 150 to 200 life guards, is that right?

Eidman replied approximately.

Councilor Kight asked how many of these people were trained to life guard in rivers?

Eidman replied they were not trained for open water. That is why we discussed doing a swift water rescue class

in addition to hiring somebody that is already a life guard.

Councilor Kight asked so all the life guards that you have trained have been for aquatic pools?

Eidman replied that is correct.

Councilor Kight asked none of them have been trained for river rescues?

Eidman replied not for the purpose of going directly to that. Any one of them could however sit through another four to six hours of training to have another stamp on their card to go from being just a pool life guard to a river life guard. So ninety percent of the training for a river or lake life guard is the same training that these other 100 to 150 people have.

Councilor Kight asked so you are saying you have trained life guards for river rescue?

Eidman replied I am saying that all the skills and all the information that they learn in a life guard class pertains to the person that we are talking about.

Councilor Kight asked are you familiar with any other city that has a life guard program in their rivers?

Eidman replied no. I know of quite a few on lakes, but I don't know of anybody else that has a park like this.

Councilor Kight asked how familiar are you with the Sandy River?

Eidman replied I spent twelve hours a day three weekends in a row on it, around it, swimming in it so as far as the summer time goes and what this area is like, I am very familiar.

Councilor Kight asked are you familiar with the term "the chute?"

Eidman replied yes.

Councilor Kight asked could you describe that for us?

Eidman replied that is the area of the river where it narrows just prior to passing under the bridge where the rocks are. It goes from being very wide and shallow and it narrows into a narrower, deeper, swifter area until it gets almost to the bridge and then widens again.

Councilor Kight asked have you communicated at all with the Multnomah County Dive Team?

Eidman replied they were present at a couple different press conferences that we had down at the river and a couple of the Water Safety Committee meetings that I was at and I have talked with them briefly.

Councilor Kight asked did you approach any of the dive team members about the idea of life guards on the river?

Eidman replied I haven't approached anybody, but the subject has been brought up and discussed at Water Safety Committee Meetings.

Councilor Kight asked you stated that your folks would be trained to prevent but not to rescue.

Eidman replied I did not say not to rescue, I said that would always be an option but there first job would be prevention. I said that going into the water would be the last resort, not that they wouldn't do it.

Councilor Kight asked would you describe what the bottom of the river looks like as to the type of debris that is not seen from the top. The Sandy River is glacier fed and you are on the top of the river looking down, the distance is obscured because of the silt runoff, is that correct?

Eidman replied in the summer you can't see the bottom two feet down depending on the day.

Councilor Kight asked can you tell this council and say for sure that if you have water monitors or life guards there that nobody would drown?

Eidman stated I have never said that and I would never say that, in fact I have said to a number of people just the opposite. Having staff down there in no way means that nobody is going to drown. My point of contention is that if you have staff there and one person who would have drown doesn't, it is all worth it. Just because staff is down there, somebody might die ten feet away from that person because of something they couldn't prevent. Just because somebody does CPR doesn't mean the person is going to live, just because a body is recovered quickly doesn't necessarily mean they are going to live but they might. Whereas they definitely wouldn't have if the person wasn't there. So, if you can do something like that, if you can prevent injury and save a life, with a minimum risk to the City with no City dollars, then why in the world wouldn't you want to do that? You don't have to save everybody for it to be worth it, if you save one person.

Councilor Rabe asked I am intrigued by what your perception of the distinction between someone who would be in my minds eye a life guard and someone that we might call a monitor where the person is reasonably stationary and there intent is not to dive in the water, there intent is to keep people away from the dangerous zones. Every time you say life guard it comes with a lot of baggage and then there is beach monitor which says something different. Could you help me with that?

Eidman replied I think the distinction is what you make it. We are not talking about you having to go into the park staff shopping center and pick out what you want. This is open to an infinite number of options. You can put people down there that are whatever you want them to be, you don't have to take some other program and institute that on the Sandy River. You have an opportunity to create something completely new. You don't have to put life guards down there, if you want you can say we are going to staff that park with people who are not allowed to swim out into the water to do a rescue.

Councilor Rabe stated what I wanted to understand is that this job title is at the discretion of those who employ them and does not have an established description amongst professionals who are affiliated with that kind of occupation.

Eidman replied that is very important. If you put a life guard on the river, that comes with a preconceived idea of what that person is to do. If you put any other kind of staff person on the river, that persons duties are what you make them.

Alex Mauck stated I have been a resident of Troutdale since 1958. As a young boy growing up I was able to go out and lay in the middle of Cherry Park Road, which is now 257<sup>th</sup> Drive. But I think the reason that we are at the top of the food chain is we have a little bit of reasoning power within ourselves and I now know if I were to go out and lay in the middle of 257<sup>th</sup> Drive I am liable to get ran over. I don't know if that would constitute that we are going to have to have traffic patrol guys because Alex Mauck who has lived here all his life was dumb enough to go out and lay in the middle of 257<sup>th</sup> Drive. The Sandy River is a dangerous place. I think if you do your history it was at one time called the quick sand river. I believe Lewis and Clark lost somebody in there mission across the Country. As a business owner I am a little bit inclined to think that I could use a little bit less of government help most times. I look at the common sense thing. The one thing that I have heard here today that really intrigued me is, it is all men that have drowned. Maybe we need to take the \$36,000 and find out why women are so smart. I find little tolerance as an employer for adult common sense. I think that you will find if you look at most of the drownings they are a common sense thing. That is a dangerous river, I live on that river and

the channel changes. One year we had a rope out in front of my house we could swing and go into the river, you can't do that now, it is a sand bar. I don't need anybody to come down, life guard or otherwise, to tell me not to do that. I have heard some ideas that signage is a good thing. I have to say that it is up to people to be responsible for their own actions. I don't think we can make everybody or the world a one-hundred percent safe place. I think it is a real good idea that the Boosters have had and I know the Mayor has spent a great deal of time on this as all of you have. I would have to say that I am not in favor of a life guard down there. I am also not in favor of shutting the beach down because they are just going to move someplace else. I don't know if we are losing any more people down there then what we lost when there was only 360 people in Troutdale, I don't know those statistics.

Donald Gagnon stated I have spent the last two years walking up and down the Sandy River, against all odds, with a fly pole trying to catch fish. I have walked in the area that you are discussing tonight where most of the drownings have occurred. I have had water up to my chest and had boats float by me asking me why I am in the middle of the river. I have also had water up to my knees in the same spot that I was fishing three months ago. The idea of having a water monitor or a safety person on the beach, I strongly agree with for reasons that, if you have someone there to educate the people that are using the river then I believe that will be the key to solving some of the problems that we are having down on the beach. The possibility of having a life guard or a water monitor, according to what I have heard this evening, the money is there I believe it is just the education that is needed.

Mayor Thalhoffer asked have you ever seen an occasion where a water safety person might be able to help in a situation?

Gagnon replied yes I have.

Mayor Thalhoffer asked could you describe that please?

Gagnon replied where I have seen teenagers on the bank with alcohol, of course they are up the river on the right side in a spot that is out of view and easy to hide, they will jump in the river. At that point if there would have been somebody with a radio close by I could have informed them and they could contact the police department.

Councilor Rabe asked you are thinking that the education piece is the priority?

Gagnon replied absolutely and I think if there is a water monitor person they must be bi-lingual.

Mayor Thalhoffer called for a break at 8:55pm

Mayor Thalhoffer reconvened the City Council meeting at 9:08pm and called on the Boosters.

Rob Klever introduced the board members, Pat Brothers, Ray Regelein, Mike Greenslade and Junke Yoshida. We would like to address some of the topics discussed tonight.

Junke Yoshida stated twenty-four years ago my first born baby was saved by five doctors. The five doctors working around the clock for five days in the intensive care in a Seattle hospital. We prayed all day and night and even offered our life to God, take our life instead of our child. If we were four or five hours later to the hospital we would have lost her. We believe there is a reason why she is still one of my oldest wonderful daughters. When we received the bill from the hospital, it said \$250,000. We are shocked, the hospital staff thought they were charging us too much, but no, we are so shocked that they are only charging us \$250,000. My wife and I promised the staff and the people upstairs that someday we are going to pay back. I am pleased to serve on the Doernbeckers Hospital Foundation for five years. I am so proud my oldest daughter serve on the Jr. Doernbeckers Hospital Board of Directors. When we heard about people dying in this river in the same area year after year, we felt that this was something our friends, business people, community people and City Council and Mayor could get together and do something together and lets show public. March 23, 1999 I came to City

Council meeting and listen and we felt we were going to finish up the hearing in ten minutes and the Council will tell us, thank you so much, anything we can do to help you raise the money. Unfortunately that first hearing lasted two to three hours. Second reading I was in Japan, my wife used portable phone and interrupt my business meeting so many times and I found out you finish up meeting at midnight and it was rejected. We don't have a hidden agenda. Fortunate people like us want to give something back to somebody. I have received a \$1,000 check from one person, he called me and said, Mr. Yoshida you don't know me, my best friend drowned twenty years ago under the bridge there. Please use my \$1,000 to help somebody so this will never happen again. More than 900 people chip in to this organization including a .50¢ donation from one child and some people \$1.00. We are really proud that many people are involved. Again, I would like to set the record straight, we have no hidden agenda Sir. This is the history of how we started this organization.

Rob Klever read a letter submitted to the City Council. (copy included in the packet)

Pat Brothers stated I have two comments to make this evening. One is from the Corbet Safety Action Team that includes the Corbet Fire Department, East Multnomah County Community Association, Sheriffs Department, State Police they endorse the program that had been described earlier. And secondly I would like to read into record a letter from a fellow white water enthusiast. Dear Council Members, I want to express my strong support for the efforts of the Troutdale Booster Club to raise private funds to hire life guards for a particularly dangerous area on the Sandy River. As you know the past few years far too many people have drowned in this area. I am impressed by the community spirit which underlays this effort to prevent these tragedies in the future. I encourage the City Council to join with the Troutdale Boosters to make this worthy effort a reality. This is exactly the kind of public private partnership which has historically played a role in many of the States greatest achievements. Sincerely, John A Kitzhaber, Governor, State of Oregon.

Ray Regelein stated as a member of the Board of Directors I sit here tonight with this group of people with a proposal to you to do the right thing. We have sat here for years and done nothing, suddenly an offer is made to minimize the loss of life on this river and there is a scramble not only to say don't do it, but to close the beach. Closing that beach would punish thousand of people who want to use it. It would be the wrong message to community involvement, saying only certain people can get involved the rest of you stay out. It serves no purpose. We are here to minimize the loss of life on that river. We are not going to save everybody, we are not the experts. All we are here to do is to offer you the money to develop a program that serves the majority of people in this area.

Mike Greenslade stated I would like to ask the Council to consider all the right reasons to do this program. All the right reasons to do this program, it seems to me there are several and it seems like a lot of the wrong reasons have been looked at and hashed over and over. We have raised the money, what is wrong with giving this thing a try and implementing it next summer? I don't have time and these guys don't have time to continue to argue about the same thing over and over again. Look at all the right reasons and hopefully make the right decision.

Councilor Ripma asked you are not asking us to take any action on this tonight. You are talking about next spring and discussions over the winter, is that the general proposal?

Klever replied we believe it is up to you to set policy for what we want to do on the river. You all need to be concurrent with a solution. We are here to work with you and work with the community to reach that solution.

Councilor Ripma asked are you asking us to take action tonight?

Regelein replied it is up to you whether you are or are not going to take any action. The proposal is there, we have offered the money, it is up to you what you are going to do.

Klever stated the situation is that you authorized us by resolution to operate the program by ourselves, we can't do that. So we are asking that the City Council review that resolution and work to be responsible for that

program.

Councilor Ripma stated so you are asking us to reverse our decision, and you don't want to talk about it over the winter. It is before us tonight and no further discussion. I am wondering who gets the credit for all the press coverage we have been getting? We have had more coverage then the last ten years combined and we haven't even had a drowning this year, however, while it may not increase the risk of us being found liable if a drowning were to occur, I happen to think that it does increase the likelihood of the City getting sued and I am concerned about it. Is that part of your program, to continue the press?

Regelein replied I believe you and Councilor Kight were on the radio yesterday afternoon.

Councilor Ripma stated believe me we were called so was the Mayor.

Klever stated certainly the media coverage has drawn considerable scrutiny here at the City of Troutdale. It is certainly not a concerted effort on our part to have that campaign. To address your other statement, I believe Mr. Sercombe made a statement in the newspaper this morning to the effect that, even if this publicity goes to such an extent that people are more educated of the problem, doesn't that in fact lessen any liability of the possibility of being sued. Part of the problem here is education also, we need to get the word out to the public of the dangers of the river.

Councilor Ripma stated you have the money raised and you have reached your target and that is great. I understand that we have given you the go ahead to do a program if you want to and you don't want to. You want the City to take responsibility. One of my main concerns is that regardless of the money that is raised, are you aware that it would take approximately a month and a half of Lt. Nelsons time to administer this program and that we are short on police officers. It isn't just a question of money, it is also a question of depriving the department and citizens of police services, have you taken that into account? You say there is no cost to the City but isn't it true that it would deprive the City of some police services?

Klever replied that is beyond our control.

Mayor Thalhofer stated I understand that the Citizen Advisory Committee and the Parks Advisory Committee both recommended that the City Council operate this program if you provided the money, is that correct?

Klever replied yes.

Mayor Thalhofer stated this idea of a task force that you mentioned really interests me a lot. This has become a problem that perhaps members of the community should be involved in the solution. That is an excellent suggestion. I think such a task force composed of members, it could be from different committees that we already have, a couple from City Council and the Boosters could probably hammer out the details of the program that we probably can't do on the City Council. I would be in favor of that. It sounds like a citizen approach that people in this small town of ours would be real interested in participating in. I would like to pursue that idea.

Councilor Kight asked one of the ideas that has been floated by the police department, is the three to one matching dollars for a resource officer at the high school. There idea was that the resource officer would be used during the nine months of the school year at the high school and then during the summer months be used at the beach. Would your club be interested in funding something like that if the life guard proposal doesn't go forward?

Klever replied any request for action like that would have to be the concerted effort of this council and presented to us in a formal grant request, like you would for any other foundation, tell us the details of the grant.

Councilor Rabe asked I am curious about timing. I have never seen anything with reference to this task force, yet this seems to be the most logical approach to this kind of initiative. The first time I have heard about it was at the

last council meeting in March. I thought as I went home that evening, that is a whole lot they are asking without any kind of planning. Why now, are we looking at a task force, which I would concur would be the most logical and productive way to arrive at some sort of middle ground on this program. It just seems odd that now we are going to go for a task force, that has community involvement and council involvement, chamber involvement, that seems like the way to do it. Why now as opposed to before?

Klever replied when I appeared before the Parks Advisory Committee and the Citizen Advisory Committee, both groups were disappointed that they had not been a part of the process. This is the first time we have heard information specifically about the Water Safety Program as proposed by the Police Department, the testimony heard from Russ Eidman. This resulted from people wanting to get together with the experts that are having to respond to the problems plus our citizen advisory groups, the people in Troutdale that want to participate and see what everybody has to say.

Councilor Rabe asked so, the Boosters do not have the preconceived notion of all the conditions, ramifications of this life guard program or water safety program. You are or will be open to suggestions which are community oriented or council generated or so on in terms of compromising and developing this program?

Klever replied other than we want a comprehensive program down there.

Councilor Rabe stated when I think comprehensive I think lots of things. Everywhere from parks and recreation having external funding to develop water safety courses that are offered to students or young people prior to the season, I am thinking about life vest availability, possibilities of preventive screening on the bridge so that we can physically prohibit people from jumping off the bridge and so on.

Klever replied those are the things that we can not control. This has to be done by the City Council.

Councilor Rabe stated but you are funding this.

Klever replied we have to have a request before.

Councilor Rabe stated sure. What I am getting at is are you open to a comprehensive, which you are talking about a fairly large number of people with different ideas, which I think this task force is the most logical way. So, there is no preconceived notion of the program?

Klever replied all we can say is what the police department brought to us.

Councilor Rabe stated my only apprehensiveness of it is that, if such a task force were developed, I would want to make sure that anybody, including myself, may participate and understand that there is no agenda. The agenda will begin the first day we meet.

Klever replied I can't argue with that.

Regelein stated I am not sure what you are saying Councilor Rabe. Our main focus is a presence on the beach that can react and educate.

Councilor Rabe stated I see that as only a fraction of the program.

Regelein stated our offer is for that, a presence on the beach. We are not about fencing the bridge.

Councilor Rabe stated that is part of the problem. That is what causes me to be apprehensive because you have a preconceived notion of what the program will look like. I want an open forum.



Klever stated we do not have unlimited funds. We raised money specifically for the life guard program and we have met that goal. Now if we are increasing this to include bridge work, we don't know if we have the resources at this point to do that.

Councilor Rabe stated but that is part of collaboration and communication?

Klever asked are you willing to meet us half way? Is this Council willing to meet us half way on that?

Councilor Rabe replied I should probably go home and get approval from the governing body, but I am willing to offer myself up to this task force. Time is something I can offer.

Klever asked are you going to provide matching funds for every dollar that we contribute?

Councilor Rabe replied I can't speak for that. What I am proposing is something that can be contained within the budget that you have raised. I am not talking about going outside the budget.

Klever stated we also have a responsibility to our donors, it has to be consistent with the goal for which we have raised the money.

Councilor Rabe stated I think a comprehensive program ought to include, education program through the Troutdale Parks and Recreation program, I am thinking about the communication devices that are going to be necessary for everybody to have, I am thinking about the possibility of the fencing, I am thinking about life vest availability, increased signage along the beach, establishing a check point that screens DNA that is on its way in before it ever has a chance to get started, somebody that might just be standing there welcoming people to the beach.

Klever stated I am not sure where we are going with that.

Councilor Rabe stated where I am going is that most of these drownings are drug and alcohol related.

Greenslade stated we are all citizens, business owners, we are workers, are initial goal was to try to get something that the city government could not fund, the private sector went out and raised the money based on putting a life guard program or a monitor together, that is how we sold it. As far as education and these other things, that is not what we sold. We are offering you the money based on a \$21,000 budget, we have exceeded that, lets put this thing together and give it a try. It can build from there if it needs to. Right now, we raised the money for a life guard program.

Councilor Rabe stated and you see a life guard program as just personnel down at the beach.

Yoshida stated any money left over then we can consider that.

Councilor Rabe stated it appears that there will be money left over.

Yoshida stated we do not know how many hot days there will be.

Regelein stated we are proposing a life guard program, however it is designed, if you have other ideas that you would like our help with, give us a proposal. That is not the issue tonight.

Councilor Daoust asked I would like to clarify what you expect tonight. Do you expect a commitment from the City Council to accept your money and enter into a river safety program, is that you expectations for tonight and maybe some of the details could be worked out with a citizen advisory group over the winter?

Klever stated I would like the City to reconsider the previous resolution that they would not take part in any water safety program.

Councilor Ripma stated to be absolutely clear, you want the City to hire the life guards, or whatever you want to call them, and hire the administrator and essentially the program that we considered a couple months ago is what you would like us to do?

Klever replied it is the life guard program.

Mayor Thalhofer stated I think we were onto something and that is the task force. Not to say that there hasn't been planning, because there has been three years.

Klever stated Mr. Mayor that can be part of your deliberation.

Mayor Thalhofer stated I think this task force would be very beneficial to the City. Then we can resolve this issue at that level and have it come back with a recommendation to the City Council. Do you have any objection to that?

Klever replied no. Again that is your decision.

Mayor Thalhofer asked would you be willing to participate, your group, in such a task force that would look at a comprehensive water safety program which could maybe be different then the one in which you presented earlier?

Klever replied certainly if you ask us we will participate in any task force. Again it is up to this Council to decide policy and if they want the funds that we have to offer for the water safety program, then lets do it.

Mayor Thalhofer asked what my question is, could you hold those funds until the report from the task force, which would make a recommendation to the City Council and then if it called for all or part of those funds, could you expend them at that time?

Klever replied whatever you do Mr. Mayor it is going to have to be a request. You want us to do a number of things, you want us to be a part of a task force, simply ask. Again we have raised the money for a water safety program, that is the premise that we raised the funds on and the Council needs to make a decision on whether they want to follow that policy and pursue that avenue.

Mayor Thalhofer stated you are the one who raised the idea of the task force.

Klever replied it was a suggestion to help this Council make some decisions.

Mayor Thalhofer asked you have said that we have to pass the life guard program tonight or you might spend the money someplace else.

Klever replied I did not say that.

Mayor Thalhofer stated well okay, words to that affect, maybe I am misquoting it, I am not trying to do that. I am trying to resolve this issue and I think the task force would be a good way to do it but that wouldn't necessarily mean that the Council would make any decision tonight on this program that was presented.

Klever stated Mr. Mayor please don't ask us to commit to whatever funding from the task force's recommendation until we see what develops.

Mayor Thalhofer stated I am not asking you to do anything at this point except participate as members of the task

force to come up with a comprehensive water safety program that will contain elements that the task force will recommend and bring it back to the Council. If it is something that you don't like that the task force recommends then you say that is not where you want to spend your money.

Klever stated we will participate if you ask us.

Mayor Thalhoffer stated then can you put the money into a interest drawing account and leave it there until the task force comes back with the recommendation?

Klever replied all of this is mute unless City Council decides on a course of action to pursue this.

Mayor Thalhoffer stated we are not on the same level and I don't understand it. What I am trying to say is, why can't we form that task force, which was your idea, and have a comprehensive study done by the task force, would you be willing to wait and see what that looked like and if it looked okay, would you then be willing to use the funds that you have raised.

Klever replied Mr. Mayor please, our fund raising efforts are not a one shot item. And we are not here on just a one issue deal, we are here to stay and we want to do different projects in the city and we are going to continue to raise funds. If you have to have a task force we would be happy to participate.

Councilor Kight asked if the Council was to approve a life guard program, is your group committed to raising funds for additional years?

Klever replied that is our goal. It would work one-hundred percent better if this City Council was behind us and we could work in a partnership to achieve those goals.

Councilor Kight stated we have a letter in our packet from the CAC, apparently you had approached them. What was the purpose of approaching the CAC?

Klever replied the purpose of approaching the CAC as was the Parks Advisory Committee to address citizens of Troutdale as one of the Councilors asked at the previous meeting.

Councilor Kight asked how many people from your group showed up at the CAC meeting?

Klever replied four.

Councilor Kight asked how many showed up from any other group that was opposing the life guard program?

Klever replied there were none. As were neither you or Councilor Ripma.

Councilor Kight replied I had other commitments. So they heard only one side of the issue?

Klever replied not necessarily. We tried to present all arguments that were made at the Council meetings to the CAC.

Dave Munson stated I am a member of the CAC and I am also a member of the board for the Sweetbriar Home Owners Association and I have talked to neighbors. Everybody has a different question and a different answer in regards to this river safety. There is no doubt there is a danger there. I propose, for taking care of this situation once and for all, that come the November Election put it on the ballot as option one close the beach, option two leave it the way it is, option three have life guards. Let the community decide.

Councilor Daoust stated I thought about that the other day, but I didn't want to look to much like the Oregon

Legislature.

Munson stated I feel stronger that the community should be involved rather than just a few people.

Councilor Ripma stated that is a very interesting idea. Would part of that proposal that would be put on the ballot include some sort of funding mechanism so that it is funded and not have to rely on private groups?

Munson replied I feel anyone in public service has a tough job and they accept the responsibility and authority. If the voters say we want life guards down there, it is up to the Council to decide how that happens. If you are going to accept the generous offer from the Boosters, so be it. I would not put a monetary price on it, that is like putting a price tag on a life.

Councilor Ripma stated the funding for the program, I am not trying to put a price tag on a life at all, if we are putting this to the voters they could also vote to fund the program through a city tax, the details would have to be worked out. I am just making sure that I am understanding your proposal correctly, I am thinking that it did include that we would be asking the voters yes or no on the funding the program.

Munson replied that would be up to the Council.

Mayor Thalhoffer stated that is an interesting idea and I don't know whether that would be one that would be good to do a survey on. Would that be something that you would be interested in?

Munson replied no, I would recommend in the November election.

Councilor Kight stated I have also entertained this idea because there has been so much controversy involved. Ultimately I think we are all looking for the same thing, which is safety at the river and what we are arguing about is how that is best going to serve the people of Troutdale. Let me ask our City Attorney, could we in fact put that before the voters?

Sercombe replied the City has the ability to put an advisory question on the ballot. But the law is that you have to put an advisory question on the ballot that can be answered yes or no. It has actually been litigated as to whether or not you can put something on the ballot that involves multiple choice question. The City of Eugene put to the voters the question of where should we put our library, should it be at 2<sup>nd</sup> and Oak or 12<sup>th</sup> and Elm, and they wanted to put that question on there as an advisory question and the Secretary of the State sued to block that election and prevailed. The way that you structure an advisory question is, if you want to put these choices to the voters, do you approve of a city program to do this, yes or no. It has to be on a yes or no basis. But you do have authority to put advisory questions to the voters.

Councilor Kight asked as part of that could there be a monetary component to that advisory question?

Sercombe replied if you want to raise money from the voters that is not an advisory question that is an actual ballot measure.

Councilor Kight asked could we do the advisory question as one component and the second component could be the funding mechanism?

Sercombe replied an advisory question is just an advisory question, it has no legal authority. You can put any number of measures you want on the ballot, but I want to be clear that you can't do something that says we are going to put this money measure out and if you vote in the money measure we are only going to put it into effect if you answer this advisory question in a particular way, you can not do that.

Leslie Sykes stated I am the Chair of the Citizens Advisory Committee. One of the goals for the CAC this year

was to see action that we take in our meetings, to have members follow them through to the Council or the Planning Commission. I want to make a couple of clarifications, first is that I realized after the fact that the motion was a little unclear, although there were many members actually supporting the life guard program as we unanimously requested that the Council reconsider this program. Because of the wording I think some people had some different interpretations of that. Jim Kight eluded to the fact that there was no opposition, I want to make it clear that there were some opposing questions asked. I specifically asked, is a life guard able to physically do a job that we are expecting them to do, what official has actually told us that? Russ Eidman had answered those questions for me personally tonight. There has been somebody with some knowledge and some background and training that has looked at the situation and has said we are capable of doing a limited amount. The other question raised was of course funding. The Boosters told us that they hope to have funding for the next few years, up to five years is what I remember, until the City can obtain the funding. Also as a member of the Budget Committee for Troutdale, that is a concern for me and I addressed it and stated after sitting through several budget meetings I am going to have a tough time choosing between our traffic safety officer and a life guard for somebody who is making a personal choice on the river. Those were a few of the questions asked at the CAC meeting. On a personal side, initially when the life guard program was presented to me, I was against it. After the Boosters addressed the CAC I started to reconsider and since then I have had many discussions with a lot of people and I have to say that I have been embarrassed and amazed at some of the non-related issues surrounding this. My position now is, we were all concerned with the life guard label and that is what I have heard from several of the Council members also. Like Jack Glass addressed, the liability issue, I don't understand why we can't just have signs that say no life guard on duty, but have a water safety officer down there that we aren't obligated to keep down there year after year. Lets put a water safety officer down there and you talk about a task force, I think that actually we need to make a decision tonight. I think a task force to define a water safety officer is okay, but lets make a decision tonight about proceeding with that option. I would like to move ahead with the idea of a presence down at the beach on a trial basis and if it is one year and the funds pay for our staff time, I still have financial reservations, but I think that the money is there and we should be giving it a try.

Councilor Ripma read a letter into the record from Carolyn Taylor who was a member of the Water Safety Committee and she wrote, dear Mayor and Council, I do not feel the lifeguard proposal is a viable solution to the hazardous conditions that exist on the Sandy River at Glenn Otto Park. To put life guards on this stretch of the river that is posted with multi-lingual signs and has already claimed 12 lives, to me is saying we know this is dangerous but it's okay to swim, we will try to save you. Within the past two or three years, we have had studies and advise from swift water experts, sheriff rescue team, red cross and our own water safety committee. The message from them was putting a swimmer (life guard) in the water is dangerous and not the best solution. One of their recommended options was jet ski's or boats. To have the City of Troutdale to place city employees (lifeguards) on the beach in a potentially life threatening situation, is foolhardy and not in the best interest of public safety nor the City of Troutdale. I urge you to vote no on the lifeguard program and consider other options.(a copy of the letter is contained in the packet)

Richard Brown introduced Laura Jennings, Lyndee Brown, Greg Geosbrecht, Misty Lizarraga. Richard Brown and stated these are future voters of Troutdale and I think they really like having the beach. Mr. Kight made a comment that can you guarantee that life guards will save a life, that will never happen. Greg is a trained life guard. There are four basic rules for life guards, one is reach, two is throw, three row and four is never go. I have talked to several neighbors in the Sweetbriar and Sandee Palisades areas and I only ran into one person that wasn't for having lifeguards. Listening to some of your comments tonight, you are way off base.

Greg Grosbrecht stated being a lifeguard is way more than what you think. I worked at Centennial High School Pool for three years, when I first got there I thought I was just going to watch people and blow my whistle and that is all it is. You help little kids when there bike gets stolen, we wait with them when there parents don't come on time, we clean the locker rooms, we do everything. Out there on the river you could help a little kid find there parents if he was lost and you could tell people it is not safe to enter the water if you are drinking alcohol and you could call the police. If someone is in trouble in the water we could toss a line to them. Some of the things you brought up earlier are the total extremes which hardly ever happen. By closing the river to anything over six

inches, that is pathetic, there are tide-pools deeper than that. I think it is illegal to shut down the river, what about the fisherman that is wading up to his chest in water, is that illegal? Or someone who is going by in a boat and they fall in and they are swimming back, is that illegal? It shouldn't be.

Lyndee Brown stated I think a couple of lifeguards would be a good idea. About two years ago, after the flood in '96, it was my first year in the Sandy River and I am an excellent swimmer, I have been on the swimming team for ten years. I was swimming along in the river and a piece of wire caught on my foot and I went to pull away and it cut my foot open and I was trying to swim and I came to the rapids and I didn't know what to do and I started to panic and luckily there was somebody there to pull me out of the water. There are excellent swimmers and there are horrible swimmers but no matter what there is always going to be circumstances where something could happen. You can't stop people that are bad swimmers from going to the water. The fact is, with lifeguards you can prevent a life from being lost and if you can prevent even one life from being lost it is important enough. Every life is important whether or not they are at the river and they have been drinking alcohol, they have a right to live and we can do something about that and if we have the money to save one person's life then I don't understand why we wouldn't do that.

Richard Brown stated I don't know why you are beating this around because it is so right to put a lifeguard down there. You talk about liabilities, I think attorneys have us so scared in this country now that we are afraid to say the truth. Putting lifeguards down there is just the right thing to do. I have no idea what is going on between you guys and the Booster Club but let's make it right. Throw your own feelings out the door and let's get a lifeguard down there. You have put signs down there in all these different languages, tell that to a five year old kid who can't read. Can you just find it in yourself to do what is right for once, you know it is right. They have raised \$30,000, that is a lot of cash. Where else have you seen a town this size, where a group of guys get together and raise \$30,000 for what is the right thing. If any of you can tell me it is the wrong thing, say it now.

Councilor Daoust stated I totally agree with you.

Councilor Smith stated you say that you take your family down to the river. Do you find the river dangerous?

Brown replied certain times of the year, yes.

Councilor Smith asked do your children wear life jackets?

Brown replied no. At one time Troutdale was a quiet little town, now we have 14,000 people. Kids have more accessibility now, they have cars, most families are three car families. You are not going to tell your kids, no you can't go to the river when they have cars. They are going to go to the river and they are going to have fun. Let's give our children a fighting chance if they make a mistake. What this Booster Club did, how you can say no to these guys is beyond me. You can talk liabilities to death, it is pointless.

Councilor Ripma stated I hope you realize, you are interested in the swimming and the lifeguards and we have to consider the city as a whole, its financial condition, whether there is police on the street, all kinds of things. We can not fund everything and we can not accept programs and responsibilities that involve city money and the use of city personnel and city liability without at least thinking of the city as a whole. I hope you appreciate that. It is not like we are anti anything, there is no agenda but for the best interest of Troutdale. I believe the Boosters feel that, you feel that and we feel that. You are putting tough questions to us and we need to hear that. I just want you to hear that we are up here, we are all volunteers, and we have a responsibility to the city as a whole to do the right thing and we are going to try to do the right thing. Is the area where all those dots are on the map, the only area to swim in the Sandy River, we are not talking about closing the whole river?

Brown replied if you close the beach there is going to be a path through the woods, the parking lot will be full and there will be nobody on the beach. They will walk up stream or down stream and they will find a place.

Mayor Thalhofer stated I agree with everything you have said.

Councilor Kight stated you have criticized the council for making and asking questions that were to the extreme in your prospective. This council has to think of everything from every prospective. I think that there is more common ground than you may realize. When we look at looking at the interest of the city, we try to think of every possible scenario before we make a decision and that is why we go through this long process because we are talking about peoples lives. The ultimate goal for everybody in this room is to save as many lives as possible. What we try to do is minimize to the degree that we can, loss of life, does that mean lifeguards? I don't know that. Is it shutting down the entire beach? That might be the answer. We are looking at every alternative to save every possible life that we can. I am the councilor that came up with the sign, I call it the obituary sign, it lists the name, age and date that they drowned. We have a sign in four different languages, we have life ring and a rope, so the city has gone through the process and we talk about this constantly and I know the Mayor has been working on coming up with solutions and it isn't that easy. Notice nobody else in the Portland Metropolitan area has attacked this same thing. Gladstone loses three people a year on average and they are not even having this discussion.

**MOTION: Councilor Daoust moved that the City adopt now, a pilot River Safety Program with river safety specialists, the total program to be funded by the Troutdale Booster Club this year to be implemented next year and a citizen advisory group formed over the winter to work out the details of what the river safety specialist would do. Seconded by Mayor Thalhofer.**

**Councilor Ripma stated just so I am clear, these would be city employees working as lifeguards or whatever you want to call them?**

**Councilor Daoust replied I didn't specifically say city employees but yes I would assume that. My motion is that the city adopt now a pilot river safety program, that means we can drop it if it doesn't work, with river safety specialists, and that assumes that is the presence on the beach. The total program to be funded by the Troutdale Boosters Club this year so we at least let them know that we are interested in receiving their money that they have raised, only the program wouldn't be implemented until next year, the details of what the river safety specialist does or what that means would be worked out through some citizen advisory group. That is my motion.**

**Councilor Kight asked for clarification. The details would be worked out, but as part of your motion, river safety specialist, we have heard many different terms tonight, I think what we need is a stronger clarification of what a river safety specialist is going to be doing. Instead of deferring it to some other group. Is this person actually a lifeguard?**

**Councilor Daoust stated my definition of what I am referring to when I speak of a river safety specialist is real similiar to Mr. Eidman's idea. These people would enter the water as a last resort, they would be mainly concerned with education being a watchdog, being a prevention expert but also trained in swift water rescue. They would have direct radio contact with the police, fire department and be bi-lingual. I think that covers what a water safety expert is. In my mind when I say that, that is what I intend by my motion. Now the citizen advisory group can adjust that and that is part of my motion also.**

**Councilor Kight stated in answer to my question, what you are really saying, is you are identifying the duties of a lifeguard, you are just not calling it a lifeguard?**

**Councilor Daoust replied I defined in my mind what I am talking about, and that would be what Mr. Eidman presented to us tonight, which I think is probably the first time that it has**

been adequately clarified to the Council.

Councilor Kight stated that when you mention that somebody is going to enter the water to save someone, in my mind that is a life guard.

Councilor Ripma stated this motion commits us to hiring city life guards in the spring. The Boosters would provide the money but the City would be hiring life guards next year, is that the intent of your motion?

Councilor Daoust replied that my motion says that we would have a presence on the river, yes by having river safety specialists. Maybe not the life guard that you are not envisioning but I have tried to define what I mean by presence on the river.

Councilor Ripma asked but we are committing now to hiring them next year.

Councilor Daoust replied yes, and my reason for going that route is to make a commitment to the Boosters.

Councilor Rabe asked there would be the formation of a Citizen Advisory Committee, is that correct?

Councilor Daoust replied yes.

Councilor Rabe stated so it would be there role, as I understand it, to create a job description.

Councilor Ripma asked the River Safety Committee would have no decisions about hiring life guards, this motion hires the life guards. The River Safety Committee, I am not sure what it would do, but it would not be involved in the decision of placing city employees on the beach, is that correct?

Councilor Daoust replied that is correct. When we vote on this tonight we would be making a commitment to have a presence on the beach with River Safety Specialists and the duty of the Citizen Advisory Group would be to work out the job description and whatever else goes with a river safety program. I am not going to limit the CAC group as to what they are going to talk about.

Councilor Kight asked if the City is committing itself to hiring life guards and lets say there is a shortfall, if the \$30,000 doesn't cover the life guards, if we hire experts and they say we don't need 4 life guards we need 6 or 8 in order to have proper coverage of the river, what do you propose to come up with the additional funding?

Councilor Daoust replied part of what I stated in my motion was that the program would be totally funded by the Troutdale Booster Club. During the discussions with the Citizen Advisory Group, I am sure that the Troutdale Boosters Club would say, we don't have the funding for six life guards. My motion is that the program is totally funded by the Boosters.

Mayor Thalhoffer stated that this task force could also recommend other components of this water safety program which we have discussed. They could consider that water safety specialist/ school resource officer idea, is that correct?



Councilor Daoust replied yes, I am not limiting what the Citizen Advisory Group comes up with or the options that they talk about as long as the Boosters are a part of that group to provide their input.

Mayor Thalhoffer stated now that we have all had a chance to clarify the motion we will now have our debate.

Councilor Daoust stated there are some things that have changed since we met last. First of all, the funding is in place by the Troutdale Boosters Club, that is the first change since the last meeting. The second change is the definition of a so called life guard has been clarified, I think for the first time. The third thing is addressing the concern about citizen involvement. There has been an outreach to get citizen involvement since our last meeting. And of course all of the press coverage. There has been those four changes that have occurred and that is why this is being brought up again. I really want Troutdale to be known for a couple of things, one is public safety and second that it is a caring community. When I say public safety I mean the Police Department. I want Troutdale to be known for its Police Department. We have a good record there. I want Troutdale to be known for the Fire Department that provides public safety, they protect people from others and they protect people from themselves, the same thing the police do. I want a good river safety program, because really I see that as our weak link in Troutdale as far as providing public safety. Being a caring community means involving its citizens in the decision. I get the impression that the opposition to a River Safety Program is coming not from the public, but it is coming from individual councilors. From the fact that opposition is never well represented at any meeting that we have had, there is a few people that have come forward and talked about personal responsibility, but I don't see the opposition coming from the public. I think we just need to adapt to our unique situation. We have a unique situation in Troutdale, a river that is causing us problems, we need to adapt to that and try a pilot program. If it doesn't work then lets not do it the next year but at least give it a try.

Mayor Thalhoffer stated it is the right thing to do. Most of the people that have come here have been in favor of a life guard program. There has been some concern about what to call the program and the functions of the person on the beach that should be further studied by a task force. We have one of the best public/private partnerships of any city of any size could ever image in the down town area. Max and Sherly Maydew and the City collaborated to build the north side of the main street. We have the opportunity to have another public/private partnership which involves public safety. I, in my own mind, feel that it is the right thing to do to have a public/private partnership for public safety. Again it is a public safety issue, it is one that hasn't been addressed over the years that is being addressed now. It was addressed by the River Safety Committee which developed a program. It doesn't mean the program has to stay as presented, it could be changed by the citizen task force made up of members of the Boosters, City Council, CAC members, PAC, River Safety Committee and others. I think it is the way to go and I embrace the idea of the task force. In any event, we have a problem and the solution to the problem, as has been testified to, and I guess Mr. Eidman probably did the best job of explaining what the water safety person would be doing, and we could actually save lives. If we save one life it will be worth it, we will not save them all, nobody is saying that. We could talk about liability until we are blue in the face, but what is the right thing to do. Is it save lives or worry about liability? I strongly support the motion.

Councilor Smith stated as of July 1<sup>st</sup>, the Oregonian says that the Booster Club has a pocketful of money to give to Troutdale, but can Troutdale afford to put out a pocketful to

implement the program. I feel there are too many unknown factors. The Council was elected to represent the city as a whole not just civic groups. We have to be discriminating about what we spend our money on. Money is getting tight for the City because of different measures. I also feel that the people swimming in the river should have personal responsibility instead of expecting the City to supervise them. Life guards just on the weekends is sending a bad message. The river in Troutdale Park is a large area, it is not just by the bridge. Life guards is like sticking your finger in the dike hoping that the dam won't break, people are going to drown anyway. It is a deadly river and I don't feel comfortable with spending more money to have people out there trying to save people when we have other problems that affect the whole town.

Councilor Daoust stated I would like to clarify my motion. A couple things that Councilor Smith said makes me think that you did not understand what my motion was. That the Booster Club would pay for the entire program, there would be no expenditure of City funds to pay for this program.

Councilor Kight asked Councilor Daoust keeps mentioning that the Boosters are going to cover the entire cost. It is my understanding that the staff will be involved in advertising, interviewing and hiring the river safety specialist. Lt. Nelson has indicated that he is going to be spending, on average, 240 hours during the course of year on the Life Guard Program. So to say that there is zero cost to the city is in fact inaccurate.

Councilor Daoust stated that the amount of money that the Boosters are putting up could easily pay for the amount of staff time that is required to run the program.

Councilor Ripma stated it commits the City to a financial responsibility next spring when we haven't even had a chance for the task force to meet. We ought to have the task force meet over the course of the winter and decide on a program. The main thing that you are restricting this task force to do is deciding what we are going to do down by the river. Its got to be, according to your motion, that we hire life guards and place them by the river, the City hires them and administers the program, that has me worried. Councilor Daoust stated that the definition of a life guard was clarified at this meeting, the definition of a life guard here is exactly the same as was presented to us in May when we voted to let the Boosters run the program, there is no difference. What is being presented to us tonight is a chance to decide that we made a mistake in May and we would rather, instead of inviting the Boosters to do the program, we would rather do it ourselves and have the Boosters pay us. In other words, the majority of us would change our mind. I am afraid I am not prepared to do that. I do agree with the Mayor that the task force idea was not discussed, and it is an interesting one. I think it is worth doing, but if we adopt this motion we foreclose the main thing that the task force would do, which is decide what we are going to do down at the river. We would have already decided to hire life guards next spring and I can't support that, it is not the time to do it, I don't want to do it tonight. I could support a task force and if we are going to do a task force then lets do it right and have it be an open process that could select from other options. I think too many strings are on the motion and I can't support it. I heard the Boosters say, and the Mayor tried to engage them in agreeing to let the task force come up with a program and in the end they wanted life guards administered by the City, hired by City, and the Boosters would provide the money. I am afraid that they never agreed, Mr. Mayor, to that happening and that is a fundamental point that the task force would have to work on. All through the discussion that I have heard tonight, I have given a great deal of thought to this and I have talked to many citizens, I have talked to water safety experts and I have talked to the Boosters. I have talked to as many people as I could

about this and I still can not favor the City hiring life guards. The Boosters were given the green light to go ahead and do a water safety program and they have declined to do it. Those of us that are on the Council who are elected to use our judgement about what is the right thing for the City to do have doubts about it and that really hasn't changed in the last couple of months. Mr. Eidman did explain how the program would work but in the end I have a serious doubt that the presence of the water safety specialist on the rocks or near the chute are not going to lure people into that chute just because of their presence. I don't think Mr. Eidman was able to answer my concerns about that, I actually think that is what would happen. The presence of somebody that is going to save you tends to give you a feeling of confidence and we are going to get more foolish people down there who end up doing ill-advised things and present great risk to the City. I asked at the very beginning, the drowning at Blue Lake Park that cost the County \$600,000 was a case where a young child was in trouble, the life guard went in to save him and lost him in the murky water and the boy drowned. The County ended up paying \$600,000, was that justified. You have to recognize that those of us on the Council do have to look out for the financial well-being of the City as well as public safety. I think there are better ways to go. When the program was first proposed, money was a concern because when it first came to us you didn't have any. You are to be commended for having raised all the money, but it wasn't the only concern. In my mind it was also a question of whether it was the appropriate response to the dangers of the Sandy River. I was happy to give you our permission to go ahead with it, but I did not want the City participating in it. We are all trying to represent the public here and trying to do the right thing. I heard Mr. Brown say that nobody he has talked to has been opposed to the life guards, other than the Boosters, nobody I have talked to has been in favor of it and I have talked to a lot of people. We were elected to use our judgement and I will support the idea of a task force to study the issue over the course of the winter and come back with a proposal. To adopt the motion on the floor, to accept the Boosters money and hiring life guards, we will foreclose the task force's main job.

Councilor Thompson stated this is a thorny problem and it has no easy answer or solution. One of the problems that I can see with this thing is that we don't have anything in place to administer such a program. We don't know how many life guards or water safety specialists would be required, who is going to supervise them. We do know that the City would be responsible for hiring them with the money put forth by the Boosters. I am very much in favor of a public/private partnership to do this but I think that what we have so far is not well planned. The Boosters raised the money but essentially have no plan for it other than to give it to the City. The City has no plan for it because we don't have a program. All of that has to be shaped out and brought forward before anybody is going to be happy with the results. I agree with Councilor Ripma on a lot of the arguments that he made and I would be willing to support a task force, working with the Boosters, so that we can get a program going by next spring. I think it is premature to commit the City to a program like that with this lack of planning that we have right now, so I am not going to support the motion.

Councilor Kight stated Councilor Daoust, I wish in your motion you hadn't foreclosed some of the domain reasons for having a task force and that is to decide whether we should have or not have life guards. Since you have done that and in your motion committed the City to hiring life guards, I am not going to support your motion. The other part of that is today I had a conversation with a Lt. Brian Martnik, a Sgt. Carl Hutchinson and Lt. Peter VanDyke. The last officer I talked to is the commander of the dive team for Multnomah County. Each one of these individuals that I have named are part of the Multnomah County Dive Team and one of their concerns that they shared with me is that if we have life guards down there, that they are not going to be recovering one body, but the potential is fairly high that they are

going to be recovering two bodies. These are professionals that have been in that river, these are professionals that have done body recovery, they know the river very well. They know how treacherous it is, they know what the bottom of the surface of the river is like, the boulders the root balls from the trees. These are some of their concerns that they shared with me. I am not convinced that this is the best way to go. I feel bad that the Troutdale Boosters have raised all this money, we are put in a position of either accepting your money or not accepting their money, that is disappointing to me. They have gone to a lot of effort and a lot of people have been involved. Ultimately we have to look to the good of the City, the tax payers. Some people think the liability issue is not important, \$600,000 to the tax payers of Troutdale should we be sued, to me is not an insignificant amount of money. We had three drownings last year, there is a potential if all three of them sued the City, that would be \$1.8 million. Maybe there is a good reason that other cities within the Portland Metropolitan area haven't accepted a life guard program. There is no easy answer. I know Americans, we have a problem we like to find a solution, the silver bullet, but I don't think you are going to find one. Whether we close the beach, don't close the beach, have the life guards, don't have the life guards. What we try to do, to the best degree that we can, is mitigate the drownings. Maybe part of the problem is we haven't come to the agreement this is possibly the most dangerous part of the Sandy River, right underneath the Troutdale Bridge which they call "the chute". I watched from the top of the bridge as the Multnomah County Dive Team did a body recovery and I will never forget it. One thing I learned in the process of that body recovery, watching the dive team they use three men, two in a boat per diver and they use two divers. One of the divers got into trouble, he was pinned up against one of the boulders. Because of the force of the current in the water, as it goes from a large pool of water and narrows, the hydrology of the water keep him from being able to get out of that hole and they had to send another diver in there. I am watching men that are fully equipped, they have oxygen tanks, flippers, wet suit, they are trained on a year-round basis. Not coming from a swimming pool with an additional ten or fifteen hours swift water rescue, these men do this on a year-round basis. When I watched them get into trouble, all of a sudden the lights came on for me, this river is even more dangerous then I imagined. If one of the dive team members was pinned up against one of those boulders, what would happen if we had a life guard go in there in a swim suit and a floatation device and he gets caught in that current? Does the potential exist that we could end up losing two people instead of just the person drowning? Having said that, I am not going to support this motion. Until I hear from water specialists, men that do this on a year-round basis, not life guards from a swimming pool, I am not ready to put life guards down there. I am not willing to put other peoples lives at risk in order to solve another problem.

Councilor Rabe stated I would have liked to see the task force formed first so that we could establish the parameters that this program would entail. I am not willing to support a motion that says we will hire somebody immediately and then go to the table and figure out how that program will look.

Councilor Daoust stated I had a glimmer of hope that maybe the Council could make a decision like we have with so many other issues. Because in the past my glimmer of hope was based on the fact that these people supported a life guard program. In fact in the minutes of meetings we have had in the past we agreed with Lt. Nelson when he said "it is a step we need to take or at least try," in regards to the life guard program. In fact Bruce Thompson said "over all I would be in favor of doing a life guard program if we had the funding secured, if the Boosters could get the money, I would be happy to go along with the program." These were my glimmers of hope in this council. Councilor Rabe said on March 23<sup>rd</sup> "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.” Councilor Kight said at the same meeting which he was not here but through Tim Sercombe said, “I am in support of this program provided that the Booster Club offers their support. He believes (this is Councilor Kight) that the City doesn’t have the dollars but he is in support of the program provided there is funding.” These are from the minutes, I am not polishing these phrases at all. Councilor Kight said on April 27<sup>th</sup> “I would like to see the life guard program.” Those are from the minutes that we take at every meeting. I am not embellishing them. Those were my glimmers of hope that this Council would do something and I am very disappointed.

Mayor Thalhofer stated I am somewhat puzzled by the concerns about liability. Our City Attorney advised us that probably the liability that the Boosters would have would be transferred to the City. In other words, whether the City ran the program or the Boosters ran the program, the Boosters would probably be considered agents and would make the City liable anyway. The Boosters have raised this money in good faith, they should not be required to run the program and they shouldn’t be required to have to pay for huge amounts of liability. They would be protected by the City’s liability insurance probably anyway. The testimony of Mr. Eidman explained the program, do we have to reinvent that program and show you how we came up with it. Maybe the program needs some tweaking and that is what the task force would do. The main thing is that there would be a water safety presence on the Sandy River. We have talked and talked about this and we have had all these different objections to doing something pro-active and some say well, no other city has done that. Well, if actually three people have drowned in the City of Gladstone every year I feel sorry for the City of Gladstone. I wish they would do something about that. We have the opportunity here, because we have people who have raised the money for the program, to do something about the drownings in our river to make it safer. I think with this kind of public/private partnership to do one of the greatest things that we can do on this earth and that is the pursuit of saving lives of our fellow man. I think that is so worthy of our support that I don’t know why we are having this kind of a struggle to make this decision.

Councilor Smith stated Councilor Daoust, I take issue with what you said. I feel like there are seven of us, we do our homework. People have the right to change their mind, not necessarily you’re right we’re right. We all have different reasons for why we voted the way we did. For you to say you are disappointed in us, we are looking at all the issues not just the Booster Club, you are on their board so that makes you on their side. We do our homework and we don’t get paid for it. We spend a lot of time talking to people. I really take issue that you are disappointed with us because we have the right to vote the way we want.

Councilor Daoust replied I agree with you. I did not say I was disappointed in you, I said I was disappointed.

Councilor Ripma stated Councilor Daoust, your quotes from the minutes I think all related to the Boosters running the program. You seem to have forgotten that ever since we have heard of a private group doing a life guard program, a year and a half ago, we have always assumed and I have heard it said at work sessions, that a private group would do the program. It was not going to be a city administered program. Mr. Mayor, you and I have argued that point many times, but I can assure you that four or five of us called in as soon as we saw that item on the March agenda and asked why is it worded that way where the City hires the life guard, because we were all puzzled. I want you to know that I have never understood it to be that way, I have never heard it that way and the quotes that you made Councilor Daoust, were all supportive of a private group wanting to run the program where they fund it and administer it. Your disappointed is misplaced, we are actually being

consistent. We are reaffirming what we decided in March and April.

Councilor Daoust replied I was simply reading the minutes from the meetings in which we were talking about a life guard program, regardless of who manages it, we were talking about a life guard program.

Councilor Ripma stated you are misinterpreting what happened. We were speaking in terms, as we understood it, the program being run by the Boosters

YEAS: 2  
NAYS: 5 (Smith, Ripma, Thompson, Kight, Rabe)  
ABSTAINED: 0

**6. PUBLIC HEARING/ ORDINANCE (Introduction):** An Ordinance adding Chapter 9.50, Prohibited Swimming, to the Troutdale Municipal Code; and Declaring an Emergency. (pertaining to prohibiting swimming in the Sandy River)

Mayor Thalhofer closed the City Council meeting and opened the Public Hearing.

Councilor Ripma stated the reason I think that this Ordinance needs to be considered is that this has been suggested to us for years and it has been suggested to us every time the Boosters have appeared before us. The idea of closing the beach is not in anyway meant as a punitive measure which is what Ray Regelein mentioned. We have a distinct area near the bridge where all the deaths have occurred. After consultation with our Police Department and our Attorney, I concluded that it would be feasible and enforceable, perhaps easier to enforce then trying to patrol as they do now for just criminal activity. The idea that needs to be considered is to ban swimming from the most dangerous section of the river, not the whole river, there are plenty of other places to swim. Mr. Sercombe could you explain how this would work?

Sercombe stated the Ordinance affects the river only in a particular stretch. It operates only in the area that is 900' south of the bridge and 300' north of the bridge. It operates to put a ban on swimming, bathing or wading in that stretch of the river between May 1<sup>st</sup> and October 1<sup>st</sup> of each year. It has two other features to it. First is contains some exceptions to that ban. The exceptions outlined in the Ordinance are; any activity that is specifically authorized by State or Federal law is exempted from this ban. That would be any activity in the water that is specifically operating under a permit from the state. It would contain an exception for the operation or use of a boat or water craft, so if someone fell out of a boat and was getting back into the boat they would not be in violation of the Ordinance. It would contain an exception for any activity that is authorized by the Chief of Police. In general what the Ordinance does is it precludes bathing, wading in water of more then 6 inches in depth in that part of the Sandy River from May 1<sup>st</sup> and October 1<sup>st</sup> of any year with the exceptions that I just mentioned.

Councilor Ripma asked Chief Berrest to explain the Police involvement.

Chief Berrest stated the role of the Police might be to come up with some rules and recommendations as to the area that this restriction would apply to. If that is acceptable to the Council then we would talk about how we would enforce that. In our initial planning we felt that we could enforce this restriction with our existing Beach Patrol, which consists of three officers seven days a week, eight hours a day.

Councilor Ripma asked you feel it is feasible to enforce a swimming ban?

Chief Berrest replied when we first discussed the beach closure we talked about any waters adjacent to public lands. I was concerned about our ability and effectiveness of trying to enforce that large of an area. It was my recommendation to limit the area to 900' south and 300' north of the Troutdale bridge. That area encompasses where most of the drownings occurred, it was also the area that was identified by Mr. Eidman as to where the life guards would be utilized.

Councilor Ripma stated the idea is to consider banning swimming in the most dangerous area, where the deaths occur, the chute area under the bridge and still leave a swimming area down at the beach where the deaths have not occurred. For years the City has been trying to take steps to discourage swimming down there. We have put up big warning signs in several languages, we are trying to turn it into a pleasant family friendly area. We have banned alcohol, we have a seven day a week beach patrol. The point I want people to understand is that this is a limited proposal, it is not banning swimming on the entire river but just in the most dangerous section.

Councilor Daoust stated I was in a coffee shop today and there just happen to be two Gresham Police Officers sitting next to me so I asked them what do you think about shutting down the beach at Glenn Otto Park? They said what a nightmare to enforce. How do you feel this will be enforced?

Chief Berrest replied at first glance we think about how are we going to ban swimming, I think most of us would probably think that we are going to send a Officer out there and have him ask 300 swimmers to move away from the water. I don't think that is how it will work. What I envision is that we will post the area with signage and maybe initially some yellow tape or something like it that would identify the location and area. We would then work with the public, and I think once the word is spread, generally people are good about policing themselves and most law abiding citizens that come to the beach understand the reason for the ban and will willingly move to another area or possibly not frequent the beach. That is one of the downfalls, that this may discourage some people. With trying to control the activity in the most hazardous area, I think if it is logically placed, most people will go along with it. I think most people take care of themselves. There will always be those situations that are going to occur that we are going to be challenged. I feel confident that we can do it and I don't think that it will require much more personnel then what we now have, maybe initially. If you were to talk about closing all of the beach area, I would then ask that we move back to the parking lot and close the park.

Mayor Thalhofer asked so there will be an area on the river where they can swim not to far from the beach?

Chief Berrest replied that is correct.

Mayor Thalhofer stated then we get back to the problem of people who are going to swim in that restricted area anyway and to properly enforce that you would have to have somebody down there all the time. The problem that I see is that there will be nobody trained to help rescue people that are having a problem when they go into the river in that area. I think there will be an enforcement problem. You say that you think you will not need anymore man power, I am not going to debate it with you because you are the Police Chief and I am not.

Chief Berrest stated one thing that I have noticed is that it appears to me that the area immediately 200 or 300 yards south of the bridge does not have the number of beach visitors this year as it has in the past. The only thing that I can think of is one of two things that probably occurred. One is that the river itself has changed and the bank has a little more drop off, or possibly all of the concentration on this particular problem, the news media coverage, and we all talk about education, I wonder if some of that is occurring even though we don't realize it because that area has received a lot of attention. Another point is that we have the Beach Patrol down there seven days a week.

Councilor Kight stated isn't it also true that besides the fact that one of your officers has some water safety

rescue training, that you also have an officer that is bi-lingual?

Chief Berrest replied yes, a temporary Beach Patrol Officer.

Councilor Kight asked in addition to that, what are we looking at as far as a window for the majority of the people using that park. It is now July 28<sup>th</sup>, when are the bulk of the people there?

Chief Berrest replied I suppose we could draw some conclusion by the numbers of deaths, it appears that most of them occur in July and August. I think that is when the weather becomes more stabilized, it drops off dramatically after Labor Day.

Councilor Kight asked looking ahead to next year, we have money set aside for a School Resource Officer in one of the most crowded high schools in the City of Portland. Couldn't you also utilize that same Officer during the summer months down there on Beach Patrol which would give added coverage to people in the river?

Chief Berrest replied that is a possibility, yes.

Councilor Daoust asked of Mr. Sercombe, is there a ending cut-off date. If we were to pass this Ordinance tonight, I take it that it is not just for this summer, it would continue on year after year until we repeal it?

Sercombe replied that is correct.

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

Al Hayward stated first of all, I am looking at buying some property along the Sandy River. I have been told that you people don't own that river and you don't have control of it. It is a navigable river up to the bridge that lays south of there and that all waters to the main water line are under the control of the State of Oregon. How can you come along and pass an Ordinance and tell a fisherman that he can not wade into that water?

Sercombe replied the fact that the State of Oregon owns or has legal control of the water doesn't mean that the City is without authority to define violations of law or to restrict activities even on state owned land. The City's Ordinances apply to property whether or not it is owned by the State, County or private person. The City still has authority to declare what is lawful and unlawful in terms of the conduct of the people. The State does have the authority to preempt the City in this regard if it choose to do that. If the State adopted a regulation that said that no locality can adopt a ban on swimming in navigable streams, they would have the authority to do that. If they did that it would preclude the City from adopting this kind of ban. My judgement is that there is no preemption of the City in this regard although the State does have the authority to do that if it choose to do so.

Hayward stated I have always respected that someone else has a different opinion then I have. I can't always expect everybody to have my intelligence and experience or the lack of on my part. My wife stayed here until 9:00 to get her opinion across to you, she said to me before she left, don't let them close the beach, how can I tell my daughters that they can't go down there and play. As to a difference of opinion, I respect difference of opinions and I try to look and do some introspect and see if perhaps I am wrong. But don't insult my intelligence by trying to tell me that your idea of closing this beach has got one bit of anything to do with the safety of the people that are swimming there. I sat and listened to you since March saying if we had the money we would do it, we are in favor of it. Don't try to kid an old man. If some of you can't get over this simple bump in the road, how in the world are you going to be able to climb the mountains of all the important issues. There are so many more important things for you to be donating your time to. I have the luxury to live anywhere in the world that I want and I have selected this town, and frankly I am



disappointed that you have taken and wasted all this time on something that should have been a ten minute item.

Lynde Brown stated a couple of days ago when I was down at the river and talking to one of the Officers and they told me that they were planning on closing part of the park. He told me about this meeting and that if I felt strongly about this I should come to the meeting. I enjoy swimming on the Sandy River. I am speaking on behalf of so many kids my age. The river is a place we can go and have fun, we can stay out of trouble and it doesn't cost money. We could go to Dabney but it costs \$3.00 for parking, I don't have a job so I can't afford \$3.00 for parking. People have been hurt in tons of rivers, people have died in tons of rivers, people have died in northeast Portland but we don't stop people from living there because of it. How can you take away a piece of land and say you can't swim here anymore because somebody might drown. You can't say don't go on the road because somebody might get hit by a car. You don't say don't go hiking because somebody might fall off the cliff. I don't think it is fair.

Laura Jennings stated I don't think you should close the river because we don't have jobs and we don't have any money and it is the only free place that we can go. If we don't have the river to go to then we won't have anyplace to go.

Misty Lizarraga stated not only is the river for people in Troutdale, but other people from other towns like to come here to fish or go rafting or to have fun. The river is fun and we go there almost every day.

Councilor Ripma stated I really appreciate your input. I hope you realize that the purpose here is not to deprive you of fun. You have said that you don't even swim in the area that would be restricted. I was hoping that the Ordinance would leave fun areas to swim, it is just the most dangerous areas. Our concern, whether Al Hayward agrees with me or not, is all those deaths. One of you said, about the lifeguard program, if it would save one life it would be worth it. I remind you of that and that is what we are thinking of here. Would you and your friends be willing to accept that restriction if it would save one life, it is not that much to ask and still you will have plenty of fun places to swim. I want you to think about it.

Lynde Brown replied I totally understand the purpose of wanting to prevent swimming in that area because people get hurt and there are deaths. I just think it is just incredibly extreme to just cut off an entire part of the river. I think that it is too extreme. If there are things that you can do before going to that extreme of a measure, then I think it would be much better. That is why I agreed so much with the lifeguard program because the Booster Club has the money for it and I couldn't understand it.

Glenn White stated I live on the Sandy River. The one thing that I have to say is that every person that has drowned in that river has one thing in common, they all could have been saved if they would have been wearing life jackets. We have seat belt laws, motorcycle helmet laws, bicycle helmet laws. Anyone who fishes the river knows where the bad spots are because that is where the fish are. This is just the tip of the iceberg where we start chopping off parts of the river and closing them down. I was on the River Safety Committee that the Mayor started. You are talking about this new committee, and I am thinking that we have already been down that road and nothing has really changed. Liability is the main reason for not doing anything about the problem that we all know exists. I don't think you will do anything different then what we have already discussed. We had experts come in and we talked and talked. Maybe the Boosters should concentrate on buying life jackets, Jack Glass hands them out free of charge. I dropped off of the committee because I realized that nothing was going to happen because of the liability situation. If we just implemented a life jacket rule for the park, it wouldn't cost the City a cent. I don't think closing that section of the river is the right approach.

Michael Blankenship stated the impending decision on the part of some Council members in regards to the ongoing controversy of what to do in regards to the Sandy River reflects a disturbing but not unexpected response. It appears there are those, generally bureaucrats and politicians that believe that if enough

ordinances and laws are enacted you can create a risk free world. Witness the flurry of legislation every time there is a school shooting, an act of violence or a bomb threat. If enough laws are passed we can eliminate the harm that can be done, yet for all the laws already enacted Federal, State, County and Local levels violence continues. People kayak down the Sandy River and there have been deaths, is kayaking going to be banned? Fishermen use the river via drift boats, one or more could fall out of their boats and drown, is fishing from a boat to be banned? People fish from the rocky banks of the Sandy, it would be easy to slip on a rock and drown, is fishing going to be banned on the banks of the Sandy? It is a fact of life that all activities carry an element of risk. It is not possible, despite what powers you think government has, to prevent ill-advised risk taking and the consequences of that poor insight and judgement in all situations. Sometimes you can not save people from themselves. We have been fairly successful via bueracy and trial attorneys in creating this victims society that attempts to remove personal responsibility and the consequences from the collective consciousness of our society. Decision making consists of four types and four types of outcomes associated with those decisions. Good decision, good outcome. Good decision, bad outcome often called bad luck. Bad decision, good outcome called good luck. And finally bad decision, bad outcome commonly called fate. Despite all the laws ever passed these four types of decisions are still made everyday. No set of laws are ever going to prevent these four decisions from being made. By passing an ordinance you have now turned a major asset of the City into an arena whereby the City and its own citizens become adversaries. Common sense tells you that people will continue to swim in the river despite any ordinances passed. To think otherwise is to exist in some never never land. This will institute the classic game of catch me if you can. Clearly this is a complex problem and can not and will not be solved with the rather simplistic approach of merely passing an ordinance banning swimming. If it were that easy we would have no drunk drivers, no skiers, no uninsured drivers, no thieves and no social problems. This whole controversy is shaping up to be a power struggle of competing egos. There is no room in representative government for that. Clearly the City Council has a position, the Boosters have a position, everybody has a position. It seems unlikely that there can not be a meeting in the middle if the parties get out of there own ways and focus on the goal which should be what is in the best interest of the people of Troutdale. Not what I want, not what makes me look good, not what might secure my power and position but how can we preserve the decade old tradition of using the beach at the Sandy River. Your role as elected Council Members is to, if necessary, compromise so that the greatest number of citizens can enjoy the greatest number of benefits that they are entitled to as citizens of Troutdale.

Councilor Ripma stated I just want you to know that I agree with you more than you might think. I am as disappointed in having to consider an ordinance like this as you are. I respect what you are saying. I personally wish we didn't have to do it.

Mayor Thalhoffer stated that was a nice presentation. It makes a lot of sense to me.

Jack Glass stated the potential closure to the beach is of importance to the business that I started down there with approval of the Council. I acquired a lease from the City to operate this building which I restored. I did want to clear up one thing, the paper said I would sue the City if I lost the beach activity, I did not say that they put that in there. I would certainly come back and look at some kind of compensation of some sort. Instead of going to the vast needs of closing the entire beach like the footage that has been mentioned, 300' below and 900' above. I would like to encourage the Chief to designate an area of high risk and pin point that area and I would encourage from the bridge upstream 150' to 200' to the gravel bar. If you do have the 300' below and 900' above all it is going to do is force people further up the river and then all those nice people that live on Jackson Park Road have got all those people out in front of their beaches. We would much rather have the kids down there on the nice clean beach, the department does a real nice job of taking care of that beach, it is organized, we don't have the drug and alcohol problems. They aren't jumping off the bridge like they use to. It is a clean environment for our kids to be in. I would much rather have my kids out there then out riding skate boards in down town Gresham someplace. They will just go somewhere else if we drive them away. Do take that into consideration.

Councilor Ripma read a letter from Carolyn Taylor which is contained in the packet. I am writing to urge you to support the proposed ordinance to ban swimming within 1200 feet of the bridge at Glenn Otto park. In the interest of public safety, other jurisdictions close areas to public access where hazardous conditions exist. Examples, trails for hiking, mountain areas for skiing, rivers, lakes and seashores are closed to boating and swimming. Even roads are closed when hazards are present. The 1200 feet of river in question is the area that most of the drownings have occurred and presents a extreme danger to both swimmers and any would-be rescuers. To me, the best of all solutions is to close that 1200 feet to swimming. There is a lot of river left for all of us to enjoy. Thank you for you consideration.

Councilor Ripma stated I would request that we hold a Special Council meeting on August 3, 1999 at 7:00 to have a second reading on this Ordinance.

Mayor Thalhofer stated I will have a proposal to form a task force on that agenda also.

**7. COUNCIL CONCERNS AND INITIATIVES**

Mayor Thalhofer stated due to the lateness we will withhold any council concerns until the next meeting.


**8. ADJOURNMENT**

Mayor Thalhofer called this item

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

**YEAS: 7  
NAYS: 0  
ABSTAINED: 0**

Meeting was adjourned at 1:15am.

  
\_\_\_\_\_  
Paul Thalhofer, Mayor  
Dated: 9-17-99

ATTEST:

  
\_\_\_\_\_  
Debbie Stickney, City Recorder

# CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

July 27, 1999  
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
JERRY ORTEGA	CITY OF TROUTDALE	665-5175
Tracy Callan	City of Troutdale	665-5175
Kyra Wiesinger	City of Troutdale	665-5175
Dave Nelson	City of Troutdale	665-5175
Mark Bonest	City of Troutdale	665-5175
Jill Keller	The Oregonian	294-5937
Al Hayward	2147 SW Kendall Ct.	669-8572
DAVID BAUMANN	938 SE Roberts	666-4485
KURT A. JENSEN	P.O. Box 256, Corbett, OR	675-5605
ROB KLOVER	TROUTDALE	661-6460
DIANE NILSEN WRIOTT	215 SW 23, TROUTDALE	492-0423
Susan Dange	28117 SE WK ANDERSON Gresham, OR	661-1346
Ray Regelein	26707 SE Stark #16 Troutdale	674 9565
DAVE MUNSON	1150 SE 34 CIRCLE	669-1099

--PLEASE COMPLETE THE FOLLOWING--

NAME <small>(please print)</small>	ADDRESS	PHONE #
PATRICK BROTHERS	P.O. Box 39 Boring, Ore	695-2382
Daniel McMorris	484 SE 29th St. Gresham	663-9061
Willie Hayward	2147 SW Kendall ct.	669-8572
Ana Hayward	2147 SW Kendall ct.	669-8572
Wanda		
MARLEEN SPERR	CITY OF GRESHAM	618-2531
JOHN BECKER	KGW-TV	226-2008
Sunny KLEWER	Troutdale	661-6460
Richard Weill	102 W. HIST. Hwy TROUTDALE	492-8911
Michael Blankenship	2131 S.W. Kendall CT	661-2621
Jane Frozier	997 S.W. SUNSET WAY	492-1445
Sage Gregg	Haines, AK	
Chris Angius	1211 SW 5TH, Portland	727-2037
Maunie Damine	3480 SE Elig Pl. TD	667-3238
DAVID MAYDEN	3115 NE 7th CT #102 GRESHAM	669-9224
max mayden	2208 SW FOX CT Troutdale	666-6783
Larry T Cley	444 SW 24th St Troutdale	665-3141
Michael S Greenstock	1515 SE 20th Way Troutdale	666-0516
BRUCE TARBET	2940 NE Beech Dr, Gresham	661-6679

DATE 7/27/99

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NAME (please print)	ADDRESS	PHONE #
JUNKI YOSHIDA	29330 SE STARK ST TROUTDALE	669-3443
Linda Yoshida	29330 SE Stark St.	669-3443
Valerie Taddm	8332 NE Alderwood	87-2404
Lynda Brown	2040 SW Sunrise Cir. Troutdale	492-2550
Laura Jennings	3835 SE Clark Ct. Troutdale	661-0617
Christine Vago	13913 SE Grand Drive Boring, OR 97009	658-7752
Joy Ferguson	2153 SW STURGES LN Apt 76 TROUTDALE	664-6477
Bob Heston	14400 SE Bush Portland OR 97236	761-8520
Rud C Baum	3660 SE Evans	666-6038
LORNE MITEHELL	767 SW 12 <sup>TH</sup>	669-7760
Alex Mauck	931 NE Harlow Pl	492-2500
Jack Glass	TROUTDALE 1409 HIST COL RIVER HWY	666-5370
Gina Renna	23450 SE Borges rd	661-3407
Shelley GLASS	TROUTDALE 1409 Hist Col. River Hwy	661-2126
Shanna Glass	1409 Hist. Col. River Hwy	661-2126
Shirley Prickett	2617 SW INDIAN JAKO PL	667-5412
Kimberly Shannon	7803 NE Corbett Hill Rd	317-8797
FRANK A. WINDUST JR.	37938 SW RICKMAN, CURRENT	695-5132
Jim TRAUT	Bresham Fire	666 9643

DATE 7/27/99

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NAME <small>(please print)</small>	ADDRESS	PHONE #
DON KATZ	<del>3845</del> GRESHAM FIRE	_____
GARY FRENCH	GRESHAM FIRE	618-2677
DONALD GOLLADAY	1125 SW WRIGHT CT.	465-1400
Diane White	1225 E. Historic Columbia	669-9759
Shannon White	" " "	" " "
DONALD GARDNER	421 SE 34TH CIRCL	492-5335
Misty Lizarraga	1216 SE HARKOW AVE Troutdale	669-7696

DATE 7/27/99

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# CITY OF TROUTDALE PUBLIC COMMENT SIGN-IN SHEET

July 27, 1999  
CITY COUNCIL MEETING

PLEASE COMPLETE THE FOLLOWING

PRINT NAME <small>(please print)</small>	ADDRESS	PHONE #
Russell Eidman	37774 SE Bluff Rd <sup>Boring, OR</sup> 97009	826-1046
DONALD GAGNON	4215E 34th Circle 97060	492-5335
JUNKI YOSHIDA	29330 SE STARK ST	669-3443
ROB KLOVER	1420 SE EVANS AVE	461-6460
Ray Hayden	24707 SE Stank	674-9565
Mike Greenslade	1515 SE 20th Way Troutdale	666-0516
PATRICK BROTTERS	P.O. Box 39 BRIDAL VEIL, OR	695-2382
Alan Grosbrecht	14400 SE Bush Portland	761-8520
Misty Lizarraga	1216 SE Harlow	669-7696
Lyndee Brown	20210 SW Sunrise Cir.	492-2550
Laura Jennings	3835 SE Clark St Troutdale	661-0617
Green White	1225 E Historic Col. Rd.	669-9759
Michael Bentenlp	2621 S.E. Kendall Ct.	661-2621