



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA

### CITY COUNCIL – REGULAR MEETING

TROUTDALE CITY HALL  
104 SE KIBLING AVENUE  
TROUTDALE, OR 97060-2099

**Tuesday August 28, 2001 – 7:00 P.M.**

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:** July 24, 2001 Regular Meeting
- 2.2 **Resolution:** A Resolution amending the established Individual Imprest Cash on Hand Account for the handling of change.
- 2.3 **Resolution:** A Resolution recognizing the completion of public infrastructure associated with the SE 2<sup>nd</sup> Street Improvements Project and accepting them into the City's Fixed Asset System.
- 2.4 **Resolution:** A Resolution recognizing the completion of public infrastructure associated with the SW Halsey Street Improvements and accepting them into the City's Fixed Asset System.
- 2.5 **Motion:** A Motion authorizing the Mayor to enter into an intergovernmental agreement with Gresham, Fairview, Troutdale and Wood Village for Mediation Services.
- (I) **3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) **4. RESOLUTION:** A Resolution approving a redevelopment concept plan for the existing sewage treatment plant site and adjacent properties.  
*Elizabeth McCallum, Senior Planner*
- (A) **5. PUBLIC HEARING / ORDINANCE (Introduced 8/14/01):** An Ordinance making certain determinations and findings relating to, and adopting, the Troutdale Town Center Urban Renewal Plan.  
*Rich Faith, Community Development Director*
- (A) **6. PUBLIC HEARING / ORDINANCE (Introduced 7/24/01):** An Ordinance adopting Chapter 8.26, Outdoor Lighting, of the Troutdale Municipal Code.  
*Rich Faith, Community Development Director*

(A) **7. PUBLIC HEARING / ORDINANCE (Introduced 7/24/01):** An Ordinance amending Troutdale Municipal Code Chapter 8.28, Nuisances. (regarding basketball hoops)  
*Jack Hanna, Code Enforcement Officer*

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

(A) **9. ADJOURNMENT:**

  
Paul Thalhofer, Mayor

Dated: 8-21-01

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

**August 28, 2001**

Mayor Thalhofer called meeting to order at 7:00pm.

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

Mayor Thalhofer called on Councilor Rabe to lead us in the Pledge of Allegiance.

**PRESENT:** Smith, Ripma, Thompson, Thalhofer, Kight, Rabe and Daoust (7:17pm)

**ABSENT:** None

**STAFF:** Faith, Galloway, McCallum, Williams, Kvarsten, Allen and Stickney.

**GUESTS:** See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we would like to ask that Agenda Item 2.4 be pulled from the Consent Agenda.

Male stated point of order. Under Roberts Rules of Order, due to the large turnout tonight and many of these folks work early in the morning and the fact that most of these folks are here either for agenda item 3 or 5, I would like to move that we change the order of the agenda and move the public comment section up to Agenda Item #2.

Mayor Thalhofer stated I have no problem with that.

Male stated I would like to further move that Agenda Item #5 be moved up to Agenda Item #3.

Mayor Thalhofer stated I am not sure that we need to change the order other than the public comment. We have gone over this agenda and this is what we think is the orderly procedure for this type of business. I think we will leave the agenda the way it is except for the public comment portion.

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

Mayor Thalhoffer called this item.

Cindy Wicklander stated I would like to speak on Ordinance #708. I am part Native American and my concern with Ordinance #708 is the taking of land under eminent domain. I have chosen to live out here off of the reservation.

Mayor Thalhoffer stated this the public comment section of the agenda and you should address only non-agenda items at this time.

Wicklander stated I do not see Ordinance 708 on the agenda. The bottom line here is I don't want to see land taken from people again, history repeating itself. Urban renewal is working; it is working successfully here in Troutdale. We see a lot of development going on without having to use eminent domain as an issue. You stated in an article in the Outlook, with financial development of blighted areas and using State funds. Those are taxes that we have already paid, and then they will raise our taxes to pay off the debt, so we get taxed twice. Those are some of my issues that I would like people to think about.

Male stated I would like a point of clarification. Is or is not the passage of Ordinance #708 an agenda item tonight or is that a non-agenda item?

Mayor Thalhoffer stated my call is it is an agenda item but I will refer to the City Attorney.

Marnie Allen, City Attorney, stated Ordinance 708 was adopted at the last meeting. It is not separately on the agenda, but as the Mayor has pointed out it certainly is related to the discussion on agenda item #5 regarding the adoption of the Troutdale Urban Renewal Plan.

Roman York stated we are being lawyered out of free speech.

Mayor Thalhoffer stated I want to establish something here. I don't know what public hearings you have attended where you want to raise all of these issues before the meeting starts. We run a very orderly meeting here and we will make sure that you all get a chance to speak. But, we are not going to have disruption for the sake of disruption. We will not tolerate that. We will allow you to speak when it is your time to speak. Now if you want to speak to ordinance 708, and you say that it doesn't have anything to do with urban renewal, fine, we will allow you to do that in the public comment section.

Gail Thurber stated I am here to talk about and clarify a few things. After receiving the blue public notice that the City sent out, as a concerned property owner I asked for the ordinance that you mentioned here in this document (Gail held up a copy of the blue notice). I read through the information so I could speak intelligently to the Council and to the city employees, administration, and attorney on the night of August 14<sup>th</sup>. But I had the wrong ordinance. I could not make intelligent comments to that ordinance because I didn't have the ordinance that you were discussing that evening which was the adoption of the agency. I didn't have a copy of that even though I had requested it a number of times. Therefore, I have some questions of clarification that are critical and I would like the City Councilors to answer these questions. I think that it is very important that our Councilors, our elected representatives,

answer the questions that I am going to ask them. Did all Councilors receive this notice and read it? Did all you receive this public notice? (Gail held up a copy of the notice) Did you all get a copy and have you read it?

Councilor Rabe replied yes.

Thurber asked did everyone receive this and read it?

Councilor Kight stated yes.

Mayor Thalhoffer replied yes.

Councilor Thompson replied yes.

Councilor Ripma stated I do not know. Certain times this summer I was not receiving my mail.

Councilor Smith's reply was inaudible

Thurber stated I have established that a number of Councilors, I believe four of you, have read this. Now what I want to raise is that within this, on the notice of public hearing, in each case when it refers to the ordinance, it says "there is going to be a public hearing to consider an ordinance", then in the second paragraph it says, "a copy of the ordinance, the Troutdale Town Center Urban Renewal Plan and its accompanying report can be obtained by contacting Debbie Stickney". On the last paragraph it refers to "the" ordinance. My question to my Councilors is, which ordinance is being referred to within this public notice? Which of the two ordinances that you examined on August 14<sup>th</sup> was being referenced in this public notice? I need an answer from my elected representatives that you know which ordinance was being referenced. Does anyone of our Councilors; can you tell me which ordinance was being referenced here?

Councilor Ripma stated I would assume it was the establishment of the urban renewal zone.

Thurber stated Councilor Ripma you thought it was the establishment of the agency, that ordinance that was being referenced?

Councilor Ripma asked what is your question about?

Thurber stated my question is to determine whether or not you understood what the public was receiving when it asked for the information that went with this. It says, "A copy of the ordinance, the Troutdale Urban Renewal Plan and its accompanying report can be obtained by contacting Debbie Stickney." My question to my elected representatives is which ordinance are they talking about here? It is very important.

Councilor Rabe asked does it not say the Plan?

Thurber replied no, it just says the ordinance.

Councilor Rabe asked could you read that to me one more time.

Thurber stated a copy of the ordinance, the Troutdale Town Center Urban Renewal Plan....

Councilor Rabe stated that is it.

Thurber replied no, there were three documents...

Councilor Rabe stated that is how I interpret what I read when I received the notice.

Thurber asked I just want to clarify again, which ordinance do you think is being referred to?

Councilor Rabe replied the plan.

Thurber stated the plan ordinance?

Councilor Rabe stated as you just told me when you read it to me.

Thurber stated well no, there were three documents that were passed out.

Councilor Rabe stated I am just talking about the document that you are commenting on, that I received in my mailbox at my home and I read in my front room.

Thurber asked you are saying that you got an ordinance?

Councilor Rabe stated no I did not say that. I said I received the document that you just showed me and asked me if I received it.

Thurber stated oh yes, thank you, I understand that.

Councilor Rabe stated and I have read.

Thurber stated the question that I am asking is which ordinance is being referenced?

Councilor Rabe replied the plan, read it to me again and I will tell you where it says it.

Thurber stated it says a copy of the ordinance, the Troutdale Town Center Urban Renewal Plan....

Councilor Rabe stated there it is, the Troutdale Town Center Urban Renewal Plan.

Thurber stated well there is a plan, I can get it from my documents we received, the Troutdale Town Center Urban Renewal Plan and its accompanying report. There were two reports that were given. One was the Proposed Troutdale Town Center Urban Renewal Plan and that is

what I understood was being referenced here. There were three documents and I can reference it for you if you would like. But my question to you, I am trying to establish which ordinance, there were two ordinances at the meeting on August 14<sup>th</sup> that were discussed, and you were not here Councilor...

Councilor Rabe stated I know that but I know what is happening.

Thurber stated so what I am asking the rest of the Councilors that were here on August 14<sup>th</sup>, which ordinance that we looked at on August 14<sup>th</sup> was being referenced in this public hearing notice? Councilor Smith which ordinance do you believe was referenced here?

Councilor Smith replied we don't have the copies of them with us.

Thurber replied I could show them to you.

Councilor Ripma stated I have my packet from the 14<sup>th</sup>. The first ordinance just declared a blighted area, established the findings necessary to set up a Troutdale Urban Renewal Agency. The one you are referring to is the ordinance making certain determinations and findings relating to and adopting a Troutdale Town Center Urban Renewal Plan. These are attachments to it, it is all here.

Thurber stated correction. We did not, as the public, get the documents you received.

Councilor Ripma replied but they were available to you.

Thurber replied yes, I requested them and I did not get the ordinance that you got that night. That is why there was total confusion. When I came up to address you and asked about the agency, who was the agency and the powers of the agency. I did not have the ordinance that you had in front of you.

Mayor Thalhoffer stated that is unfortunate because you should have had it and I think we had some discussion about it. During the meeting, I recall, I asked if people had a copy of the ordinance and if not that you could get them from the City Recorder that evening.

Thurber stated remember I came up here and I said I had the wrong ordinance.

Councilor Ripma stated it seems like you had it eventually.

Thurber stated I got it when I formed a petition for referendum.

Mayor Thalhoffer stated sorry about that, that shouldn't happen. We discussed it and we said that you could go get a copy of the ordinance from Debbie Stickney the City Recorder and I thought maybe you folks did that. It was unfortunate that happened. I apologize for that, it shouldn't happen.

Thurber stated well I don't know of anyone who got the authentic ordinance that you had in front of you that night and the city people had in front of them that night, we did not get that ordinance. No one that I know of in the crowd, and people that asked and came to the city, they had a hard time getting them to us in the first place and then when they asked they were not given the ordinance that created the agency itself. That is a fact that we did not get that and neither did anyone that we are aware of. I have talked to a number of individuals and people that were at the meeting and no one got the ordinances that were in front of the Councilors that evening.

Mayor Thalhoffer stated I asked those who didn't receive a copy of the agenda or the ordinance or any of the materials to go to the City Recorder and ask for whatever you didn't have and she would produce it.

Thurber stated I believe you said let me see them and I came up and I showed Mr. Faith what we had and how there wasn't anything documented as Exhibit A and B, you had to interpret what you were mentioning when you said Exhibit A and B.

Mayor Thalhoffer stated that was unfortunate because I understood there was some confusion.

Thurber stated what I am pointing out to you is if the public doesn't have the information at a public hearing to discuss intelligently what is going on, they're at a tremendous disadvantage.

Mayor Thalhoffer stated that is true and I apologize, that should not happen.

Thurber stated I have some other questions to address. First of all, no one that I am aware of got the real ordinance that you were discussing that night. It wasn't clear and it still isn't clear to me, I read this to a lawyer tonight just before I came and he knows about urban renewal and he knows that there are two ordinances required. One is to form the agency and one to form the urban renewal plan. He said that this was not clear to him, which ordinance was being referred to. The reason that this is important is because in the Oregon Revised Statutes 457, makes clear the public notice must be clear and properly stated and not obtuse. The public must be able to quickly understand what is being referenced, and this is obtuse. Even lawyers have told me this is totally obtuse to them. I have had nine law courses, I have a masters degree and I couldn't understand what was being referenced and when I got the material I didn't even have the correct ordinances in front of me that night. What I am suggesting to you is that the public hearing wasn't really a public hearing and the people that needed to have input put into it didn't have the correct materials. Now, because you all will be the Agency, I have a question I want to put to you. Has anyone of you or have all of you read the ordinance declaring yourself the Agency, the Urban Renewal Plan, the Oregon Revised Statutes? How many of you have read it and understand it? I am going to hold it up to you, Oregon Revised Statutes, Chapter 457. I want to know how many of you have read this and how many of you understand what is involved in the Urban Renewal Plan? Not from the lawyer's interpretation, but from your own reading.

Mayor Thalhfer stated we are familiar with the provisions of 457. If you are trying to make us out as people who don't know what we are doing, I am sorry but it is falling on deaf ears...

Thurber replied no Mayor, I am sorry you interpret it that way. What I am trying to establish is...

Mayor Thalhfer stated we are all familiar with the urban renewal issues that we acted on. I am not sure that we read that verbatim.

Thurber stated I have read it and anyone who is going to be charged with exercising the incredible power that you seven individuals in front of me will have, should all have read this word for word. Not just read it but understand it. With the incredible powers that you have given yourself under the ordinance that you passed on August 14<sup>th</sup>, which granted you immunity, which means immunity from prosecution. Nowhere are those words immunity and privilege written into the Oregon Revised Statutes, but it was written into the ordinance that you signed August 14<sup>th</sup>. You granted yourselves that incredible power. The reason that urban renewal has been adopted in different places is it was originally set out for truly blighted areas like New York Ghettos where there was tremendous crime. In the Oregon Revised Statutes it talks about that. The reason for setting up urban renewal agencies is to get at crime and dilapidated homes, it is not for a beautiful area like ours that will see development if the government doesn't get so involved that people have their hands tied behind their back and are taxed out of here. Development will happen if we encourage it but it won't happen when legislatures take this kind of power. I can tell you right now, except for developers that you know personally who have contact with you who trust you, other people will not want to come to this town and develop when they read about immunity privilege that you or your designees will have as well as the incredible power to take property from private hands, which we will be looking at later tonight, and give to other private hands. That has happened elsewhere. I have tonight, which I received just before I came to the meeting, recent legal challenges to this very statute, not the statute itself but to the urban renewal concept. In different places Councilors gave property to friends who were developers, they took it out of the hands of individuals and they gave it to other property developers who then made a killing. In one case they even gave it to a competing retailer, so that one retailer they didn't like they turned around and took their property and gave it to another competing retailer who they did like who was a developer who further developed that property and then he had the profit. It was taken through eminent domain. It was challenged in the courts and it was turned down due to the fact that they could prove that the property was not run down and it shouldn't have been condemned and it shouldn't fall under that statute. You are giving yourself powers, whoever will sit in your places. This is a tremendous responsibility and you are giving these powers, not just to yourselves, but to whoever succeeds you as Councilors for the next 25 years. How do we know who the Councilors will be and whether they have integrity. Do we want to give that power, do you want to give that power, to your successors? Do you want to give power that would allow people to take peoples land in the urban renewal area without having to prove why they are taking it and it doesn't have to be for a public purpose. That was originally the intent, and that is what is before the courts now in different jurisdictions, but that is not happening because there is the power to give it to other private hands. That is what makes it different from the normal condemnation that a public body like

yourself has, normally you would just have the ability to take in the public interest. Under this urban renewal plan you have the ability to take from private hands and put into other private hands. I am not saying that you would do that, but how do you know your successors wouldn't do that?

Mayor Thalhoffer stated we are elected by the people of the city.

Voices from the audience stated not again, never again.

Mayor Thalhoffer stated so be it, but right now we are the elected representatives of this city, what better group to handle the Urban Renewal Agency activities than the people who run the city and are elected by the people. Answer me that.

Thurber replied I would be glad to answer that. Within the statutes you have the power, as a Council, to give the powers to three other individuals, designate the power to three other individuals of your choice. I am not saying you are going to do that. Do you expect to be here in twenty-five years sitting in this position? If you don't, there will be other people who will get this power, inherit this power you have, that could designate it to three other individuals that are not elected officials, to carry out this urban renewal plan.

Mayor Thalhoffer stated the folks that succeed us will also be elected by the people of Troutdale.

Thurber stated but they are acting differently. When they are acting as the Agency, and it is in your ordinance that you signed two weeks ago, it says that when you are acting as our City Council you are acting in a totally different capacity. I am going to put this in layman's terms for people who don't understand the legal terminology. When you are acting as the Agency you will sit as agency members with immunity and you will wear a different hat. Lets say that I have a problem with what is going on and I come to you like I am coming tonight and say excuse me but the agency did such and such and I am upset about it, you can say to me well, we don't have any control over the agency and we are not representing the agency as we sit here before you so we can't comment.

Mayor Thalhoffer stated all of our meetings will be open to the public. This City Council has never ever backed off from a public hearing, we listen to the public and sometimes we go until late in the evening listening to everybody that comes to speak to us.

Thurber stated I am not saying you. You have addressed us and you have let us talk. What about your successors?

Mayor Thalhoffer replied they will be elected by the people of Troutdale, what is better than that.

Thurber stated it doesn't matter because they will have too many powers that even the most ethical person could turn around. Even a very ethical person, when given ultimate power like this will give, could be corrupted.

Mayor Thalhoffer replied certainly it could be but these are elected people, that is our form of government. If you want to change that we have a Charter and you can change the charter by having a public vote on it.

Thurber stated that is what we intend to do actually. In Gresham they cannot have an urban renewal plan without a vote of the people. I have their charter pages here with me tonight and I think it is an excellent example for Troutdale to follow where it would go to a vote of the people and we would hear the people speak and know that you have the authorization that the people gave you for this incredible power instead of just voting it in through an ordinance and then having some poor citizens have to bring a petition, and that is another question I have of you. Do you realize what is involved in a perfected petition that we have been asked to put together? Can anyone of you explain to me and to the public here, what a perfected petition is? I would ask you, no, not legal counsel.

Mayor Thalhoffer replied you are asking a question and I am telling you that our City Attorney or our City Recorder will answer the question for you, we know it is complicated.

Thurber stated it is very complicated. There are books on it.

Mayor Thalhoffer stated rightfully so.

Thurber stated well I don't have a problem with a good procedure being in place.

Councilor Daoust stated I feel like breaking up this one-on-one conversation.

Thurber stated I appreciate that. Could you tell us what a perfected petition is and what is involved in it?

Councilor Daoust stated I was going to try and address your concern about this powerful Council. We didn't assign ourselves to be the agency to be the all-powerful Council. We don't have any land grabs that we have in mind, none of us do. In fact, the only piece of property in the Urban Renewal Plan to purchase is the Multnomah County Pig Farm across from McMenamins. That is the only piece of property that is actually in the Urban Renewal Plan for land acquisition. So what does that mean? What that means is, this Council can't, on our own, approach another piece of property and want to buy it. That would be a change in the Plan and what a change in the Plan requires is to go through the Planning Commission. My only point there is that we don't act alone. We have another body of representatives from the community, the Planning Commission, that provides feedback to the Council. On top of that there is really nothing stopping us if we want to assign citizens in the community and business people and such to help us, sort of like a blue ribbon committee, on changes to the Plan. There is nothing to stop us from doing that. I just wanted to hi-light that. We are not up here to be the all-powerful Council, we have the ability to get all the public input we need.

Thurber stated I would like to reply to that. There is no one that I am aware of either sitting here as a Councilor or on the Planning Commission, I could stand to be corrected because I don't know where the Planning Commissioners live, but there is no one represented from the area that is being affected with this urban renewal and this so called blighted area. I am not aware of one representative from that area. I would put it to you that it is very important that there be citizens who are affected, who live in the area, be represented. Not just through a public forum like this, but that sit on a committee or something that has some say in this. It is interesting that the people who are going to be affected have no voice and yet all of you, who none of you live in the area that is going to be affected, nor do any of the city employees as far as I know, I don't know, some of them might, but the ones with power in the city don't live in this area that will be affected. So, you have taken away the voice of those you are going to be affecting by this plan.

Councilor Kight stated that statement isn't accurate. I happen to have a piece of property in the plan area.

Thurber stated you have a triplex, I am aware of that, but it is not your residence and it is basically used to its capacity so there is not likely to be rezoning there.

Marnie Allen stated at some point I think it is important to clarify some of the interpretations that have been proposed for the urban renewal statutes and to clarify some of the information that has come forward. I would be happy to go through some of the issues.

Mayor Thalhoffer replied why don't you, please.

Allen stated I...

Thurber stated first can I ask one more question, and then you might want to address this as well?

Allen stated it is up to the Mayor to decide how the meeting is convened so you would want to get his permission.

Mayor Thalhoffer replied I...

Thurber stated I just wanted to know whether you intend to act as the Agency even with the referendum pending? That is a very important question. Do you intend to act as the Agency even with this referendum pending before the people?

Mayor Thalhoffer replied my answer is yes because we are elected by the people of the City of Troutdale to represent them, to run the city and therefore we would probably be the ones that the majority of the people would want to be the Urban Renewal Agency. I don't know how the other Councilors feel.

Allen stated Mayor, we believe in terms of that question, as long as there is a referendum pending the ordinance that was adopted is suspended and doesn't take affect. So it is not

until after a vote on the referred measure that the ordinance would go into affect. But, at the outpoint, under that ordinance the City Council is the Agency, so assuming that there is either not enough signatures gathered to refer the ordinance to the people or assuming that the electors in the City of Troutdale vote in favor of the ordinance, then the City Council would continue to serve as the governing body for the Urban Renewal Agency.

Thurber stated point of clarification. You are saying that while the petition is pending, while the signatures are being gathered, that the City Council will not act as the Agency legally, that it is only once the petition has either got the signatures, could you just clarify that again?

Allen replied legally, when a referendum petition has been filed with the City and is in the process of being referred to a vote, it suspends the affective date of an ordinance that is the subject of that referendum petition. Until there is a vote or the issues are resolved regarding a referendum petition, the ordinance does not go into affect because ordinances don't go into affect until at least 30 days after they are passed and until there is not a referendum petition challenging them.

Thurber stated now that is interesting because we were sent a second notice that is a public notice that says we have 60 days, is that correct then that we have 60 days rather than 30?

Allen replied that is correct. The Troutdale Code regarding elections in the City of Troutdale establishes a 60-day time period for gathering signatures to refer a measure to a vote.

Thurber replied thank you. One of the things that I wanted to mention about that second public notice, when it mentioned again "the ordinance", and it didn't specify the ordinance, I can show it to you. There was a lack of specification on this second notice that went out called "Correction, Urban Renewal Plan Notification", this one clarified or it said that there was a change and it was 60 days after passage. It says, "The Troutdale City Council will hold a second hearing on August 28<sup>th</sup> to consider adopting an Urban Renewal Plan. If adopted the ordinance is subject to referendum if the minimum number of signatures is obtained within 60 after passage of the ordinance." However, this makes it sound like it is the ordinance that you are looking at tonight.

Allen stated it is the ordinance that we are looking at tonight as Councilor Rabe has pointed out and as it is indicated in that notice and the correction notice that went out, it is the ordinance adopting the Urban Renewal Plan.

Thurber stated so are you telling me that the ordinance adopting the, where the Council had become the agency, which is 708, do we still have 60 days on that?

Allen replied the referendum rights exist with regard to any ordinance that a local government adopts. All legislation that the City Council adopts is subject to referendum and you have the right, regardless of the ordinance, to file a petition and request a vote.

Thurber stated so we have 60 days from August 14<sup>th</sup>, when the second reading of the ordinance took place to complete the petition with the signatures?

Allen replied correct, that is the date that the ordinance was adopted by the City Council.

Thurber replied thank you.

Allen stated the other issues that I think are important to point out are first, the purpose of establishing an urban renewal agency in the City of Troutdale and the powers that you have referred to of that Agency. The purpose of establishing an urban renewal agency in Troutdale, as was indicated in the reports and the testimony at the last meeting, was to set in place what is required to provide tax increment financing that is necessary to provide and build public infrastructure, to acquire park land, to acquire the County Farm property, those concepts that are outlined in the Troutdale Town Center Urban Renewal Plan. The Oregon Revised Statute does not define blight in a limited way only to refer to properties that are dilapidated or that pose or create criminal problems in a city. In fact the Statute is much broader than that and recognizes that urban renewal is a tool that is available to raise tax increment financing to provide infrastructure. So if you have an area in the city that is not developing and doesn't have adequate infrastructure, urban renewal is available as a tool to help you achieve that and help revitalize areas.

Thurber asked why is it necessary to have the clause that privileges and immunities will be granted to City Council?

Allen asked tell me what specifically you are referring to.

Thurber replied in section 2 of the ordinance that was passed on August 14<sup>th</sup> reads, "the City Council further declares that pursuant to ORS 457.045 Section 3, all of the rights, powers, duties, privileges and immunities granted to and invested in an urban renewal agency shall be exercised by and vested in the City Council itself". Now I read that section and nowhere in that section of the ORS does it mention the words privilege or immunity, it only says and I paraphrase on this next part, it only says that the Council when it sits as Council will not be the Agency, and when the Agency sits as the Agency it will not be the City Council. It doesn't mention anything about immunity, which we all know, after President Clinton, I think everyone is aware of what immunity means and often criminals are granted immunity from prosecution if they are willing to testify in court.

Allen stated the ordinance and the language that you read from the ordinance does not confer upon the City Council any extraordinary privileges or immunities that don't already exist for any urban renewal agency or governing body in the State of Oregon. They are no different than the immunities that exist for the City Council when elected officials serve...

Thurber asked why was it necessary to write this language in. Why didn't you instead just use the ORS that says that when the City Council sits as the Agency it will be the Agency and when it sits as the Council it will be the Council? Why was it necessary to add this additional language?

Allen replied that is standard and common language that is used when you create a governing body or local government that is represented by elected officials who are volunteering their time and serving the citizens in that community. That language is common in recognizing and establishing a local government and setting forth...

Thurber stated in all due respect, I talked to Karen Minnis and she was very shocked that those words would be in there.

Allen replied I can appreciate that that might be your view. The other thing that I want to clarify is in reference to the extraordinary powers that you suggested the Urban Renewal Agency would acquire. As you may know, or certainly as members of the community should know, the City of Troutdale already has the power to acquire property through eminent domain. There is a procedure set out in the laws that must be followed, we talked about it at the last Council meeting. There are findings that must be made, a process where property owners are contacted first before the property is acquired and before the city, or in this case the Urban Renewal Agency, pursues trying to acquire or condemn that property. The powers that will reside in the Urban Renewal Agency are common powers that again, local governing bodies have and exercise routinely in carrying out their functions as the governing body.

Thurber asked I was saying earlier, was what I just received today on court challenges where Councilors had misused and abused their power under the urban renewal agency. That is something that as citizens we have to be vigilant that this does not happen in our city. It is called the National Law Journal and it talks about urban development and it cites different cases where there were challenges because it was misused and the intent of urban renewal development is that you increase the taxable value and livability of an area. But in these cases, there was private property taken from private individuals and given to other developers or private parties who were friends of City Councilors, friends of those who had the power to act as the agency. So what I am saying is, I am not saying it will happen with you seven people in front of me, but it might happen with the people that follow you. They will have this amazing power, and they could be a friend with a developer. This article is dated July 30, 2001; it cites different cases where there has been abuse of the urban renewal agency powers.

Allen stated unfortunately local governments, anywhere in this state or any other state, can choose to abuse their powers of an elected official, that is not what the City of Troutdale is going to do, that is not what the Urban Renewal Agency in Troutdale will do. They will make decisions in accordance with the law and the advice that they are given. I don't doubt that there aren't cases or reports of situations existing with different governing bodies where someone has made a bad decision, but that doesn't mean that by establishing an Urban Renewal Agency in the City of Troutdale, the Urban Renewal Agency and the Council members who serve in that capacity will abuse their power or make corrupt or bad decisions.

Thurber stated well this lawyer writes, well I will just read you this short little bit that says, "these cases, along with Henn v. City of Highland Heights, a case quite similar to 99 Cents, which is a retailer, in Montgomery v. Carter County, in which the court ruled that property owners challenging the right to take for lack of public use may sue directly in federal court,

indicate that the abuses of the agency that misused the sovereign power of eminent domain to feather the private nests of municipally well-connected developers on the economic bones so to speak, of their neighbors may be coming to an end. If they do, it won't be a moment too soon."

Allen replied again, that is a fact situation that is not at all at issue here and it has nothing to do with whether or not the City of Troutdale should establish an urban renewal agency.

Thurber stated I disagree because we are talking about, as I said, not the people that are sitting in front of me today, but who will succeed them in twenty-five years. We are talking about a plan that will go in place and be in place for twenty-five years. How many of us here today will be here in twenty-five years? Can you assure me that the people with this power, even ten, fifteen years from now will be ethical individuals who will not abuse their power, the tremendous power that they will get through the agency?

Allen replied those officials, as the Mayor has pointed out, will be elected by the citizens in the City of Troutdale...

Thurber stated well look what has to happen when you challenge what happens with an ordinance. On the 14<sup>th</sup> when I was upset with the ordinance going through and I realized the full implications of this, I appealed to our City Recorder for materials to start a petition. She said we don't have those available, I will have to get them. I asked why aren't they available and she said we haven't had a challenge for ten years. I said okay I understand. Could you please get the materials as soon as possible for me? She got them together and one of the forms is a form that you have to create yourself and I called her when I got this form, I am going to show this to our Councilors because I think it is important that you understand and know this. I called her and I said it is going to take me hours to put together this form to build it in a publishing program, like PageMaker, which is a difficult program, or a Word publishing program. I can do that, but do you not have a form that I can use on disc that I can use so that I don't have to recreate this on the computer, she said no she didn't. I want to pass this to you. This form has come back to us now either two or three times for revision. We did the form, we put 15 signature lines on it and it came back to us saying no you need room for 20 per page not 15. Well if we make it 20 per page it is not going to be very readable for people. I want to pass this to you. (Thurber walked the petition page up to the Council and showed them the form). While you are looking at that I was told that we have to form a political committee, we are not a political committee we are just a grassroots concerned group. I was told no, you need a statement of organization, so we had to give ourselves a name and we called ourselves American Citizens for Honest Government, and we will be challenging ordinance 708 if we can ever get the paperwork done.

Mayor Thalhoffer stated any problems we have along that line we will deal with, I can assure you of that because we don't want to make it harder for you to do your petition if that is what you want to do. We don't want to make it any harder here in Troutdale than any place else I can assure you of that.

Thurber stated well Mayor Thalhofer, it is harder here and I will tell you why. I was also told with that cover sheet that we are preparing, with the second or third revision, we have to include the ordinance that you passed on the 22<sup>nd</sup>. I said that is not a problem, it is a two-page ordinance. I was told no, you have to include the exhibit A that came with it which is a multi-page document. That will have to go with each one and I don't have a problem with that either, however I was told at the time that Debbie would have to check through every sheet to make sure I hadn't changed the ordinance. Every sheet of the whole exhibit plus the cover sheet and I said believe me I would not dream of altering the ordinance. After clarification with a lawyer who told me no that shouldn't be necessary I called Debbie and she said it wouldn't be necessary, you can give me one copy of this. My concern is this, then I read in tonight's meeting that there had been changes to that exhibit, so will that mean that after printing 50 copies of sheets of paper like this at our own expense that I will now have to re-copy this new document that is referenced tonight because it has been revised, after the ordinance was passed and that exhibit was attached it is now showing as being revised, so does that mean that we have to re-copy all of those pages?

Mayor Thalhofer stated it might be revised a little bit even tonight.

Thurber asked so when does that end, because the clock is ticking on our petition.

Allen stated if I can clarify, the report that is referred to in Ordinance 708 that is the subject of the referendum petition that you are working on is not being revised tonight, that is a separate report. The requirement for how many signatures lines that can go on a petition for what must be precisely included in the petition, including the full text of the ordinance and the exhibits that the ordinance adopts are all things that are set out both in state law and the city code. While it may be a difficult and cumbersome process, the city in working with you to give you advice on how to amend your petition and what to include, is attempting to make sure that when you gather signatures and file your petition with the city, it can be accepted and filed with the County for the election. If you go ahead and proceed, which you could do, if it doesn't legally comply with what is required in the code and the state law, the petition will be rejected...

Thurber stated I realize that, but it seem that there was, first of all because that sheet isn't a form, most districts or municipalities, cities, counties have the paperwork so you can just get going and fill in the paperwork, you don't have to get your own form. Secondly, it had to be clarified that I did not need to give Debbie 50 copies of this for her to read through every single copy. Then thirdly, are you telling me then, and I do want clarification on this, that I do not have to reprint those if they are all the same document that was attached to the ordinance on Tuesday August the 14<sup>th</sup>?

Allen replied what I would suggest just to make sure that everything is clear is that you write down your questions about what is required to file a perfected petition with the City and submit it to Debbie Stickney the City Recorder, and she and I will review the code and state law and give you feedback on precisely what needs to be done.

Thurber stated this is interesting because when I talked to you on the telephone after I decided to file this petition, I was told it would be a good idea to get my own lawyer. If you are not representing us the public, what are we paying our taxes for?

Allen replied I am sure you can understand and appreciate that as the City Attorney I represent the City and that individuals in the City ...

Thurber shouted are we not the city?

Mayor Thalhofer stated I understand that you are very emotional about this issue, but we are going to run an orderly meeting. We are trying our best to work through some of these issues, we will do our best to make sure that there are forms, I think we need to have printed forms which are available to people. We will address that.

Thurber stated if I may respond to that, can I get assurance in front of our citizens, that the form will be produced for me and I just fill it in and I have 60 days from when I receive that form to start the petition. Can we have an extension please, due to the fact that I was trying to create that and it was sent back to me and we have had a number of road blocks, can I ask you as our Councilors, that we have 60 days from when we receive that form from the city?

Allen replied I have two things for the Council to consider. One, the code provides only 60 days, it doesn't provide a waiver or the ability to extend the time period within which to obtain signatures and file a petition for a referendum. Part of that is so that the laws that the Council adopts can take effect and you can move forward with conducting city business. The second thing to consider is, it is very unusual for local governments to adopt election procedures that provide 60 days for a referendum, the norm that exists both in state law and in most other local government is 30 days to obtain signatures. Certainly...

Thurber stated that is because they have the forms, I have checked with other districts and they have the forms available. They assured me that if a citizen came in that they would have the forms and would just hand them the forms. We have all of the documents and that is fair enough that I have to do a lot of reading, but I wouldn't have to create that form.

Allen replied my understanding is that the city provided the form that is available in the State Elections book, that is the most that the city can do. I would not recommend that the city fill out the form for the petitioner...

Thurber stated no I am not asking for it to be filled out, I am just asking for a blank form so that we can fill it in or it be given to us on a disc instead of having to recreate it on a publishing program. If I were not a computer teacher and if I wasn't married to a computer systems analyst and I didn't have a lot of legal courses behind me, there is no way we could possibly start this petition. I can see where the frustrations that the average person who has to work would just throw up their hand and say I can't possibly do this.

Councilor Ripma asked I wonder, did you get the book, it has a standard petition form that I have seen before.

Debbie Stickney stated yes, it is the standard form that is in the book that is issued by State Elections Office. Ms. Thurber you choose to re-type the petition form.

Councilor Ripma asked was Ms. Thurber given that.

Thurber replied yes. Even just the framing of it and knowing what goes in here, it is a lot of work.

Stickney replied it is all explained in the information that I gave to you.

Thurber replied yes, I know it is explained and I appreciate that Debbie. But it still makes it difficult for a citizen who is trying to exercise their rights and get other people to be able to exercise their rights, it is very difficult because it is so much paperwork. I can read through the paperwork, the filing involved just a tremendous amount, hours and hours, of putting together these forms, reading through the documents and the financial aspects to it because if you accept money from anybody all of a sudden there are all kinds of financial reporting. I understand that, I don't have a problem with that. It is the forms that you have to create. I just wanted the public and our Councilors to be aware of how difficult this process is. I want to thank you for hearing me this evening.

Al Hayward stated what I would like to point out is really to the gentlemen and the people right behind me. I have often been very vocal about some of your decisions, but character assignation of people like you that donate hundreds of hours of your time at no charge, I think it is out of bounds and does not serve these people in there lively debate of a legitimate discussion.

Male stated why don't you rescind that decision made on the 14<sup>th</sup>? Is there a reason you can't do that?

Mayor Thalhofer stated I am not sure that we would be inclined to do that.

Male asked why not? None of us seem to like it.

Mayor Thalhofer replied nobody here, that is for sure.

Gerry Mayers stated it seems like that all of us here want the same thing except you guys.

Female stated not everyone.

Mayers stated every one of us here wants the same thing and you are not hearing it and that is what is wrong. I think I speak for everyone sitting here.

Female stated not everybody.

Mayers stated the majority.

Female stated lets see a show of hands.

Mayers stated lets put it this way, you may put your time in but that has nothing to do, if you are going to put it in do it right. That is all I have to say.

Scott Northcote stated I have been a resident of Troutdale since 1986, first in Sandee Palisades and now in Stuart Ridge. I would like this to be an orderly and civil meeting.

Mayor Thalsofer stated so would we.

Northcote stated I would like to speak to ordinance 708 and the report that was referenced on physical, social and economic development conditions in the Troutdale Town Center Overlay, which is also referred to as exhibit A, which was passed at the last Council meeting on the 14<sup>th</sup>. We are all hard working people, we pay our taxes and hopefully sometime between the ages of 55 to 68 we get to take a breather and do what we want to do in life. For most people, their home is one of their major assets and it is one of their major legs of their retirement plan. I have a fairly new home that is not currently in the urban renewal boundary. That doesn't say that it couldn't end up there in the next 25 years. The concern of a lot of us is if I am going to be a long-term resident of this city, what is going to happen ten or fifteen years down the line when I have major equity in my house. Maybe all of a sudden, because a few of my neighbors turned their houses into rentals or perhaps they just didn't maintain their property, maybe my home is still in nice condition and now all of a sudden I am in a blighted area. That is a major piece of my retirement, which is a major piece of my getting out of the rat race. That is a concern. If the Urban Renewal Agency decides to designate me as being within a blighted area, my property value is probably going to go down. That may be a little benefit in the short term with the tax consequences, but when I go to sell or when I have my property taken from me it certainly is not going to be a benefit. Those are concerns I have. I just want to make my money and retire and I would like to do that in this city, it is very livable and it has been a good community. The scope of this proposal, 25 years. I am not into the character assassination, but who knows who is going to be making decisions on my house and my land 25 years down the line. The report on the physical, social and economic developments, referred to as exhibit A, this is a very broad, a very big urban renewal boundary that is referred to. We got 324 acres, of that we have 132 single-family homes, 22 multi-family parcels, 32 duplex parcels. 16.4% of that total is single-family, 6.8% are multi-family and 2.1% are duplexes. Reading through the Oregon Revised Statutes, there are some requirements and they go through quite a lengthy analysis. All of the references that I have found as far as the blighted areas in the urban renewal plan, the main thrust of it is the sewage treatment plant improvements and the county farm property. That leaves a big gray area out there that nobody has really decided, right now short term, what we are or aren't going to do. That is a concern to me because I am possibly part of that big nebulous gray area. There are just so many potential consequences for people that are just trying to make it. I understand in some cases the neighbors have, or the city, have to take action to enforce nuisance laws to get people to clean up their property. I cannot believe that there are that

many blighted areas. I drive all over this city and walk all over this city, I just don't see that there are that many blighted single-family residential, multi-family and duplexes in this city and I don't understand why the boundary is so big. Obviously the City Planning Commission, I am assuming is the major advisory board to the City Council in this resolution. The report is very well done and very well backed in statistics and very well written. Was it totally the planning committee, those individuals on the planning committee that did this analysis and statistics and came up with this report?

Mayor Thalhoffer stated we have had several people involved. Mr. Tashman who is an urban renewal expert in the State of Oregon, worked with Mr. Kvarsten, City Administrator and our Community Development Director, our City Attorney, Planning Commissioners and the City Council.

Northcote asked I heard earlier that Mr. Kight owns some rental property that is within the urban renewal boundary, of the people involved in doing the analysis and coming up with the statistics and writing the plan, are any of them actually residents within the boundary?

Mayor Thalhoffer replied I don't know, but I don't think so.

Diane White stated I have been a resident of Troutdale since 1979. I remember a few years ago when you passed a tax for buried utilities in this area and we have been paying that tax on our utilities for quite a long time and my utilities are not buried. The money just goes and nothing happens. I also recall that before I moved here when I lived on Martin Luther King when it was Union Avenue and when it was discovered that it needed urban renewal, what was offered to us was a 3% loan for the people that lived in that area to improve there own properties, not to have a government agency come and tell them what was going to be improved and how. I am quite upset by an article in the Outlook that was ran on Saturday when it was said that we could just not do residential areas, but you are not seeming to be willing to pull that out of the paperwork. It is like a word guarantee but the writing is still fixed with the residential area. I am really confused. If you want the Multnomah County Pig Farm, why you don't just call Multnomah County and say how much is it for that property and lets just buy it. It also makes me nervous that you have all this residential area outlined but you have all the vacant land that you could plan and build, plan and build, plan and build. You could buy and do everything. I feel really resentful that my area is called blighted. Look at the brand new buildings down here, this is not blighted. Edgefield has just gone through a \$6 million renovation, that is not blighted. So what does blighted mean other than a way for you to call something bad that is good not to try and improve it but to tear it down and like someone else said, that is my residence, that is my home. You have a residential area that needs to be pulled out of any plan you have got for urban renewal. If you want to improve residential areas, do it. If you want to improve city areas, fine, but keep them separate.

Mellissa White stated as far as I understand it the City of Troutdale is not warded into sections that each of you represent and I see that as a disadvantage to the citizens of this city. The problem with that is that in each district or ward of the city we don't have representation from within that area. I would like to know from all of you Councilors here tonight, how do you represent your constituents in various wards that you do not live in?

When I elected you, each one of you, when I cast my vote, I voted for representation. I did not vote for you to come up here and tell me what I thought, I wanted you to represent me as a constituent. I wanted you to hear my voice, I wanted you to respond to my phone calls and my e-mails and that hasn't happened. I would like to know, how are you representing your constituents?

Mayor Thalhoffer stated I didn't get any e-mails from you or phone calls or letters. I answer all of the phone calls and letters that I get. I think we all try to do that. I represent the city from a very broad spectrum. I think I know every area of this city pretty well. I know the people in the city pretty well, not just my own area but the whole city. It is not that big that we can't be familiar with all parts of the city. I think I can speak without exception, we all try to represent all parts of our city. When we consider issues that come before this Council we try to make decisions that benefit the entire city, not just one area or another. This is not an easy job, but I think this City Council tries very hard to be fair and objective in everything we do. Until tonight, I thought we were doing quite well. People have been pretty happy with the livability of this city and that is no accident. That happened because this City Council made decisions, which made improvements and made the livability of this city paramount. We do care about this city very much, just as you do and we want to make sure that we make decisions that benefit all of the people and make this city livable for everyone, not just certain folks.

Mellissa White stated I would like to know what methods did you Councilors go about to talk about this issue with your constituents? Did you go into your neighborhoods, did you have any open forums where you were allowed to ask questions and talk about this, just dialog informally?

Councilor Rabe stated on this issue I spoke with the people in my immediate neighborhood, some people that live outside of town and some business owners' downtown.

Mellissa White asked you held a public forum?

Councilor Rabe stated I did not have a public meeting. I do not believe that I have received any e-mail, phone calls or any form of communication from you.

Mellissa White stated I called the City Recorder and I asked how do I get in contact with you and I was told it had to be filtered through her.

Councilor Rabe stated well I am in the book.

Councilor Ripma stated so am I.

Councilor Rabe stated I have lived in three different community areas of this city and I have lived here for 22 years. I have been in every ditch, I have dug garbage out of places and quite frankly, I think I am known in this community...

Mellissa White stated I would like to stop you because it sounds like you are attacking me personally and I would like to stop you because I don't appreciate the tone that you are taking

with me right now. What I would like to say is that I drove up here from Corvallis. I am going to school in Corvallis but I am still a voting citizen in this community and because I don't hear all of this, that is why I wondered how do you go about talking to me, your constituent, when I am out of town going to school.

Councilor Rabe asked so your expectation as a student is we should communicate with you directly?

Mellissa White stated my expectations with you are if I want to call you or contact you, I was blocked at the front door.

Councilor Rabe stated you would not have blocked if you had called me at home.

Mellissa White stated I will next time. I appreciate the invitation Councilor Rabe. I do have another comment or question.

Mayor Thalhoffer stated if you were blocked in any way, we apologize for that. I don't know how that would have happened, Debbie Stickney doesn't do that, she is very accommodating and I am sorry if you feel like you were blocked.

Mellissa White stated thank you. I appreciate you addressing that. What I would like to propose to the board is that with any decision regarding the financial matters of the city, any committee that is formed that will do any kind of financial transactions, that you do have citizen representation. That any of those committees that are formed are not solely the City Council, that you do have your constituents represented on that committee and they do have a voice on that committee that is just not your own. I understand how it is when you are a committee and you are so focused on the details, that maybe you do not understand what the general consensus of your constituents is. I would appreciate it if you would take it upon yourselves, that when you form this committee that there is citizen representation on it.

Roman York stated you guys are having one heck of a day today. I want to congratulate Gail Thurber, my wife. She pointed out some important areas. For this occasion I wore a very special tie for you, it has two symbols. I became an American citizen because my family lost all of its homes to laws that you propose. I also know that the United States Constitution is the supreme law of the land. I acknowledge that our laws are based on common law and the basic premise of that law is do not harm. This ordinance that you have just passed does exactly the opposite, it harms. I take my civic duties very seriously because when I swore to protect and defend the Constitution of the United States, I took it seriously unlike some people, especially people in some of our bureaucracy that are engaging in undermining it. How do those laws get on our books, because they are smoked in, that is pilot talk, under the radar screen out of the eyes of the public. They are put in there with our tax money. When citizens need to challenge the bureaucratic decisions, bad laws, they have to dig in deep in their pockets that were already partially emptied by outrageous taxes. What we are creating here with the kind of process that you have put in front of us, is bad laws. This whole process was undermined by bureaucratic stifling. First of all Gail called in and asked for documents pertaining to the ordinance and the development plan. She was stalled, our City Recorder

Debbie Stickney is on vacation you will have to call her when she gets back. Excuse me. When have a notice that says the documents are available. I told Gail keep waiting, she was promised that those forms would be mailed. To this day she is waiting. I came in the next day to City Hall and I asked for those documents, they were not available. I was given the same story, that Ms. Stickney our City Recorder is on vacation, you will have to come back when she returns. I said no, there is a notice and I demand these forms. I was sent to the Building Department and they looked at me like where did you come from, we don't have those. I said is our Administrator in, and they took me up to Erik Kvarsten's office. Erik personally handed me the forms, which I thank him for. However, the forms that I have are an ordinance with no number. Gail already pointed out the deficiencies. ORS is very specific about clarity and no legalistic language. The city has violated that premise and that law. The city has violated open government and availability of the forms. I tell you that there were other citizens that asked, and we have them as witnesses, they were given the same song. This doesn't appear to be open procedures or open government. This goes one step further. The video of the August 14<sup>th</sup> speaks for itself. Even you Councilor Ripma were confused about the document. If you as an attorney were confused about it, what do you think the people were? This kind of garbage that is put in legalistic form in front of them, do you think people understand? They are hard working people that pay taxes, they get home and they get this kind of thing in front of them. That is one aspect of it. The public meeting that we had was stifled by the bureaucracy that brought its consultant to sell us the same package and fake everyone one of us into believing what a wonderful plan you have. Well, my experience is, I smell a rat. So, I started digging into it and so did Gail and what we found wasn't pretty. You passed the ordinance. I am not going to go through technicalities to bore people with it, but the fact is what we were handed and what you passed was different. Article 2 Section 2 was added to the document, not the document I have. Fact is there is existence of a third set of documents, so called executive documents and fact is you have colored memos in front of you to clarify you had two meetings to be briefed on it, you should have been well versed instead you were entertained by some consultant paid by our tax money subverting open public forum. I suggest to you that this was subversion of our laws, it was flawed and the ordinance should not stand. You gave yourself powers that are incredible, a lot of people don't understand. I do understand because those kinds of powers were responsible for depriving my parents of their property and I, as an American Citizen, treasure my rights and my liberties and property rights. Your ordinance is a strike at the heart of everything that America stands for. Do you understand! You have taken the power from the people. In America, government doesn't take power. Under our Constitution and principles of our government, all the powers rest with the people and the government asks for power. You and the bureaucracy of the City have abused their power, you granted yourself power that you don't deserve. You gave yourself rights for 25 years and you have no morale right to do so. You should have given it to the vote of the people. If your plan is so wonderful why are you afraid of the people? I want to make a motion here tonight based on all of the presentations we had. I move that this ordinance is not valid and should be null and void. Do I have any seconds?

Male yes.

Mayor Thalhofer stated we have a form of government, do you understand?

York replied yes. We have made a motion Mayor.

Mayor Thalhoffer stated in the United States we have forms of government, local government, city council, county government, state government and national government. Those are forms of government. The public officials are elected by the people to represent the people. Do you understand that?

York replied I understand that. Mayor Thalhoffer, do not lecture me on the government. I am a student of government. I understand how it works quite well and I understand that if I have an elected representative and I come with a problem, he listens and doesn't stab me in the back. I, for the record, will say that this city is not this lilly-white city that you try to tell us. This city has engaged in prosecution of the people, preferential treatment against people. Furthermore, there is a lot of evidence in this city where people have been harmed. There is a Channel 6 documentary of it, there is evidence of a public official lying to television camera. There was use of public funds and project to harm citizens of this city and their property. This is why we don't trust that you could have this kind of power just bestowed upon yourself. Our neighboring community Gresham requires elected officials to put it to vote of the people and so do other communities. As Gail demonstrated this law has been prone to abuse and our city is not exactly run in exemplary manor. We have, in our bureaucracy, people that do not necessarily have the best interest of citizens or are competent to run large project. There is good evidence of that. There is a history of evidence where when the government touches something it costs money. In America property developed by private enterprise, if we have an open government that treats all citizens equally, instead of making favors or having we like you, we don't like you. The government needs to be the great arbitrator of justice and treat all people equally. This is not the case in the history of this city. I really think the honorable thing for you to do is to reconsider. Because there were so many wrong things, citizens coming forward with a petition are stifled by the process. You spent hundreds of thousands of dollars on this projects, you lined up all your ducks, all your consultants with our tax money. Yet, when it comes to the part of the citizens, create your own form, do all that work, we don't have to do that for you. The City Attorney said, I work for the City. Well, who is the City? The city is the people of Troutdale. As long as we have this polarization, as long as we have this division, it will not work. Once we clean up the city and have an honest open government that works with free enterprise, things will happen naturally. This urban development plan that we have, and the agency, is nothing but a power grab, tax grab and basically will funnel all of the money down to City Hall for its projects. I oppose it, I am one of the petitioners and if you do not do the honorable thing we do bring the petition forward. I would like to give you a way out because as we demonstrated there were so many things wrong that, the honorable thing is for you to take it off, put it on the table, explain it to all citizens of Troutdale and when the people vote I have absolutely no problem with it. When you hide these things from people, I don't know whether it was intentional, but it has that look. We had the same kind of procedure in place when public projects were done, and it is following the same pattern. I urge you, as our elected officials, to review how things are done in this city. I really urge you to go home and search your soul on this issue and please be the kind of government that we can be proud of. I, for one, am not proud of the way our city functions.

**2. CONSENT AGENDA:**

**2.1 Accept Minutes: July 24, 2001 Regular Meeting.**

**2.2 Resolution: A Resolution amending the established Individual Imprest Cash on Hand Account for the handling of change.**

**2.3 Resolution: A Resolution recognizing the completion of public infrastructure associated with the SE 2<sup>nd</sup> Street Improvements Project and accepting them into the City's Fixed Asset System.**

**2.4 ~~Resolution: A Resolution recognizing the completion of public infrastructure associated with the SW Halsey Street Improvements and accepting them into the City's Fixed Asset System.~~**

**2.5 Motion: A Motion authorizing the Mayor to enter into an intergovernmental agreement with Gresham, Fairview, Troutdale and Wood Village for Mediation Services.**

Mayor Thalhofer called this item and read the consent agenda. Item 2.4 was pulled from the Consent Agenda.

**MOTION:** Councilor Thompson moved adoption of the consent agenda. Seconded by Councilor Kight.

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

**4. RESOLUTION: A Resolution approving a redevelopment concept plan for the existing sewage treatment plant site and adjacent properties.**

Mayor Thalhofer read the Resolution Title.

Beth McCallum, Senior Planner, stated before I begin I would like to update the attachment list to my staff report. Attachment 12 should include a letter from Mr. Kleinman dated August 22<sup>nd</sup> which was received after the packets were distributed. That letter transmits a response from Flecker Associates regarding the Kibling Avenue Extension. Mr. Kleinman represents Martin and Beverly Frank. On July 14, 2000 the City entered into a Transportation and Growth Management grant contract with the State of Oregon to prepare a redevelopment plan for the sewage treatment plant site and adjacent property owned by David Bennett and the Yoshida Family Limited Partnership. Urban Design Collaborative (UDC) was the principle consultants selected to work with the City in developing a redevelopment plan. Here with me tonight is Mr. Rojiv Batra, a consultant from UDC. Additional consultation was provided by DKS Associates, Sienna Architecture, and Alpha Engineering. These consultants provided the City with professional review and critical analysis of potential street layouts based upon the traffic impacts of redevelopment and development concepts. This process has included extensive public involvement over the past year beginning in October 2000 and included three Project Advisory Committee meetings, two public workshops and four Planning Commission meetings. Redevelopment of the sewage treatment plant site has long been

anticipated. Although the treatment pond has some aesthetic value the view from the businesses downtown will be improved when the plant is closed. General design schemes were included in the Town Center Plan and specific development standards were adopted into the Troutdale Development Code in 1998. The Planning Commission's recommendation is based upon the existing zoning and Town Center Overlay District Standards. There was some discussion about limiting the height of buildings to 35 feet but the underlying General Commercial Zone allows 45 feet and the Mixed Office Housing Zoning allows for a 35-foot building. The recommended concept plan does not specify building heights, only the number of stories. Certain 3-story buildings could be under 35 feet but it is more realistic to assume they would be over 35 feet but less than 45 feet in height. I am going to go up to the drawing and try to give you a brief summary of the drawing. Access to the site was considered. The Bennett property, Yoshida property and the Columbia Gorge Factory Outlets are affected by a potential redevelopment of the plant. Redevelopment of the City sewer plant will require a public street to extend through the Factory Outlet Stores, that is based upon the current Development Code standards that were adopted in 1998. In addition, ODOT has stated that future use of the right-of-way that is currently used for 257<sup>th</sup> Way will be needed by them in the future for improvements within the I-84 right-of-way. Matt Connolly, who represents Chelsea Property Group who manages the Columbia Gorge Factory Outlets, has stated that it requested that the City consider approximately 90,000 square feet of Outlet expansion onto the City property for that street. The Planning Commission's recommended concept plan includes approximately 45,000 square feet specifically designated for the Outlet Store expansion. That is depicted in the brown section on the map. The plan however, does include other areas of retail opportunity. That would be a destination hotel that is depicted in the gray/green and in some of the orange areas on the map which is mixed use for office and retail and some residential. The recommended plan also includes other street access from the Historic Columbia River Highway at Kibling Avenue. This is based upon the recommendation from ODOT and the consultant team in order to prevent gridlock at the existing intersection and the interchanges of I-84 that an alternate connection from the highway is needed. This connection also provides a true physical connection to our downtown. Currently people can walk on Graham Road up to Columbia River Highway from the Factory Outlets, but it is awkward and it is quite a physical separation there. Another road connecting from the main part of the Central Business District to the site would seem important for making a strong mental as well as physical connection. They have recommended Kibling as an overpass over the railroad crossing because ODOT and the Union Pacific Railroad have requested and have stated that they would not agree to any at grade crossing. They worked hard to get the previous at grade crossing closed for safety reasons. The size of the City's property is about 12 acres and the size of the adjacent Bennett/Yoshida property is about 7 acres. The City's land is zoned General Commercial for the majority of the area and has about 1 acre of Mixed Office Housing. The Bennett/Yoshida property is entirely zoned Mixed Office Housing. Development in both the General Commercial and Mixed Office Housing District may include restaurants, retail, art galleries, offices or community service uses such as libraries, schools and other public buildings. The destination hotel shown in block 2 is a permitted use in the General Commercial Zone. Residential dwellings in conjunction with other permitted uses are allowed in both zones when built above or behind the permitted uses. This type of development includes the live-to-work dwellings shown in block 3. That is a concept that has been developed in Fairview and

affords somebody who is a real serious home occupation person to live above or behind their store. A community building is shown on block 1. In that building we could also have some interpretive center features that explain the natural and social history of Troutdale, including but not limited to the Ice Age Floods, the Columbia River George and the Lewis and Clark Expedition. These ideas were covered at all the Project Advisory Committee meetings and at the Planning Commission meetings. The USDA Forest Service, Oregon State Parks and the National Park Service are supportive of an interpretive feature on this site when it does redevelop. However, none of those agencies have funding to assist us in that venture. The General Commercial Zone also allows amusement enterprises, which could include recreation facilities not operated by the City. Recreation facilities such as a skate park, swim pool and ballparks have been mentioned throughout the past year. The Planning Commission's recommended plan includes 2.7 acres along the Sandy River, part of a 40-mile bike loop system that would also go through part of the Bennett/Yoshida property as an easement under the railroad trestle and come back out at Depot Park. That 40-mile loop system can also serve as pedestrian access and serve as part of our promenade feature along the Sandy River. A skateboard park was requested by a couple of children at one of the meetings. A skateboard park could be a feature within that riverfront park, it would need 3,000 to 10,000 square feet. A portion of the open-space area that is outside of the vegetation corridor, which is about 100 feet wide on the City property adjacent to the Sandy River, could be developed as some of the requested recreational facilities if there is adequate room. With respect to the ballpark that was requested, in this particular plan there is inadequate area and in addition a ballpark would probably include a stadium, and in our Town Center Overlay District a stadium is not permitted. The Planning Commission's recommended development concept plan generally complies with the underlying zoning district standards and is based upon a concept plan created at the June 7<sup>th</sup> public workshop. The Planning Commission particularly emphasized that this is a concept plan. If a concept plan is adopted it gives the general idea of what the City desires to see developed on the site. Specific elements however, will be reviewed through the land use application process. As noted in the draft resolution before you this evening, each development proposal must include the separate traffic analysis. The Planning Commission's recommended concept plan does not include showing or depicting redevelopment on the Bennett/Yoshida site except for the Kibling Avenue extension and other feature street alignments that surround block 4. The portion of the 40-mile bike/pedestrian loop trail and the vegetation corridor buffer along the Sandy River are also depicted on the Bennett/Yoshida site. Staff has estimated that block 4 contains about 64,000 square feet of net area and block 5 contains about 218,000 square feet of net area. Staff has prepared a draft resolution for the Council's consideration based on the Planning Commission's preferred redevelopment concept plan, that is attachment 14 of my staff report. I would now like to turn this over to Rajiv Batra of Urban Design Collaborative.

Rajiv Batra stated I would like to highlight some of the main criteria that was used to develop the concept plan and go over some of the specific criteria that relates to that and show you how the proposed plan accomplishes the goals that were set. The five major criteria relates to transportation, transit, environment, land use aspects and the community and looking at how the plan would be implemented over time. The transportation, public street access, the concept plan and particularly the Kibling Avenue crossing minimizes the right-of-way and cost

for a future connection to Columbia River Highway when compared to a Buxton crossing to the west side or if there were to be a road along the Sandy River to the east side. This is the most cost effective in terms of right-of-way and construction cost. In terms of circulation, this is the most direct route to the Town Center including for bikes and pedestrians. The design is there to create a compatible speed for traffic so that the speed of traffic is compatible with bike and pedestrian rather than allowing cars to go much faster. In terms of transit, there is a potential to expand the bus route to the STP site once the bridge at the Kibling crossing has been accomplished. There would be up to eight parking spaces that may have to be relocated with a future design. This is just a conceptual design as Beth pointed out. When it comes closer to implementation there will have to be more details and engineering designs developed and at that time the number of parking spaces will be determined. In terms of accomplishing regional transportation connections, this maintains the integrity of the 40-mile loop as well as the integrity of the Columbia Scenic River and Highway. Going on to the land use aspects of this plan, lot 24 supports the existing land uses on that as well as creates a very valuable corner lot. As far as the Yoshida's site, on the east of that between the Depot Park and lot 24, it again supports the existing use and again with the future Kibling crossing that again creates a corner lot and a corner site for them will be more valuable. As far as the City's STP site and the mixed-use site, block 3, it enhances the viability for mixed-use under existing zoning. Under the alignment criteria, this particular alignment for connection to the Columbia River Highway, it minimizes the paving and impervious surface compared again to the Buxton Avenue or a road along the river itself. Regarding noise, which was another consideration, the idea was to maintain a relaxed atmosphere along the Sandy River as well as at Depot Park. This particular connection to Columbia River Highway at the Kibling crossing accomplishes that. A road along the Sandy River and through Depot Park would totally get rid of that objective of creating a relaxed atmosphere along the Sandy River and Depot Park. In terms of the community aspects, the character and the future design of the Kibling crossing will complement the Town Center designs particularly the historic character. The sense of place will be in hand by integrating public artist sculpture as well as in the design of the railings. It also preserves the view of the hill across the Sandy River as well as views of the Historic Union Pacific Railroad by keeping the crossing at this location. In terms of implementation, phasing, this plan has the potential to begin construction with no impact on the Bennett/Yoshida site. That does not happen until development on that site proceeds and one has a traffic analysis in hand. In terms of infrastructure, since this will happen at the time that Bennet and Yoshida develop, it will be fully integrated with the design of that development. It will not stand out like a huge structure by any means. That is a summary of the concept plan.

Councilor Daoust stated relating to the Outlet Mall expansion, I am just trying to understand the progression of where the Planning Commission ended up with 45,000 square feet as a recommendation. When I see that Group A talked about is 24,000 square feet and I assume that the expansion of the Outlet Malls would be those two pieces parallel to 257<sup>th</sup> already in the middle of the parking lot, that is what Group A recommended, is that correct?

McCallum replied no. Group A had two drawings, I think you are referring to what came out of the public workshop on June 7<sup>th</sup>. Group A did have two drawings and this is the second drawing from Group A. The alternate drawing did not have the Kibling extension, it only had

a pedestrian overpass at Harlow. The potential expansion on the Outlet property itself is not factored into the square footage that I have mentioned to you in this report. The Planning Commission had made a determination on April 18<sup>th</sup> that they would certainly accommodate an extension of the Factory Outlet Mall at least at no less than what they would lose with respect to roads going through their land and then the 7,000 square feet of building, but they did not make a determination that they would accommodate them with a full 90,000 square feet. They chose to accept that drawing that did come from the public at the June 7<sup>th</sup> workshop.

Councilor Daoust asked which is the 45,000 square feet?

McCallum replied that is correct.

Councilor Daoust asked so the amount of building retail space that they are losing is 7,000 square feet?

McCallum replied approximately, based upon information from Matt Connolly.

Councilor Smith asked how many acres is the unused land that we have down there now?

McCallum replied the City has just over 12 acres and the Bennett site is just over 7 acres.

Councilor Smith stated for the amount of acreage and what they are proposing to put down there, they have a 100 room hotel, restaurants, apartments. Wouldn't that be considered high density?

McCallum replied with respect to residential density, the Town Center Overlay is a higher density when residential is added in. The Mixed Office Housing zoned property can develop exclusively as residential at 21 dwelling units per acre, that is our highest density.

Councilor Smith asked with the Kibling Avenue overpass, that will dump traffic onto the main street of Troutdale on Columbia River Highway, right?

McCallum replied that would be a second access. There is still access out of the development at the 257<sup>th</sup> and Graham.

Councilor Smith stated if you can't go one way you could go the other way, but you are still talking about a lot of traffic.

McCallum replied we have a traffic study that addresses that. The development as shown here is at roughly 65% of what might possibly develop. According to the traffic study we have and comments from ODOT, with some changes to the interchange at 257<sup>th</sup> Way and Graham Road the intersection won't fail. We won't have gridlock but there will be some delay coming out of there. Additional turn lanes are recommended as we reach a certain level of development there. The draft resolution has a recommendation that each project as it comes in to be developed has a traffic analysis to know when those improvements need to be made.

Those improvements would require some additional turn lanes on Graham and 257<sup>th</sup> especially if Kibling extension is not constructed.

Councilor Smith stated the other concern that I have is the three-story buildings, is it zoned for three-story buildings?

McCallum replied the General Commercial Zone allows a 45-foot height limit which I discussed in broad terms with the Building Official this morning, a three-story building could easily be accommodated in that height.

Councilor Ripma stated there was a second plan that was discussed at the June workshop that did not include the Kibling bridge. I just want to be clear, that is not being brought before us for our consideration?

McCallum replied no it is not. The Planning Commission made a recommendation of one plan to be brought before you.

Councilor Ripma stated that was discussed all the way along by the Planning Commission whether or not to have a Kibling bridge, but the City Council, the final decision maker is being given one plan for consideration, obviously we can change that but that is what is being presented.

McCallum replied that was our goal.

Councilor Ripma stated well it wasn't my goal. I think in view of all the hearings and all of the public meetings and all of the consideration that went into what to do with this land, I guess I am disappointed that we, the City Council, the one who has to make the final decision has only one option to look at. The Factory Outlet Stores sent us a letter, which is in our packet saying that they want 90,000 square feet for expansion. Aren't the Factory Outlet Stores absolutely crucial to making this plan work? The road up the middle can't be built without the Factory Outlets agreeing to let it go right through the middle of their building. How was it envisioned that we are going to get them to tear down part of their building and reconfigure their structures that they've got that work well when they are not getting the expansion that they have asked for?

McCallum replied this is the plan that the Planning Commission has recommended to you, the decision of who purchases it and how it ultimately develops continues to rest with the Council.

Councilor Ripma stated I understand and I don't mean to put you on the spot. The letter makes it clear that they are disappointed that they are not getting the expansion that they feel they need to justify doing this. If we don't have their cooperation, how are we going to implement this plan?

McCallum replied this plan reflects the citizens' input that came through the Project Advisory Committee and the two public workshops that we held. It was the determination of the

citizens that participated that they did not desire to see an entire factory outlet on the city owned property.

Councilor Ripma stated well I attended that meeting and Group C certainly proposed 90,000 square feet. 45,000 square feet takes up two sides of one block, they are not taking up the whole parcel. I guess I am just puzzled. Would we have to condemn the Factory Outlet right-of-way through the middle and pay them for it, was that contemplated if the Factory Outlets don't want to let us put a public street through the middle of their building. Would we have to pay them or how would we do it?

McCallum replied that is the Councils decision.

Councilor Ripma stated I see that as a major flaw. Without the road up the middle, does the plan work?

McCallum replied ODOT has said not to rely upon 257<sup>th</sup> way to expand, that is the best answer I have.

Mayor Thalhoffer stated under tab 3, this is different than what is on the board.

McCallum replied the hotel on this exhibit has been changed per the request under the Planning Commission's review to be oriented into the NE corner of that block, that is the only change. What is under tab 3 is what the public workshop Group A's concept plan looked like, but the Planning Commission requested that it be modified with that change to the hotel alignment and that is shown under tab 14 of your packet.

Mayor Thalhoffer asked the community building, could that be in some other location?

McCallum replied again, this is a recommended plan. Council could make changes as it sees appropriate.

Mayor Thalhoffer stated yes I understand that. What I am saying is did anybody consider that building at any other location?

McCallum replied the Planning Commission in their July 18<sup>th</sup> review, choose not to reconfigure or realign anything that had come directly from the June 7<sup>th</sup> public workshop except for the change in orientation of the hotel.

Mayor Thalhoffer asked this is where the Lewis and Clark exhibit and the Ice Age Floods exhibits would go.

McCallum replied that is where those types of features could be accommodated, they don't have to be within the building.

Mayor Thalhoffer asked could that building go in the next block over, next to the amphitheater?

McCallum replied yes, there could be buildings in that area.

Mayor Thalhoffer stated I guess what I am getting at is if it became necessary could we move that community building and add more factory outlet stores there?

McCallum replied it is possible.

Councilor Kight asked I am wondering if the Kibling overpass wasn't built, what impact would that have on the traffic? Would it be workable if the Kibling overpass wasn't built? Would we have major traffic congestion at the intersection of 257<sup>th</sup> Way and Graham Road?

Batra replied it depends on the final proposal for what is built and when and how much the Bennett/Yoshida site wants to accommodate on their property. As was pointed out, anytime there is a development proposal there will be a traffic analysis based on the actual land uses proposed.

Councilor Kight asked absent the details, the short of what you just said is that the plan could work if we only had one access to the property. My second question is in regards to the Bennett/Yoshida property, if that overpass was built, how much of a land area would they end up losing on their property?

Batra replied approximately .53 acres.

Councilor Kight asked the other thing besides the loss of acreage to the property, not only would you lose the area as far as the land area, but you would also lose sight vision, am I correct?

Batra replied it only happens when the Bennetts or Yoshidas develop, at that time the buildings will be configured with the streets, so you would see the buildings. If they intend to develop, given the current design standards, buildings are to front on the street.

Councilor Kight stated what I am getting at is it is hard to hide a bridge.

Batra replied with buildings you won't even know there is a bridge there.

Councilor Kight asked how do you accomplish that?

Batra replied you will see the bridge over the railroad but not on either side of the Bennett/Yoshida property.

Councilor Kight stated I am just concerned with the visual impact, the aesthetics of it.

Batra replied it will look very much like the Town Center along Columbia River Highway with buildings fronting along the street.

Councilor Kight stated I share Councilor Ripma's concern, that absent the cooperation and consent of Chelsea Realty, that this probably will not happen as far as accessing through their property and taking out 7,000 square feet. Ms. McCallum, you mentioned that it is 45,000 square feet but if you take out the 7,000 square feet that they would lose to make a street through there, it only nets out at 38,000 square feet, am I correct?

McCallum replied I wasn't speaking to net.

Councilor Kight asked correct me if I am wrong, aren't we putting the cart before the horse. Shouldn't we have a conversation with Chelsea in an executive session regarding what their plans are?

McCallum replied as a staff member and as to the project that we set up with the State Transportation Growth Management program, this was our instruction from the Council over a year ago.

Councilor Kight asked finally, are we going to require any architectural conditions to the buildings that will be built down there or do we have any control in that regard?

McCallum replied the buildings that are in the Town Center Overlay District, the Planning Commission did have some recommendations that the design standards that are used for the buildings right on Columbia River Highway also apply to this property. Those were not adopted specifically into the Resolution before you.

Councilor Kight asked so we need to fold that back in if we want those as a requirement?

McCallum replied that is correct.

Councilor Kight stated that would be my recommendation.

Councilor Rabe asked if this concept plan were adopted this evening, these specific square foot areas that are designated for these various uses within the blocks, are they permanent upon adoption or are they adjustable?

McCallum replied they are adjustable, this is a concept plan.

Councilor Rabe stated I just wanted to make sure that everybody understood that. So what we see here is not necessarily what it may end up as.

McCallum replied correct.

Councilor Rabe stated the arrangement of these particular uses, for instance like in block 1, which has some retail outlet and a community building as opposed to block 2 which has slightly different uses, those are just suggestions, aren't they?

McCallum replied that is correct.

Councilor Rabe stated so any development that would occur in here, that is not within the zoning guidelines would then be subject to variance hearings and so on, things that we are commonly seeing at Planning Commission meetings and that are occasionally referred to Council.

McCallum replied correct.

Councilor Rabe asked nobody is going to be able to build whatever they want down here, nor will anybody here have any particular overlying control over what would be constructed down there because we would be working within the context of what we already have been working with for what is fair to say, the last five years.

McCallum replied since 1998 when the Town Center Plan was adopted.

Councilor Rabe asked would it be fair to say that most of what we see up and down main street today was built under the same kinds of guidelines and conditions that this new area would be developed under?

McCallum replied actually that is a little misleading. Downtown here is Central Business District zoning which has different uses and has specific design standards like Councilor Kight had suggested that he would like to see adopted in the resolution, that pertain to the shape of the roof, what percentage of the wall can be windows, what kind of textures were used on the buildings.

Councilor Rabe stated so it was fairly well guided.

McCallum stated Central Business District is more strict then the General Commercial and Mixed Office Housing zoning standards.

Councilor Rabe stated so it would be fair to say that development down there would be much more reflective of those that are interested in investing money down there, and they would have a larger field to work within in terms of what kind of a building they would like to build and how it might appear?

McCallum replied right now they certainly have a broader pallet to work with.

Councilor Rabe asked so we would see more freedom of design down there as opposed to someone who would be interested in purchasing a piece of property on the main street, which apparently is very well sought after, from what I understand, under very restrictive conditions.

McCallum replied correct.

Councilor Daoust stated I am a little confused by a couple Councilors saying that if we don't have the 257<sup>th</sup> Way extension through the Outlet Stores, that this whole development is basically in question. Wouldn't we have a valid development with just a Kibling Avenue

access and the access along ODOT's right-of-way, as long as we have it, and maybe in the future we could work something out with ODOT to create an entrance point there.

Batra replied it does give you the flexibility.

Councilor Daoust stated if we adopt this plan tonight, we will still have to work with Chelsea, give and take and on what we would like down there, but the statement that we absolutely have to have the 257<sup>th</sup> extension is not really true is it? We can do it with the Kibling Avenue bridge.

McCallum replied the one issue that we have is in the Troutdale Development Code, the Town Center Overlay District Standards, when those were adopted in 1998 it included the condition that development of the sewage treatment plant site include and requires the extension of a public road through the outlet stores. That was adopted in the Development Code. Council has the ability to revise the Development Code.

Councilor Daoust asked we could still adopt this plan as it is, which does show that but in the end not have that 257<sup>th</sup> Avenue extension.

Batra replied that is possible if the code is amended.

Councilor Daoust asked we would have to change what?

McCallum replied Chapter 4.700 of the Troutdale Development Code, the section pertaining to the redevelopment of the outlet mall and treatment plant site.

Councilor Smith asked did they have other alternatives to Kibling besides Buxton?

McCallum replied no there was no other actual road that could be used for automobiles. They had a pedestrian crossing of the road elevated at Harlow.

Councilor Ripma stated I am astonished at the suggestion from Councilor Daoust that we could have all of this development of hotel and retail all accessed affectively over Kibling. That alarms me quite a bit. I am just curious, wouldn't the intersection at Kibling and Historic Columbia River Highway fail under those conditions? Having all of the traffic going in and out at Kibling? I never saw an analysis proposing anything like that.

Batra replied it still takes you over to Graham Road.

Councilor Ripma stated what I am saying is all the new development on the sewage plant site and the very underutilized Bennett/Yoshida site, if the 257<sup>th</sup> Way was not extended through the factory outlet stores, it would have to access through Kibling or on a possibly closable right-of-way which goes across ODOT property. Would the Kibling intersection at Historic Columbia Highway work under those conditions? I say it is impossible that it would work.

Batra replied that was never the intent. There was never any analysis that looked at just the Kibling access. DKS did an analysis that looked at just an access from 257<sup>th</sup> Way. Kibling was always a secondary access.

Councilor Ripma stated under the current plan and under the Development Code for the Downtown Overlay District, the 257<sup>th</sup> Way has to go through and that seems like a very wise decision. I don't see this functioning at all without that.

Councilor Kight stated one of the conditions that made the north side of downtown develop as we see it today, is they had a timeframe once someone purchased the property to build a building so that you don't have lots sit empty for a number of years. Could that same condition be applied in this scenario?

McCallum replied I am not sure if that was part of the public/private partnership agreement. I don't believe it was part of the subdivision approval. The Council, in your public/private partnership documents you could include that as part of the agreement.

Councilor Kight asked Marnie Allen, could we add that condition in?

Allen replied yes that could be included in the disposition and development agreement that you would negotiate with whomever you decide to sale the property to.

Councilor Kight asked as far as the architectural requirements and the factory outlet stores, could they in fact build those stores with those architectural requirements so that we don't have the concrete block look and we end up with something more aesthetically pleasing?

McCallum replied I think that the design of the Woodburn Factory Outlets works well within the design elements that we currently have for downtown, but you would have to ask Chelsea if they have a package like that for their buildings.

Councilor Kight asked does anything preclude us from requiring these types of architectural standards?

Allen replied no, other then the city's ability to negotiate all of the terms that you want applied to the disposition of the property.

Mayor Thalhofer called for a break at 9:32pm.

Mayor Thalhofer reconvened the meeting at 9:54pm and stated that we are going to set-over agenda items #6 and #7 to the first meeting in September. I do apologize to the people that are here that were going to speak to that issue. Unfortunately, we are not going to have the time to address those two issues tonight.

Mayor Thalhofer asked is there anyone here that would like to speak to us on Agenda Item # 4?

Jeff Kleinman stated I represent Bev and Martin Frank who own Lot 24 in the Town Center. My testimony is strictly limited to the issue of the Kibling extension, Kibling bridge. Looking outside and you can kind of see from the exhibit that is up on the board, the Frank's property has been developed strictly within the mixed use concept that was intended for this redeveloped part of the city. Downstairs we have a hair salon and on the second floor, at street level, we have the antique store and then we have residential above. My clients primary concern is the affect of the proposed bridge and their ability to continue the uses that were prescribed for this development. The hair salon owner has said if the bridge is built I will leave. There have been concerns raised by the tenants of the apartments as well about their lose of privacy. If you look at the drawing, I think you can see the comparative scale of the proposed bridge. What you would have is a complete shadowing and darkening of the downstairs hair salon space, you would have traffic right outside the window of the antique store and part of the structure shadowing the store and you would have people in cars peering almost into the windows of the apartments upstairs. That is why we have raised the issues that we have in the letter that I previously submitted to the City. In addition, in order to be constructive we have had traffic engineers look at some of the alternatives that are out there. You have received a copy of his report. Personally I have met with Mr. & Mrs. Frank about this and we have looked at drawings and we hired a traffic consultant to do an independent review and provide some guidance for the city. I have driven here to look at the site and to drive down below to the rear parking area and out the other side to try to get a feel for it. Tonight, after parking here at City Hall, I had the chance to look down Kibling at this proposed alignment. I looked at it about as many ways as you can and it really didn't hit home to me until tonight because you can really get a good prospective standing outside City Hall and looking down there and seeing what a knock out blow this really huge bridge structure would pose to Lot 24. I don't want to give anyone a hard time, but there was testimony about how this alignment would create valuable corner lots. It took some constraint just to stay in my chair. We are not opposed to people having valuable corner lots as long as our property and our property values and our investment aren't destroyed in the process. To the extent that there is a suggestion that this would be a valuable corner lot for the Frank's, I think the testimony I have provided of the tenants reactions should be sufficient to indicate it is quite the opposite. The traffic report that we had prepared on the Kibling alignment was prepared by Jonathon Fletcher, who is a transportation engineer. He points out on pages 1 and 2 of the letter, the problems that will in fact be created, the traffic engineering incompatibility of having the bridge and the alignment. The thought of any volume of traffic passing over that bridge in and out of the Historic Highway area is frankly appalling and that becomes all the more clear when you stand outside and look down there. Tonight, looking down there, it is really Alice and Wonderland, that is the most extraordinarily unworkable concept that I think I have seen in quite a while. The impact, if there were no 257<sup>th</sup> connection, the thought of all that traffic pouring through downtown is really unbelievable no matter whether the levels of service fail or not. This is a planning exercise, what does the city want, what works best for the city. Perhaps one can find some traffic engineer somewhere who would say the level of service at Kibling and Historic Highway will not be failing if you dump all this traffic onto it. It would never be anything that one would want. Even, I think, the circular traffic pattern created by adding any additional roadway across the railroad is going to have a traffic impact on the livability of the very nice redevelopment that has occurred on the north side of the Historic Highway because you are

going to be creating through traffic and that is going to make it very unpleasant for people who are coming up here for a particular atmosphere that this redevelopment offers. There are many many sound reasons to reject this alignment and this bridge and really no good ones to go with it. To be constructive we have had alternatives looked at, I don't want to take the time to review it with you this evening but Mr. Flecker felt that the potential alignment through the Depot Park was going to be a safer alignment if there is a road built. Again, we don't see any reason to build one. That option would present difficulties especially with the museum and caboose which would have to be moved, and that may not be desirable, but it is a safer and more efficient route. Some of the staff testimony concerned the routing of bicycles and pedestrians because the current routing coming up from the Outlet Mall is not very attractive and appealing to people. I think if that is really the issue then certainly pedestrians and bicyclists can be accommodated with an overpass or by the existing scenic trail down on the Sandy. But, just because pedestrians and bicyclists should have some flow is no reason for them to blast through a big road and destroy what has been created up here.

Councilor Daoust asked is your objection to ditch the presence of the bridge itself or could there be less dimensional standards that would be more amenable?

Kleinman replied I think it would be hard to do. I am not a bridge engineer and I don't want to speculate. You have a really large structure that is proposed at this point that is actually kind of split, it is more appropriate for a freeway bridge then a little crossing. I suspect that any proposed design that would actually get you up and over the railroad is going to provide the shadowing that I described.

Mayor Thalhoffer asked do you think that one entry would be enough for the development that is being proposed here?

Kleinman replied I can give you my opinion as long as you understand I am not an engineer. I think as long as it is an adequately designed and thought out, the extension of 257<sup>th</sup>, I think the answer would be yes.

Mayor Thalhoffer asked tell me how you think that would work.

Kleinman replied there is an illustration that is attached to the report from Mr. Flecker and I would just refer you to that.

Bev Frank stated we have lived on Historic Columbia River Highway for 12 years and four years ago we built on Lot 24, the lot that would be adjoining the proposed bridge. We are embarrassed to be here tonight and we are feeling a little bit foolish. There have been meetings where this proposal was discussed, we should have been there and we weren't. A few months ago we stood in front of our building and had a conversation with another businessman who has a building on Historic Columbia River Highway in the Town Center. He said to me "did you hear that they might be putting a bridge through here?" We replied "no". I asked him if there was any chance that it would affect us? He said, "Yes, you are one of the suggested plans." We said, "we don't go to meetings we stay home in the evenings but would you please let us know if it is ever going to involve us." We never heard another

word. We started watching the mailers that came to my shop and to our home and we kept looking for the word bridge or bridge construction. We knew the minute we saw the word bridge that we would be here at your meetings. We didn't realize that the sewage treatment plant site redevelopment meant bridge. We are here tonight. After tonight's meeting I want you to know that we appreciate you. After reading all the documents we have read this week, my goodness what the seven of you go through that we are not willing to go through, we don't even come to Council meetings. You wouldn't be sitting up there if you had ulterior motives, you wouldn't be sitting up there if you wanted to do anything but help this city. Thank you. Now to my notes. One morning Martin and I were sitting down and he was reading the Oregonian and he said "honey get in here, look at this, there is a bridge next to our property." I was hysterical, we were upset. When we calmed down we said lets just live with it, this is a thing we can live with, everything works out. The more we thought about it, the more upset I got until we decided we need help, we are not professionals, we are not engineers, we are not city planners, but we want to know if there is someway this bridge won't go through next to our property. So we called our attorney Mr. Kleinman, he also hired an engineer for us. What we wanted to know is can this be stopped. Can we stop a bridge from going in next door to our building? He assured us that he thought that there was a possibility that it was an inappropriate placement. The engineer came up with a suggestion that he thought was appealing and we felt satisfied. Then we thought some more about it and we said it is not going in at Buxton because the people on Buxton were angry, they said not next to our building, this is not a good idea, and you backed off the Buxton idea. We weren't at the meetings to say not at Kibling, not next to us, so it went in at Kibling. We thought about this and said if it is not good for us, it is not good for our neighbors. Our next stop was it is just not good. Why do we need a bridge on Historic Columbia River Highway? I really want you to know how I feel and why I feel that way, so I would like to read my next comments to you. Four years ago Martin and I decided to be a part of the exciting new downtown business center now referred to as the Troutdale Town Center. The buildings would have traditional storefronts that maintain the desired historical look for the business core area. I still think this was a great plan, I love what we have done there and I am really happy to be a part of it. Our side of the street is finally near completion and I have heard talk of remodeling efforts on the south side of the street. We would be pleased if this happened. Council members, please allow our downtown area to grow and to develop. Instead of looking to build another large commercial downtown area in the old sewage treatment facility and surrounding areas, may we suggest that adding to the existing factory outlet stores, creating a fabulous riverfront public park, perhaps the community buildings suggested tonight, the amphitheater, a hotel and a restaurant or two would be sufficient. We feel that planning another major commercial center is offensive to those of us who have worked hard and spent freely to already create a downtown commercial center. Do we really need another downtown? Or do we need areas to make our city more attractive and livable, certainly friendlier. Should our concern be to develop this sewage treatment facility area to the max to get every penny we can on the tax rolls, to ask the taxpayers to come up with another \$8 or \$10 million dollars to build a bridge and road that isn't needed. Or should we be looking at what is good for both the private and business citizens in our city. I hope that the Council has a vision for Troutdale that preserves our history, our livability and our beauty. Do we need more traffic in our downtown? Do we really need a bridge to connect downtown to another downtown? In twenty-five years will this

Council be thanked for the heavier traffic and more buildings? Or will they be thanked for keeping Troutdale livable.

Mayor Thalhoffer stated you can get a dozen different traffic engineers and they have different ideas of what has to happen, but we have been led to believe that we need two access points to that area. I want to mention something here, the other side of this, the people of Troutdale have invested \$16 million dollars in the redevelopment of the sewer treatment plant. First of all the removal of the old one and then the redevelopment of the site. \$16 million dollars is a lot of money and the people of Troutdale voted for that and they trust us to have a development there that makes economic sense. We can't make it all park land because it wouldn't pencil out, it would be nice if we could. We owe it to the people of Troutdale who passed the \$16 million dollar bond measure to move the sewer treatment plant out of our downtown and to develop that site in a way that makes economic sense so they don't have to pay for it in the future. With that in mind, I am looking at this wondering do we need two access points, is one going to do it when our traffic consultants advised the city that we need two and others say no we don't. The advice that we are getting is that we will need two access points to make that development work down there.

Martin Frank stated in one of the papers that we received the city has hired a traffic engineer who evaluated the situation. I think it said in there that if 65% of the proposed buildings were built that the single access would be adequate, over 65% then it would be more important to have a second access.

Councilor Daoust stated it referred to the 257<sup>th</sup> Way intersection.

Kleinman stated I think that number is correct. As I read through the staff report and the related materials, there was something called alternative "C" that fell out of consideration that said if this didn't fully develop as proposed that a single access would work fine. I think what we heard earlier in response to some of the Council's questions, is that it doesn't seem you are going to reach 65% of what is proposed or even close to it once you put through the access that is necessary through the existing stores and you look at the square footage that is proposed in the footprints of the actual building sites, that 65% really couldn't feasibility happen.

Bev Frank stated wasn't there something that was said in that same report about a fifth lane on 257<sup>th</sup> would accomplish what the bridge would accomplish.

Councilor Ripma replied yes.

Kleinman stated on the other hand, I think that a good pedestrian bicycle access would create an appropriate link between the current downtown and the redeveloped area.

Mayor Thalhoffer asked where would that go?

Kleinman stated anyplace. There is room for it in several places and I don't think the concept creates any problems for people.

Bev Frank stated if there has to be a bridge road, our engineer really thought, not just because we have hired him, but the Depot Park was the preferred route. The more we thought about it, it just doesn't seem to be a necessity at all.

Michelle Card stated I appreciate all the effort that has gone into this, I wouldn't want that persons job for anything. I happen to agree with the Franks. I know that a lot of people that I have talked to that voted for it, we are kind of hoping for a little bit more park and a little bit less business. In my humble way, I think why does it have to be all about more money. I understand however, the need to have some business to pay back. It just seems out of 12 acres that 2 is really miniscule.

Councilor Rabe asked so you were hoping for a little more open spaces?

Card replied yes.

Councilor Kight asked how big of a park would you be happy with?

Card replied I am not good with acres and numbers. I would just like to see it bigger.

Cindy Wicklander stated I would have expected more park also but I understand. I would really like to speak to the bridge coming through. I think it would just be ugly. Did anyone look at the idea at the west end where people come off the freeway and they have to around the loop with all of the gas stations and stuff, if the residential traffic wasn't coming through this area to get home, did anyone talk to you about this?

Councilor Ripma stated yes, that use to be there, it was exit 16B.

Wicklander stated no, not a separate exit, but if you could go up that direction somehow off of our current exit, I don't know if that could be done.

Faith stated that was considered as part of the Local Street Network Plan. The Council specifically axed that idea and in fact we have since informed the County and Metro that the City does not favor a Marine Drive extension.

Councilor Ripma stated it ended up affecting a lot of properties.

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

No further public comment given.

Mayor Thalhofer stated we could pass the resolution tonight but I am not ready to personally.

Councilor Ripma stated I was going to suggest that we have staff bring back some of the other proposals that were considered. I don't want to refer it back again, this has gone on so long. I would favor at least considering the concept plan that didn't include the Kibling bridge.

I definitely would like to see something come back to consider as an alternative to this. I also wondered if it is feasible for us to have an executive session with Chelsea Group to get a little better idea of what is realistic before we make the final decision. A lot of work has gone into this and we intend to use it but we are at a point where we need to make a decision and I don't know what is feasible. Mr. Kvarsten is it possible to have an executive session?

Kvarsten replied if the objective is to determine more specifically the Malls interest and their perimeters for development, you could certainly direct staff to do that and bring it back to you in some format.

Councilor Ripma stated I would favor that if the rest of the Council would agree.

Councilor Kight stated I think the time has come.

Councilor Ripma stated I would also like to see staff come back with something that as an alternative does not include the Kibling bridge.

Mayor Thalhoffer stated at the next meeting I would like to also see our traffic people come back to give us further advice on the Kibling extension.

Councilor Kight stated I wonder if at the same time, my earlier comments about having the inclusion of architectural requirements as well as a time frame in order to develop those properties. Finally hearing the comments and testimony tonight, so we don't have competing interest and have two downtowns, that we restrict the zoning to the effect that we don't have competing storefronts. I don't know if that can be done or not, if we can be that restrictive in the zoning requirements.

Kvarsten stated I think as the City Attorney referenced earlier, the way to achieve the particular design issues that you are after is through a development disposition agreement which would occur sometime later. I don't know that it necessarily needs to be incorporated into the Concept Plan. Obviously, a statement to that affect would be appropriate but again that is ultimately achieved through the development disposition agreement.

Marnie Allen stated this is a concept plan and it is not amending the Comprehensive Plan or zoning. If what the Council is interested in doing was to impose zoning restrictions that would apply in the future, that is a separate process and you would have to look at initiating a comprehensive plan amendment and zoning amendment. What you can do is through the process of negotiating the disposition of the property, set proper perimeters for whoever is going to acquire it and time frames that they will develop it in.

Kvarsten stated the largest part of the property the City owns.

Councilor Kight stated well that is just my feeling, I don't know how the rest of the Council feels. I would like to see that happen but I would like to hear from the other Council members if they think that is a good idea or not.

Councilor Rabe stated I think what I am hearing the City Attorney say is we can go ahead and adopt this Concept Plan and then later take care of Councilor Kight's concerns.

Kvarsten stated certainly within the Concept Plan we could add some language that would reference the kind of design standards that you are after. Practically where that would happen is through the development disposition agreements.

Councilor Kight asked and that comes at a later date, just so I am clear?

Kvarsten replied yes.

Councilor Ripma stated that is the way we ought to do it, is at a later date. Lets get a plan that works, preferably with one entrance, that has just the right amount of development that we wouldn't need a second entrance and Kibling bridge, then because we own the land, when we sale it we can impose requirements as we choose.

Councilor Kight asked would the Council be amenable to expanding the park area?

Councilor Ripma stated we ought to consider it anyway.

Mayor Thalhofer stated that is something that can be brought back to the next meeting can't you.

Kvarsten stated within the Concept Plan if the Council wished to address the desire for additional parkland, somewhere within that Concept Plan that could be part of the resolution. We all know that this will move into reality through a series of negotiations and ultimately what is on the ground will look somewhat different than the Concept Plan.

Councilor Kight stated tonight I want to go on public record that I would like to see additional parkland and I think other Councilors share the same idea.

Kvarsten stated it does become a matter of economics in terms of the ability to support and maintain and develop parkland.

Councilor Daoust stated if we are given at our next meeting, a concept plan with just the major components that we think should be down there, that is all a concept plan is. Later we work out architectural design standards and how much square footage the Outlet Mall stores are actually going to end up with.

Councilor Kight stated we may be working backwards if we don't have the cooperation of the Factory Outlet Store.

Councilor Rabe asked the conditions by which the structures will be built, the things that will be permitted and things that would not be permitted architecturally, that would also be subject to public hearing wouldn't they?

Faith replied whatever you decide to put into a disposition development agreement can not conflict with the Development Code in terms of permitted uses. You can build in to that agreement certain requirements that you would like to see in terms of how the projects develops, but those conditions or requirements you impose can not conflict with what the Development Code allows or prohibits. To do that would require an amendment to the Development Code.

Councilor Rabe stated if there were any questions about variances, those are public.

Faith replied those would be handled as they are outlined under the Development Code. In some cases, depending on the degree of the variance it may not require a public hearing, but in some cases it might.

Councilor Rabe stated my concern is that there is a pretense apparently that there is an agenda, a covert or hidden agenda as to what should happen down there and how it should look. Again, I bring that topic up so that everyone can hear that there is a process, it is not covert, there are no under the table deals. That point is very important, and I think is a huge misconception that many people have, is that how something is developed is controlled by us and the decisions that we make and others that sit in our seats, whereby that is not the case at all. On occasion we are asked to judge certain issues, but we don't make them up as we fly. So anybody that develops anything down there will be subject to the same kinds of conditions that have been in existence for as long as the city has been developed, essentially.

Faith replied that is correct.

**5. PUBLIC HEARING / ORDINANCE (Introduced 8/14/01): An Ordinance making certain determinations and findings relating to, and adopting, the Troutdale Town Center Urban Renewal Plan.**

Mayor Thalhofer read the Ordinance Title and opened the Public Hearing at 10:45pm.

Rich Faith stated this ordinance was introduced at your August 14<sup>th</sup> meeting. It pertains to the adoption of the proposed Urban Renewal Plan. At the time that we presented this ordinance to you, I also presented to you the findings and recommendation of the Planning Commission related to this plan. One of the recommendations of the Planning Commission that was included in their findings was that the City Council appoint a body to serve as an advisory committee, this would better serve the citizen involvement efforts that are required under the Urban Renewal Program. Staff at that time, recommended that the Council appoint the Planning Commission to serve as the Urban Renewal Advisory Committee and in response to that Council did ask us to come back with specific wording for a motion to that affect. I have drafted a motion and it is included in my staff report. Since the August 14<sup>th</sup> meeting there have been several revisions made to the proposed plan in response to both the staff recommendations, Council requests and to public testimony, I would like to quickly summarize what those changes are. The first relates to language on page 9 of the Plan that outlines various projects for use of urban renewal funds. On page 9 of the proposed plan the

recommendation at the last meeting was that the reference to the development of a new city hall be modified so as not to specify a specific site for the location of that and thereby allowing some greater flexibility. The revised text in the Plan would read, "Participate in the development of a new city hall on a site in the urban renewal area." Another change in response to the letter that was submitted by Multnomah County Commissioner Diane Lynn, she had requested to see a greater emphasis in our plan on affordable housing and special needs housing and also a focus on providing family wage jobs for long-time residents. In response to that first point pertaining to affordable and special needs housing the plan now has some additional housing policies that come directly out of our Comprehensive Plan that lend for the support to the concept of affordable and special needs housing, those have been incorporated on page 14 of the Plan. In the section of the plan on property acquisitions, which is Chapter 9, page 21, language has been revised to state that land acquired for public facilities, that would mean things such as city hall, public parks and parking facilities, that when land is acquired for these it will only occur following the identification of such property through a minor plan amendment. In addition, in this same section on the same page, language has been added that outlines the statutory process for condemning property and for immediate possession of property, which is referred to as quick take. In the same section under the category of "properties to be acquired", a timeline for the acquisition and disposition of interest in the County Farm property, which is the only property that is identified in the plan for acquisition, has been added. Under the section of the Plan that speaks to the amendment process, which is Chapter 11, on page 24, there has been language added to clarify that the type of plan amendment that is required in order to authorize the acquisition of real property for private redevelopment must go through the Council-Approved Amendment process. There are also some revisions to the Urban Renewal Report that have been made in response to testimony and requests at the last meeting. The first of these is on page 15, table 8 of the Urban Renewal Report. At the last meeting Councilor Ripma had proposed a revision to that table that reduced the amount of urban renewal funds for rehab loans from \$1,300,000 to \$300,000 and that the \$1,000,000 be shifted to land acquisition thereby increasing that figure from \$50,000 to \$1,050,000. Table 9 on page 16, was revised as well to reflect those changes to Table 8. The final revision to the Report is the addition of an appendix, which includes Tables A and B. Table A shows the debt service fund over the 25-year life of the Plan and Table B shows debt proceeds and project expenditures over the life of the Plan. As you are all aware, since the last meeting the Mayor has authored a proposed amendment to the Plan that would revise the boundaries of the Urban Renewal District. The proposal that has been put before the public by the Mayor is to modify the boundary of the Urban Renewal District and eliminate the R-5 zoning, it is approximately 20 acres in size. Staff has evaluated that proposal and supports it for several reasons. First is that this area is predominately a well-established residential neighborhood and already has all of the infrastructure necessary to support that development. Secondly, there are no significant projects identified in the Urban Renewal Plan that are within that R-5 zone area. Finally, there is very little vacant land and no land that is identified for redevelopment within the R-5 boundaries and thus by removing it there will be little to no impact on the finance picture for the Urban Renewal program. Since the Mayor's idea has been floated publicly, we have received two letters in favor of this revision to the boundary. (Copies of the letters are contained in the packet) With those revisions that have been incorporated into the proposed Plan, the staff recommendation is that the Council adopt by Ordinance the Troutdale Town

Center Urban Renewal Plan as it has been revised since the last meeting on August 14<sup>th</sup>, together with a revised Urban Renewal Area boundary as shown on the map (included in the packet) that excludes the R-5 zoned properties. In conjunction with the adoption of this plan and by separate action, by motion that the Council approve the appointment of the Troutdale Planning Commission to serve as an advisory committee to the Urban Renewal Agency on those matters related to implementation of the Urban Renewal Plan.

Councilor Daoust stated the Planning Commission recommended we have citizen involvement advising the Urban Renewal Agency, and the motion before us recommends the Planning Commission do that. We have heard that from the people tonight as well that we need citizen involvement. If we have a Council-Approved amendment to the Plan, if we want to amend the Plan to authorize acquisition of real property for private redevelopment, we have to go through the Planning Commission anyway and we have to notify individual households and other agencies, so there is a set process there. I guess I would put before the rest of the Council the option, rather than a separate motion identifying the Planning Commission as the advisory committee which we have to go through anyway with any substantial amendment to the plan, that we assign some other blue-ribbon advisory committee made up of citizens and business owners to satisfy the public cry for more citizen involvement. I guess I am going to lie that on the table for the rest of the Council to consider that we not appoint the Planning Commission as our Advisory Committee. Are there any concerns that you have Mr. Faith?

Faith stated my only comment on that is that the Planning Commission expressed no preference as to who this committee would be. They did not even entertain the notion that they themselves be that committee. That was strictly a staff decision as to who we thought would be the most appropriate.

Councilor Smith asked what is the deadline on this?

Marnie Allen stated the deadline or the timeline that the City is trying to comply with in adopting the Urban Renewal Plan is based on the County Tax Assessor establishing values for the property within the boundary area. As I understand it, the County Assessor will establish those property values on October 6<sup>th</sup>. In order for the Plan to be adopted and have 30 days to go into affect, means you adopt it 30 days sooner and work backwards from October 6<sup>th</sup>.

Councilor Smith asked if we don't have money to do anything at this present time, is there any emergency that we have to go ahead and do it this year?

Allen replied the reason for adopting the Plan now as opposed to waiting is if you wait you have to wait until next year when the property tax values are established and any increases in the property tax values will be lost.

Councilor Ripma asked on the question of the Planning Commission serving as the Advisory Committee, is that typical?

Faith replied first of all I don't even know if it is typical to have an Advisory Committee. If I recall in my conversations with Jeff Tashman, it is done and has been done, but it is not the norm.

Councilor Ripma asked the things that would be referred to the Advisory Committee in the implementation of the Urban Renewal Plan are not all things that would go to the Planning Commission.

Faith replied there could be a range of things that the Agency may want to refer to the Advisory Committee.

Councilor Ripma stated exactly, we would refer it, but they wouldn't automatically go to the Planning Commission.

Faith replied they may not even be amendments that would necessarily go to the Planning Commission. In that respect, yes it is possible that there could be a number of implementation items that could be referred to them that are not going to go to them for a public hearing and recommendation.

Councilor Ripma stated since Councilor Daoust floated the idea of having a blue-ribbon committee, I would be totally opposed to doing a different kind of committee. I think the Planning Commission is the ideal body for referring to for issues of implementation.

Councilor Kight stated one of the concerns we keep hearing is that there is going to be impact on their property taxes. What can you say to those folks, will it have an impact on their taxes or not?

Faith replied I can repeat the same message that the consultant has stated and that is, it does not affect the property taxes of the residents and property owners within the City of Troutdale. It doesn't change the tax rate, it doesn't raise the taxes. It merely means that the incremental increase in the value of the property within the urban renewal boundary, that money will go to the district for their use in carrying out the objectives and projects that are identified in the Plan.

Councilor Kight asked, as you know we have several citizen committees within the city. Those are all public meetings, am I correct?

Faith replied they are public meetings, yes.

Councilor Kight asked do they allow public testimony at those meetings?

Faith replied they don't conduct them in a formal sense as public hearings, but they would never deny anyone to speak.

Councilor Kight asked generally speaking do you find that there are more members of the public attending a planning commission meeting or the citizen committee meetings?

Faith replied clearly there are more who attend the planning commission meetings as a general rule.

Councilor Kight asked are the planning commission meetings televised?

Faith replied yes.

Councilor Kight asked are the citizen committee meetings televised?

Faith replied no.

Councilor Kight asked are the planning commission meetings advertised in the local newspaper?

Faith replied yes.

Councilor Kight asked how about the other committees?

Faith replied yes, those are also noticed in the paper.

Councilor Kight asked would you say the broader appeal, as far as attracting the public interest and having more publicity would be with the planning commission and not with the citizen committees?

Faith replied I would say that is probably accurate.

Mayor Thalhoffer stated we have an option here. We are going to meet again on Thursday night and we can continue this public hearing on Thursday night and that will be the only matter on the agenda

Councilor Daoust stated so we have officially accepted this revised Urban Renewal District map tonight, have we done all we need to do to officially accept this?

Allen replied yes.

Councilor Daoust stated I assume that we all agree with the revised map.

Council unanimously agreed.

Councilor Kight asked do I have to declare a conflict of interest since I have a piece of property that is inside of the Urban Renewal boundaries?

Allen stated if you will financially benefit or could have some financial detriment as a result of the decision that you will have to make on this as a City Councilor, then you would have a potential conflict of interest.

Councilor Kight asked Mr. Faith would my property be affected either up or down?

Faith stated as the plan is currently written your property has not been identified for any specific project. My understanding of the Plan and the projects that are listed in the Plan, the only thing that you might benefit from is the ability to seek housing rehab loans.

Councilor Kight asked Ms. Allen, what would be your recommendation?

Allen replied that we talk about this and the facts specific to potential benefit or detriment. I don't know enough about where your property is located.

Councilor Kight stated I want to be clear, I don't want even a hint of impropriety and I will step down if there is.

Mayor Thalhoffer stated due to the late hour and because this will be coming back Thursday night with the revised boundary removing the R-5 residential area out of the boundary we can have a full hearing of this item on Thursday. Is that acceptable to you folks in view of the lateness of the hour?

No objections stated.

Mayor Thalhoffer closed the Public Hearing at 11:20pm.

**6. PUBLIC HEARING / ORDINANCE (Introduced 7/24/01): An Ordinance adopting Chapter 8.26, Outdoor Lighting, of the Troutdale Municipal Code.**

This item was set over to the September 11<sup>th</sup> Council meeting.

**7. PUBLIC HEARING / ORDINANCE (Introduced 7/24/01): An Ordinance amending Troutdale Municipal Code Chapter 8.28, Nuisances. (regarding basketball hoops)**

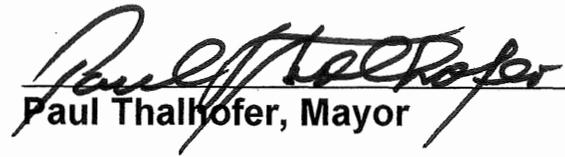
This item was set over to the September 11<sup>th</sup> Council meeting.

**8. COUNCIL CONCERNS AND INITIATIVES:**

None.

**9. ADJOURNMENT:**

Meeting was adjourned at 11:20pm.

  
Paul Thalkofer, Mayor

Dated: 10-10-01

**ATTEST:**

  
Debbie Stickney, City Recorder

# CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

August 28, 2001  
CITY COUNCIL ~~SPECIAL~~ MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>to</small> (please print) <small>to</small>	ADDRESS	PHONE #
Barbara & FRANK GIBSON Ralph Neikow		
Bill & Sheila Dawson	Columbia Gorge RV	503-492-5100
Donna M. Johnson		
Karel Okorie	145 S.E. 4th	503-665-1289
Lawrence + Doris Turner	Columbia Gorge RV	503-492-5100 X115
John WOFFEE	1167 SW MITCHELL Ct.	503-666-4574
Genny & Marion Mayers	<del>Col. Gorge RV</del> Col. Gorge RV	503-492-5100-132
Doris Russell	✓     ↓     ✓	503-661-7433
Lisa E. Brauch	633 Old Columbia Hwy	503-680-2238
Jana E. Brown	"     "     "	503-201-1632
JANIS GROOP	1860 SW KINGS BYWAY	503-665-8242
Jenny Cooper		
Rob Farrell	Oregonian	294-5937
Agnes Furchan	632 Old Columbia Hwy #117	503-492-5100-1107
Marta / Bev Frank	111 E 1st Col. Riv Hwy Troutdale	503-667-2143
Cathy / Mike Lamotte	Col. Gorge RV	503-492-5100
Ed Bradford	4809 SE Viewpoint Dr.	503-618-1520
Emily & Mike Smith	503 SW 19th place	503-666-1866
Jeff Kleinman	1207 SW 6th, Portland	503-248-7808

97204

-- PLEASE COMPLETE THE FOLLOWING --

NAME <small>(please print)</small>	ADDRESS	PHONE #
SCOTT D. NORTHCOLE	2076 S.W. SUNRISE CRT	669-6296
TERI L. BUELESON	633 E. Columbia River Hwy #102	492-5100x102
DICK & DARLENE ASHBY	" " " # 203	492-5100x203
Quinn McKeel	P.O. Box 245	503 669-7473
Gl Hayward	2147 S.W. Kendall Ct	669 8572
Al Holzlad	P.O. Box 233 Gresham	503-491-4040
R. W. YORK	PO Box 564	
Gail Thurber	P.O. Box 504 <sup>160 SE 4th St</sup>	
Steve Swank	633 Old Columbia River Hwy <sup>97060</sup>	503-765-4713
Steele Guenther	633 Old Col. RVR Hwy 97060	503-680-1463
STAN GRIFFITH	633 Old Col RVR Hwy 97060	503-492-5100
Cynthia Wicklander	2076 SW Sunrise Circle	503-940-5357
Laura Van Atta	1204 SW Mitchell Ct	503 661-2318
John P. Huron	447 Columbia River Hwy	503 647-3000
Earl L. Smith	1436 SE 29th Ct.	669-9304
Teri Hancock	409 SW 19th Pl	661-9658
J. Byler	1483 SW 11th St	666-3884
D. Bennett	302 NW 25th St	667-3061
HORNE MITCHELL	767 SW 12th	669-7760
Bruce Ray	432 W 14th Col River Hwy	667-4196
Leslie Croast	2725 SW Hope Cir	665-6375

DATE \_\_\_\_\_

PAGE # 2

-- PLEASE COMPLETE THE FOLLOWING --

NAME <small>(please print)</small>	ADDRESS	PHONE #
Steve & Michaela Frick	342 SE 2 <sup>nd</sup> Tront	666-6396
Mark Kvieriem	136 SE 5 <sup>th</sup> Trontok	661-8246
Diane White	1225 E. Historic Columbia	669-9789
Jeni Sunderland	Premium Outlets	669-8060
Ken & Debra Antone	404 SE Sweetbriar Ln.	666-2803
DAVE GISSAL	121 SE 34 <sup>th</sup> Circle	669-6481
JAY ELLIS	22237 NE ALTON FAIRVIEW	618-0149
Russ Thompson	633 Old Columbia Hwy	492-5100 x280
Orlene Thompson	633 Old Columbia Hwy	492-5100 x280
<del>Wanda</del>	8522 NE Alderwood	872-2444
Junda Yoshida	29330 SE Stark St.	669-3443
Diane White	131 SE 5 <sup>th</sup> St	503-515-5595
Shannon Turn	705 SE 10 <sup>th</sup> St	503 669-2091
Michelle A Card	1105 SE 4 <sup>th</sup> St	667-2967
Richard Hendricks	633 old Columbia Hwy	491-1432
Annie Hendricks	633 old Columbia Hwy #104	491-1432
Margie Boone	148 SE 5 <sup>th</sup>	666-7837
FRANK S. CARD	110E Columbia Ave	667-1105
Rajiv Batra	520 SW Sixth #1230 Portland	273-2600

DATE \_\_\_\_\_

PAGE # 3