

MINUTES
Troutdale City Council – Regular Meeting
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060

Tuesday, June 26, 2018 – 7:00PM

1. ROLL CALL, AGENDA UPDATE

Council President Ripma called the meeting to order at 7:03pm.

PRESENT: Council President Ripma, Councilor White (7:03pm), Councilor Allen, Councilor Hudson and Councilor Lauer (7:31pm).

ABSENT: Mayor Ryan and Councilor Morgan (excused).

STAFF: Ray Young, City Manager; Ed Trompke, City Attorney; Sarah Skroch, City Recorder; Erich Mueller, Finance Director; Chris Damgen, Community Development Director; Travis Hultin, Chief Engineer; Ryan Krueger, Associate Planner and Ryan Largura, Environmental Specialist.

GUESTS: See Attached.

Council President Ripma asked, are there any updates?

Ray Young, City Manager, replied no updates.

2. PUBLIC COMMENT: Public comment on non-agenda and consent agenda items is welcome at this time.

Rob Hawks, Troutdale resident, stated I'd like to talk about a neighborhood livability issue that I've been dealing with for the last year and a half. That is specifically my direct next door neighbor at the beginning of last year decided they wanted to start selling plants and start a plant business in their yard. Throughout the year it grew and grew and became more troublesome and more disruptive to us. Signs went up in the parking strip in front of their house and all through the neighborhood on corners and public right-of-way directing cars and foot traffic to the house so they could look at plants in their yard. They have displays of large erected metal cabinets and shelves covered with dozens of plants. They have several dogs in the back yard so of course they start barking. There are gates that slam and dogs start barking again until the people finally leave. These people are using my driveway and other people's driveways to pull into and turn around. Or they do U-turns in the intersection directly in front of my house. This went on all last year so I went into the City and talked to somebody about it who went out and talked to the neighbors. 2 weeks later it stopped. This was the middle of September and even Home Depot pretty much stops selling plants then. Come this spring now everything I just described started

up again. I went back to the City and told them it started again. My understanding is they went out and talked to this person again. Nothing stopped and nothing changed and it's continued to this day. The culmination of my frustration happened probably a couple of months ago when at the breakfast table on a Sunday morning my daughter says to me as we're eating, you know how I woke up today? At 8 o'clock I woke up to the sounds of dogs barking, gates slamming and people talking about plants. So apparently now we have to sleep with our windows closed so the neighbors can run their business next door. I went to the City again now a little more upset than I was before and talked to them about it. I told them I have documentation. They wanted to see the documentation so I provided it. Shortly after that I received my answer about how the City was going to deal with it. The City issued these people a business license. So now I'm living next to a version of The Home Depot garden center located 15 feet from the bedroom windows of my house. I understand there are different types of businesses that get business licenses and businesses that get business licenses in residential areas and probably a lot of them are professionals, accountants that are working out of home offices and people selling stuff on their computer. Not people driving into the neighborhood, foot traffic coming in, looking at product on-site, conducting transactions in houses and driving away afterwards. I look at those as two completely different situations which it seems like the City didn't seem to consider those situations to be any different. At the last City Council meeting I saw people/citizens that came up to address Council that stated that if a resolution passed they believed their property values would go down. Council stated back to one of them that, this is what will make your property values go down, neighbors who don't keep up their property. So I ask you, if you know a neighbor that's got a bunch of erected metal cabinets out in their driveway year around, do you think that that's possibly going to negatively affect my property values? Why am I here? First of all, I really didn't care if they had a business license or not. I just wanted the disruption to stop. But it didn't stop, they got a license so maybe it's too late for that now. I want to ask the Council, how does the City support giving residential business licenses without differentiating between the 2 examples that I brought up? And how does the City enforce getting a residential business license without consulting with or notifying the direct neighbors as to the possible impact that it might have upon them? It's already happened. What I can ask right now is that the rules be changed to require that any licenses going up in a residential neighborhood are thoroughly investigated as to what the purpose is, how the procedure is going to be accomplished to provide what they want to do and what the disruption to the neighbors are going to be.

Ray Young stated I became aware of it about 9 days ago. I contacted Mr. Hawks then. I visited the property and I talked to Mr. Hawks again today. It looks suspiciously like a retail business when you drive by the property. The flowers are beautiful but they're all arranged on racks and it looks like a display at Home Depot. Our Code Enforcement Officer, Lisa, is gone today. Chris is supposed to confirm with Lisa that a very strict letter has gone to this lady to let her know that we cannot have this kind of thing going on. It's forefront in my attention and we are working on it.

Chris Damgen, Community Development Director, stated I did communicate before I left with the Code Enforcement Officer about this issue. She was directed to provide that

correspondence as far as rules of engagement. There are certain standards that must be upheld. You can't do the transaction there. You can have it as your place of business as far as legal and tax documents are concerned but you can't have people drive up to accept merchandise. You can deliver, or grow if it's in a greenhouse or enclosed area and you can work from inside the structure.

Council President Ripma stated it sounds like there are violations going on. The next step is what to do about it. You have our attention. We appreciate your coming and sorry this is happening. Hopefully we'll get it resolved.

Diane Castillo-White, Troutdale resident, stated I'm on a few committees but today I'm speaking as a 30 year citizen of the City of Troutdale. I want to make you aware that currently there is a mailer being circulated asking Troutdale's citizens to support term limits for Councilors and Mayors in the City of Troutdale. I'd like to share a few facts on the status and history. This is a non-partisan position. Councilors receive \$50 a month for expenses. Currently there are 4 first termers serving on Council and 3 experienced Councilors serving. The average time of service for a Mayor since the early 1900's is 3.85 years. The average time of service for Councilors service since 1985 is approximately 6.85 years. I believe we are best served with a mix of experience and new Councilors. I appreciate the experience and time of service dedicated by our multi-termers who are dedicated to our citizens here in Troutdale.

Paul Wilcox, Troutdale resident, stated on the consent agenda minutes for May 8th on page 7, Bruce Wasson was speaking about referring to the lack of opponents and House District 49 and on page 7 it says 48 rather than 49. On the May 22nd minutes on page 7, the very first line starts Councilor Ripma stated discussion to get it resolved is news to me. And the last 3 words, the balance initiative, should be ballot initiative. Then on page 8 in the second to last paragraph, it starts with Councilor Allen stated, "On the building official, my 2 cents there, I can understand an inspector not inspecting the home architectural work" and I think that should be inspecting his own architectural work. One other item for the consent agenda relates to the sponsorship of the Chamber of Commerce for SummerFest. The funds that sponsorship money is coming from is a line item in the budget that only contains \$3000.00. So you've given the Chamber \$2000.00 already and I fully expect they'll be back for the Fall Festival asking for another \$3000.00. I'll just remind the Council that you've only got \$3000.00 in that budget so I suggest in the future you adjust the budget amount upward.

Councilor Allen stated that's interesting. When I was looking at the sentence that Mr. Wilcox was referring to, I was thinking Paul would know that that's not right. That "the home" should have been "their own", so it's close but just not quite right. So it's just those 2 words that need to be changed.

Council President Ripma asked, the changes to the minutes that were identified by Mr. Wilcox are well taken, do we have to pull it from the consent agenda to make those fixes?

Ed Trompke, City Attorney, replied technically you probably should and that would mean you also move it down in the order and change the order of business.

Councilor White asked, how about just recommending approval with the amended items?

Council President Ripma replied because consent agendas are supposed to be adopted without any changes.

3. CONSENT AGENDA:

3.1 MINUTES: May 8, 2018 City Council Regular Meeting and May 22, 2018 City Council Regular Meeting.

3.2 MOTION: A motion to approve a \$2000.00 City Sponsorship to the West Columbia Gorge Chamber of Commerce for SummerFest 2018.

MOTION: Councilor White moved to remove 3.1 from the consent agenda and address it after the consent agenda. Seconded by Councilor Hudson. Motion Passed 4-0.

MOTION: Councilor Hudson moved to adopt the consent agenda item 3.2. Seconded by Councilor Allen. Motion Passed 4-0.

Council President Ripma stated we'll take up 3.1 now, the minutes from May 22nd. Did you get those changes?

Sarah Skroch, City Recorder, replied yes.

Council President Ripma asked, is anyone prepared to make a motion on 3.1?

Councilor Allen asked, Council President, might I ask if Paul Wilcox is okay with the change that I'm making there?

Paul Wilcox replied yes.

MOTION: Councilor Allen moved to approve the minutes, May 8, 2018 City Council Regular Meeting and May 22, 2018 City Council Regular Meeting as amended. Seconded by Councilor Hudson. Motion Passed 4-0.

4. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Troutdale Municipal Code Sections 5.10.030, 8.24.020, 8.24.050, 13.20.115, 13.20.190 and 13.30 relating to Event Permitting in the City of Troutdale.

Chris Damgen, Community Development Director, stated I'm going to keep my remarks brief and turn it over to our colleagues with the Citizens Advisory Committee. Before I do that I do want to recognize Ryan Krueger from our staff, he's the Citizens Advisory Committee representative and staff liaison. He and Breezy Poulin from our office did a tremendous amount of work working with the Citizens Advisory Committee and I

appreciate your efforts there. Before you tonight is the text code amendment proposal. You are also going to hear information about fees or proposed fees tonight. What's critical to be sure to consider is that these are for text changes to the Municipal Code and that any fees or proposal of fees will be considered at a later date, likely end of August. I would also like to commend Chairman Will Knight and Citizens Advisory Committee members for a job well done and a very thorough job.

Will Knight, Chairman Citizens Advisory Committee, stated I'm here tonight on behalf of the Citizens Advisory Committee to introduce you to the culmination of the last 19 months-worth of work that the Citizens Advisory Committee have put together. We came before you originally on this issue in November of 2016. We then came back with a presentation in November of last year. We are here again tonight with the fruits of our labor. Throughout this process we have consistently enlisted input from the public, past event holders, city staff and interested stakeholders regarding issues with the event permitting process. Much of the feedback has been that the process currently is clunky, outdated and needs revision. In addition from a management perspective, city staff currently has no official guidelines for which to work from and event organizers have no formal guidelines to obtaining an event permit. The Citizens Advisory Committee feels that we have a solution here that would achieve the original goals that we set out to accomplish. I must emphasize the amount of time and effort put into the ordinance before you. I would estimate hundreds if not over a thousand plus cumulative man hours it took for us all to put this together. We labored over many what-ifs, how-about's and tediously contemplated the effects this ordinance may have. The Citizens Advisory Committee would like to thank some of the past event holders, the public, city staff for their contributions to this process. We also would like to thank the city staff for all the work that has been put into helping craft this document as well as the Council considering this ordinance. I'm going to turn it over to Claude Cruz and Sam Barnett.

Claude Cruz, Citizens Advisory Committee, stated thank you on behalf of the opportunity to review this large body of work. We're proudly ready to deliver. There are a few details at the end that we feel we will need a little guidance from you. Sam Barnett and I are going to tag team through this. I'm going to do some introductory matter and then Sam is going to walk us through the details of the ordinance. You will have printed material at the end to memorialize the details that are not going to be present in these slides. Let me start with just an outline of what we are going to be covering tonight. There's a little bit of overview in the form of some of the guiding philosophy as we were pulling these recommendations together and a few highlights. Then I'm going to be talking about a few classes and events. We're actually going to differentiate different types of events based on impact to the city. Then I'll turn it over to Sam who is going to walk us through the permit process. We'll talk about application requirements and touch on some of the proposed fees. Events have been conducted in Troutdale in the past and there's not much structure to guide how the city staff helps the event developers to actually deliver quality events. We want to improve that process. We want to modernize it and we're going to recommend strongly moving as much of that as possible online for convenience to the public. We're going to provide the staff with a structure that they need in order to not have

to invent this each time an event gets proposed with solid policies and procedures, in terms of philosophy, fairness and uniformity. Convenience is another concern.

Claude Cruz and Sam Barnett showed the Council a PowerPoint presentation (attached as Exhibit A to these minutes).

Sam Barnett, Citizens Advisory Committee, stated the Citizens Advisory Committee also recommends that this application reservation process be available online. We did have a couple vendors come in and give us some demonstrations of what they could do for us to make this available online and it came to about \$2000.00 a year. It is the recommendation of the Citizens Advisory Committee that all permit denials and the appeals process are directly overseen and decided upon by the City Manager. The Citizens Advisory Committee requests that an annual review of this process be presented by the City Manager to the City Council to determine revisions to improve this process. The Citizens Advisory Committee cannot state strongly enough that all parties involved in this process understand that an alternative path courts the possibility of excess. Any consideration bypassed any part of this process needs to be carefully considered and decision rendered by the City Manager and document it as well. Timeliness must be kept to ensure a smooth process. The Citizens Advisory Committee further requests that a pre-event conference take place for large or extra-large events which ultimately carry medium to high impact with respect to traffic and safety. We request that 5 year permits be considered for event organizers which have a long standing history with Troutdale. They're the same people and the same groups. Those groups or organizations would need only to submit annual permits and applications as well as updated insurance information. The Citizens Advisory Committee requests that this ordinance allow alcohol consumption at events. We have done some research as well as the staff and looked at what surround communities are doing with their fees.

Claude Cruz stated we have a few loose ends and there are 4 areas where we really need some guidance; City Manager deviations from process, requirements exemption process, fees exemption process and non-profits. There's also the Chamber's memo of understanding with the City that is sadly dated at this point and needs revisiting and refreshing in terms of what the City is asking the Chamber to deliver on their behalf. We recommend that that be revisited. We would like to close with the recommendation that if this ordinance is adopted that there be a strong and well-orchestrated public outreach process. The public should not be surprised by the existence of this process, with specifics, the information needs to be readily available to them. Part of making that easily accessible is to move to online. Thank you again for your time.

Councilor Allen stated I think you're making great improvements here. I do have a question and I'll use SummerFest as an example. How does the process you're proposing effect SummerFest? Are we going to inadvertently make it that much harder to where they just say they're done with it?

Claude Cruz replied the floor is certainly open to everyone and it certainly should not be adversely effected by this process. In part because it would be one of those multi-year

events that once it's gone through qualifying, they would just have annual requirement of re-application to give the city notice. In terms of the financial support, that is still covered by the MOU which is why we recommend the city revisit that MOU and bring it up to date.

Councilor Allen stated I guess I didn't think about this as a possible conflict, I'm a Chamber member. Has anybody talked to the Chamber to see if they have any concerns about this?

Claude Cruz replied not to my knowledge.

Ray Young stated the Chamber was involved and involved in emails and notice of what's going on.

Councilor Allen asked, are they good with the changes?

Ryan Krueger, Associate Planner, replied much like we were expecting we're going to need to do a strong public outreach around this. They're aware of changes but at this point this is the first sort of public hearing. They've had 19 months and participated and they largely have been supportive of it.

Councilor White stated good presentation. My question is to the Fall Festival of Art, are the individual artists going to need to get a permit if they're going to sell art? Or can they do a blanket policy like we've done in the past? Or just the person organizing the event?

Sam Barnett replied our hope is that the organizer would list all of the vendors underneath one entity.

Council President Ripma asked, are the fees that you have here in the ordinance?

Claude Cruz replied no. There has not been a formal presentation. That is a snapshot of what the staff's thinking is and what the Citizens Advisory Committee's thinking is. Between now and when we bring it up again, if you spend some time looking at those numbers. The major differences is in a sense a philosophy whether to use deposits or not.

Council President Ripma stated my question wasn't about deposits but the fees themselves. The ordinance in our packet didn't seem to have any.

Claude Cruz stated there are the 2 slides in the presentation.

Council President Ripma stated let me go to you, Ray. The question of the heavy responsibility this places on you. What do you think of it?

Ray Young replied generally this is delegated to the Development Department. Permits are usually given out there. Generally they only come to the City Manager if there's a

problem. If somebody does appeal it, what some cities do is they can appoint the municipal court judge as the hearings officer for things like this.

Council President Ripma stated thank you and the Citizens Advisory Committee for a lot of hard work on this. I'm not that worried about that we're going to be turning people down. The big one is alcohol. Far be it from me to want to ban alcohol but we had problems with basically people renting the Sam Cox Building for parties. We banned alcohol a long time ago. I know you guys discussed this, you had to. It's hard to find a place as nice as the Sam Cox Building for a party that allows alcohol. There just aren't that many choices. 500 people would show up, the place was trashed and alcohol abuse occurred. There was absolutely nothing that anyone could do about it. The next time the group came and wanted to rent the building you couldn't say no because it was never the same person. I just don't see why we should open everything to allowing alcohol given that track record. How did all of you on the Citizens Advisory Committee resolve that? How did you think that was going to be dealt with?

Claude Cruz replied alcohol makes a big difference. For example, at the Fall Festival the year that I coordinated that, we applied through OLCC and we had a big plan of requirements and we enforced it. The draft ordinance states very clearly that it is the responsibility of the event organizer to obtain that approval from OLCC to satisfy all the requirements. And frankly, we had a very successful event because of that.

Council President Ripma stated I understand the benefits to successful fundraisers and public events. I'm just wondering how you see addressing it. Not a responsible group but people renting the building and holding parties who basically aren't back again. I'm concerned that there isn't going to be any way to control it. I'm wondering how you'll address the problem.

Sam Barnett stated we reviewed surrounding communities as far out as Sherwood and both sides of the river and saw what they were doing and how they were dealing with fees and structure and alcohol. So we considered that and thought it might be a good idea to allow it for weddings or receptions. Then we thought that if we threw a \$500.00 deposit on top of that that might encourage responsibility.

Will Knight stated the idea behind this is, that right now the City Manager can go ahead and approve an alcohol permit. But this puts in a rigid structure of what actually is required. In addition, this will also have a pre-event conference where those people are going to come in and explain and then that's going to trigger additional things to happen. So this creates the framework. Right now there's been evidence from down there at the Sam Cox Building that currently people are bringing alcohol anyway and they're still partying. But there's no mechanism for us to require OLCC or require a \$2 million insurance policy and we don't have a \$500.00 deposit to help clean up the place. This creates a way for staff to interact with those potential parties or potential event organizers. One of the things we also discussed is the potential for a 1 year revisit on that alcohol policy and review any incidents that have happened.

Council President Ripma stated I'm satisfied with what you're saying. I just had serious questions. I appreciate your having thought it through and consulting with other cities. I'm willing to give it a try.

Councilor Allen stated it seems to me that the level of trouble that we had in the past with alcohol had something to do with the level of alcohol consumed by the participants. Has it been considered to have some kind of limit on the amount of alcohol they can serve at an event or per person?

Claude Cruz replied I believe that's typically addressed as part of the OLCC plan.

Councilor Lauer stated people sneaking alcohol into the park, I don't think that's a permitting problem, I think that's more of an enforcement problem that we have in the park. Regardless of what we do with permitting and charges and fees, people are still going to sneak alcohol into parks.

Council President Ripma opened the public hearing at 8:09pm.

Saul Pompeyo, Owner, Ristorante di Pompello, stated if you want to sell alcohol, there's 2 kinds of permits you can get. One is a temporary permit and everybody can get one. You need licensed type catering, like me. If I go to serve alcohol, everything is on my license. That means I don't overserve ever. When I serve in Troutdale House I go outside and check everything. If somebody is drinking outside I say no. Because everything is under my license. You need to require that person serving alcohol have a licensed catering. I also want to talk about events. Some of the events are in downtown Troutdale. 90% of the business owners are downtown and they don't have time to participate in some things. We need to have at least 3 month notice that you're going to close the street. They told me about the closure last week, 1 week before. We need at least 3 months. Another important thing is the person doing the event needs to have a parking plan for safety and for our businesses.

Council President Ripma closed the public hearing at 8:15pm.

Council President Ripma asked, is it required to use a caterer or could you require to use a caterer for alcohol?

Ed Trompke, City Attorney, replied I don't know. I know that OLCC rules require that there be an OLCC licensed entity or person providing alcohol at public events. There are strict rules about it.

Council President Ripma asked, how much notice to close the street?

Ray Young replied right now the proposed ordinance is 30 days.

Council President Ripma asked, is there a parking plan required?

Chris Damgen replied I believe we do call for a traffic control plan which is a current requirement.

Councilor Lauer stated I agree with Saul here. Community events are for the community and the businesses downtown are part of the community. If we could stretch out that 30 day notice. At my job we put on events and we plan it a year in advance. I would like to at least look at stretching that out a little bit.

Will Knight stated we tried to make it as easy as possible for someone with a potentially somewhat last minute event to be able to come in and put on an event. We want to be able to bring that business into town. We looked at what timelines we would need and we did seek public input. Saul was very gracious to come in and give his opinions on these very same topics. At that time when we were putting this together 30 days seemed appropriate. We looked at Multnomah County Sheriff's Office and they need at least 60 days. So we thought if somebody comes in 90 days before, the City has 30 days to respond, 60 days to Multnomah County and 30 days to owners. All of those things were really looked at.

5. PUBLIC HEARING / RESOLUTION: A resolution providing for a Supplemental Budget for Fiscal Year 2017-2018, Budget Transfers and Appropriation Changes.

Erich Mueller, Finance Director, stated this is the annual budget transfers. Normally there is just a budget transfer resolution but this year is also a supplemental budget to clean up a couple of funds that have completed their purpose. The real need for the supplemental budget this time around was to deal with the volume of activity and building inspection code specialties fund. I have laid this out in the staff report.

Councilor Allen asked, do you know what's driving the increase in the code specialties fund?

Erich Mueller replied the development volume that's been occurring across the city. This was a budget that was put together in April of 2017. There have been a number of projects, particularly out across the TRIP site.

Council President Ripma opened the public hearing at 8:36pm.

Council President Ripma closed the public hearing at 8:36pm.

MOTION: Councilor Lauer moved adoption of the resolution providing for a Supplemental Budget for Fiscal Year 2017-2018, Budget Transfers and Appropriation Changes. Seconded by Councilor Hudson.

VOTE: Councilor White – Yes; Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Lauer – Yes and Councilor President Ripma – Yes.

Motion passes 5-0.

6. RESOLUTION: A resolution authorizing the Re-Designation of the Three Cities Co-Sponsored Columbia Cascade Enterprise Zone.

Erich Mueller stated we had spoken about this very early on back when Amazon was going through its application process with them coming up on the expiration of the existing authorization for the Enterprise Zone in Troutdale. Then earlier this spring the 3 Cities meeting it was discussed again and a presentation was provided by the Senior Planner over at Fairview on the Enterprise Zone. The re-designation is the formal terminology, essentially it's the renewal of our existing Enterprise Zone that has been in place since 2007. The original authorization was good for 10 years. This is to have it re-authorized for 7 years. The City of Fairview approved their portion of this last Wednesday and Wood Village is doing their portion tonight. This is to implement the previous decision that you made to seek a renewal and move forward.

Council President Ripma stated before we vote I would like to invite any member of the audience who wishes to address the Council on this matter to come forward.

Paul Wilcox stated I want to address what you have in front of you, Exhibit A. Under qualifications and requirements there's a bullet point about 2/3 of the way down. It starts out, average full-time employee wages must be 125% of Oregon's minimum wage through the tax abatement period. I wanted to clarify that, especially for the benefit of Councilors Lauer and Hudson that weren't around in December of 2016 when the Council actually made an adjustment to that. The way that reads literally is not correct. I'll read here from the revised policy approved on December 13, 2016. "Total average compensation for the EZ facility full-time regular employees, must be at least 125% of the minimum wage rate for the Portland Metro urban growth boundary as set at the time of authorization for a 3 year tax abatement. Compensation is defined as wages and salary, overtime, bonuses, profit-sharing, medical insurance and financial benefits that are not mandated under federal, state or local law." So essentially what it comes down to, say the local minimum wage goes to \$12 on July 1st, the way this cover sheet reads is \$12 at 125% would be \$15. Amazon isn't paying \$15. Their minimum requirement is \$12 plus \$3 worth of benefits. I just wanted to make it clear that that 125% of minimum wage includes benefits.

Council President Ripma stated this Exhibit A doesn't seem like it's part of the resolution.

Erich Mueller stated it's not part of the resolution. Essentially it is a summary of the 4 or 5 page detailed guidelines that's intended to summarize the major points. It was provided in there as an exhibit to the staff report to provide you a frame of reference. It's part of what's referred to as the local requirements. In the Portland Metro area there are rules or exemptions and statutes that provide for the 13 of the 58 enterprise zones that can adopt local requirements particularly as it relates to the extended abatement, the 5 year period. The 3 year ones there is some degree of local requirements but the 3 year is the standard State program which is more specified by statutes. Fed-Ex chose to go with the standard 3 year route. They did not apply for the extended. The Troutdale Energy Center applied for the extended abatement and that was a process that we brought to the Council but they never went through with their project. Amazon also applied for and went through the

process of negotiating and bringing to the Council the extended abatement agreement. Those extended agreements have much more of the local conditions in them. That would be where that could be modified. It would be for a request for or any applications for enterprise zone authorization going forward. We can't change the standards retroactively.

Council President Ripma stated understood. Thank you.

Councilor White stated I was concerned by Paul's comment. I think the argument was that with Amazon coming in their large number of seasonal workers that they use around the holiday season was a main driver in dropping that down.

Erich Mueller stated Amazon was very involved in the discussion and negotiation of that agreement and the complexion of their benefits package that they have is what they're representing, they haven't provided the first report yet because it's not required yet but it's expected to well exceed the standard. Yes, I believe the seasonals was one of the aspects they were concerned about in terms of what they're entitled to versus the full-time year around benefits packages. Also based on the legislature had just been dealing with their staging and phased in increase in the minimum wage and the 3 zones that applied across the State and different formulas as to what those rates go to. All of that kind of factored into it.

MOTION: Councilor Lauer moved to adopt the resolution authorizing the re-designation of the Three Cities Co-Sponsored Columbia Cascade Enterprise Zone. Seconded by Councilor Allen.

VOTE: Councilor White – Yes; Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Lauer – Yes and Councilor President Ripma – Yes.

Motion passes 5-0.

7. RESOLUTION: A resolution establishing solid waste collection fees and repealing Resolution No. 2240.

Travis Hultin, Chief Engineer, stated I have a couple folks here tonight that are going to be part of this presentation. But since he's relatively new to the City, I want to introduce our Environmental Specialist, Ryan Largura. Ryan has been with the City for several months now. He came in and took over a lot of our environmental specialist duties. Ryan has been doing a great job for us.

Ryan Largura, Environmental Specialist, stated I would like to introduce the gentleman to my left. This is Chris Bell of Bell and Associates and sitting behind me is Dean Kampfer and Evan Burmester of Waste Management. Tonight I would like to discuss the City's solid waste rates which covers garbage, recycling and yard debris collection for residential services along with commercial and drop box services and a proposal to increase these rates for the first time since 2014. Second, I would like to make some corrections to 3 errors that have been brought to my attention in regards to my staff report. One of these being the per tonnage cost that I had listed for 2017 as \$12.81 when in fact

it should be \$13.57 per ton. In the fourth paragraph on page 2, I have a rate increase of 9.79% listed for residential standard services and that percentage should not be included within the staff report. It should be a flat \$2.55 increase on residential standard services. Finally, I would like to point out that the commercial sector had a 9.43% increase and in fact it should be 10.4% on commercial services. I apologize for these errors in the staff report. The City of Troutdale solid waste and recycling services are managed by Waste Management. The last rate increase was in February of 2014 and in early April Waste Management submitted a request for a rate review. Their 2017 operating margin fell between acceptable range of 8 and 12%. However, due to significant change in revenue or expenses that have occurred or are anticipated to continue they were within their right to request a rate review. At this point in response the City has hired Mr. Bell to review Waste Management's detailed cost report. Mr. Bell had made 3 adjustments based on commercial collection costs and both depreciation and interest costs that boosted the operating margin to 10.25%. Waste Management had originally reported an 8.55% operating margin. The reason for such a significant change has been primarily due to the Chinese government's unilateral actions involving environmental and economic policies. Beginning in 2018 China banned mixed paper and plastics, reduced its contamination limit and froze the approval of most scrap import permits. These changes have significantly increased the cost per ton for residential and commercial recycling rates. The residential recycling cost for 2017 was \$13.57 per ton and is now projected to be about \$101.00 per ton in 2018. These costs are not forecasted to decrease within this calendar year or the foreseeable future as it is. A lot of these significant factors have really driven up the price of recyclables due to labor costs and removing contamination.

Chris Bell, Bell and Associates, stated the approach we utilize in the Portland Metro area is a comingling. If you can put it in a cart and it's recyclable, people do. The convenience is fantastic but at the same time all that material is shipped to a material processing facility. What's happened is, back in July or August of last year, China said we want higher standards for the material that we're accepting from the United States and from other foreign countries. They set their contamination requirements pretty low and in order to meet that contamination requirement it's caused the material recovery facilities to reduce the line speed which the materials go by and also decrease the amount of contamination. Doing those changes has increased the cost because most of these facilities have increased the amount of labor and decreased the through put time. With China reducing the amount of material they're buying the market demand has decreased stateside because there are large levels of inventory not being shipped overseas that are being purchased domestically. What you're seeing in Troutdale is the same thing that all the other jurisdictions are experiencing. Fairview just increased theirs by 10% and Gresham by 9%.

Councilor Allen asked, I'm taking from what I'm reading here that the 2 of you agree with this increase?

Chris Bell replied yes.

Councilor Allen stated it's interesting to watch this. Do you know if there's alternative plans in place for handling the recyclables?

Chris Bell replied a lot of paper mills are starting to make investments because they've seen a substantial windfall with the price of the input materials cut in half. Rather than sitting on the money they're looking at investing this long term because they see market potential, domestically, with the material that we're generating. On the recycling side, we've kind of known this is going to be happening because there for the longest time if you look at the comingle stuff we were shipping overseas, it was pretty sketchy. We got very complacent.

Council President Ripma stated we do have this resolution establishing fees and adjusting them so I will invite any member of the public to address us on this subject if they care to.

Paul Wilcox stated I do appreciate these packets coming out online in advance. I'm going to start by saying I have no friends or relatives that work for Waste Management. I don't remember when the Waste Management contract was renewed exactly. At that time there was some discussion of putting the contract out for bid and looking at other carriers. Council at that time decided that that was going to be very expensive and thousands of dollars to manage that and you would have to hire somebody to do that. It was decided to go with Waste Management. They could've spent thousands of dollars soliciting other bids and still end up with Waste Management. I'm kind of wondering why we brought a consultant in for this rate review. I'm curious to find out what you spent on the consultant and who ordered the consultant because I'm looking at a savings of a whopping 26 cents a month. I don't think it was worth it.

Ray Young stated this is a complicated industry that has complicated formulas to calculate the prices that should be charged for our garbage. As Councilor Allen noted, there is a very complex system of how to get rid of the crap from our homes. Staff does not have the ongoing expertise to analyze the industry, the rates or the contract to look at all the books at Waste Management to figure out what is it really costing them or their profit margins. So when we hire an expert like this it is to make sure that we're getting an analyzed opinion to make sure Waste Management is not trying to pull the wool over our eyes when they ask for these increases. We find, based on a city of our size, that it's money well money spent to ask a qualifying expert to give us an opinion as to if they think this is a justified increase. That's why we think this kind of consultant is really important for us to understand these issues and make sure we're making a wise choice for our citizens.

Councilor Hudson asked, before we proceed to adopting the resolution, do we need a formal motion to renumber the bullet points?

Council President Ripma stated there are 2 number fours under the findings. If you care to make a motion, propose correcting the numbers on findings as part of it.

MOTION: Councilor Hudson moved to amend the resolution establishing solid waste collection fees and repealing Resolution No. 2240 so that it is #1 through 6 and adopt as amended. Seconded by Councilor Lauer.

VOTE: Councilor White – Yes; Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Lauer – Yes and Councilor President Ripma – Yes.

Motion passes 5-0.

8. STAFF COMMUNICATIONS

Ray Young stated happy 4th of July next Wednesday. The City will be closed for the 4th of July. There will be no meeting next Tuesday night. Imagination Station had a great cleanup a week ago Saturday and beginning this Saturday we are collecting volunteers to come on out and start building it over the next 3 weekends. We would love to get you out there at 9 o'clock this Saturday morning. If you go onto the Troutdale website, at the bottom of the home page you can click on a link that will take you to Imagination Station and take you to the live video feed so you can watch the construction going on. Finally, I'm going to hand out an informal poll. The League of Oregon Cities wants all the cities to tell them what legislative priorities they should have for the next legislative session. The packet is self-explanatory.

9. COUNCIL COMMUNICATIONS

Councilor White stated I want to thank all of the volunteers that helped out on Imagination Station and also that volunteered for the Trauma Intervention Program firetruck pull. That's a great organization.

Councilor Allen asked, the process for Imagination Station has been so long, what are we doing with the planks? The ones that had people's names on them?

Ray Young replied that's a good question. I know we had plans for those.


Travis Hultin stated it was publicized that people could collect those and salvage those if they wanted pieces of memorabilia.

Councilor Lauer stated happy 4th of July.

10. ADJOURNMENT:

MOTION: Council President Ripma moved to adjourn. Seconded by Councilor White. Motion passed unanimously.

Meeting adjourned at 9:24pm.



Casey Ryan, Mayor
Dated: 8/30/2018

ATTEST:



Kenda Schlaht, Deputy City Recorder



City of Troutdale Proposed Event Ordinance Talking-Points

Troutdale Citizens Advisory Committee

Presentation to City Council
June 26, 2018

Outline

- **Overview:** Guiding Philosophy, Highlights
- **Classes** of Events: Classification Table, Exemptions
- **Permit Process:** Review, Approval/Denial/Appeals
- **Application Requirements**
- **Event Fees**
- **Unresolved/Unaddressed Issues & Questions**

Goals for this Work

1. Better serve public need, by modernizing, simplifying & streamlining event-permitting process
2. Develop solid policies & procedures, to provide a structured work framework for City staff
3. Update event-related fees, deposits & facilities rental rates, to ensure equity

Guiding Philosophy

- Need a *clear, fair and uniform application process*
- Move process *online*
- Give applicants a *single point of contact* with City
- The burden of event planning & delivery lies with *applicants*, with the City in a position of support
- *City Manager* oversees application review/approval/denial and accommodations throughout application process
- Keep event fees *low* enough to *encourage events*, but *high* enough to ensure event-organizer *responsibility*
- *Maximize* value of City investment in community-focused events
- *Non-profit* organizations may deserve special consideration

Highlights

Event types vary by size, impact and associated requirements- traffic impact, insurance requirements, OLCC, etc.

Application process sets

- application requirements
- possible exemptions due to special circumstances
- process for application submission, review, approval or denial
- appeals process

Application process includes **flexibility** to accommodate special needs and exceptions

- Administered by City Manager (or his/her delegate)
- Application process is supported by a **fee schedule**- deposit, facilities & equipment rental fees, City services (e.g. traffic plan),

Classes of Events

- These few categories of events allow for differing application-process requirements
 - Based on degree of event impact on City
- Events that don't exactly fit these category templates can be accommodated by City Manager
 - Place in closest-fitting category
 - City Manager has latitude to modify requirements- though with documentation requirements (to allow monitoring of Manager's decisions)
- CAC has struggled with financial impact to City of ability to support high-impact events (e.g. traffic-control bollards, possible future City-borne police costs)

Application Review

Application includes:

- Completed **application form, narrative, exhibits**
- injury/impact assessment
- event date
- traffic/pedestrian impact,
- event location
- other concurrent events
- street closure
- needed public equipment/services
- Code compliance statement
- emergency access
- public/business notice plans

Conditions of Approval: City Manager oversight, permit-revocation conditions, facilities use compliance, location specifics, applicant responsibilities

Application Requirements: Application form, supporting materials, proof of insurance (\$2M liability, \$2M personal, \$2M per-occurrence, \$50k fire), temporary vendor license (applicant is responsible), vendor list, public notice (businesses & neighbors, per Event Table), traffic control plans (developed by applicant and/or Public Works, approved by Public Works)

Process is guided by City-provided process flow-sheet & outreach

Permit Denials & Appeals

- Possible reasons for denial:
 - Concerns for safety and welfare
 - Event exceeds desired venue capacity
 - Potential date conflict with existing planned event
 - Failure to meet conditions of approval: untimely submission, failure to pay fees, unmet health/waste, police requirements, inadequate cleanup at prior events, inadequate public notification

Other Considerations

- City Manager can approve an event that doesn't fully meet requirements
 - Applies to applicant inability to complete application submission
 - City Manager may impose added fees for staff time
 - City Manager ensures completed permitting before event
 - City Manager documents (in writing) reasons for approval- documentation will accompany application, stored in easily-accessible dedicated file for 5 years
 - Manager's latitude is to be exercised only in extreme circumstances, where applicant is clearly unable to comply with full normal process
- For potential "exempt" events:
 - e.g. "**Community**" events, as listed in City Memorandum of Understanding with Chamber of Commerce
 - CAC recommendation to Council: *review and update* outdated MoU, and existing exempt organization/event list

Other Considerations, cont'd

Timeliness requirements:

- Submitted 30+ calendar days before event
- Submitted 60+ calendar days before some events
 - Those that require ODOT, Multnomah Sheriff's Office, or Multnomah County approval
- Missed deadline ⇒ staff may postpone event dates
- *Pre-event conferences* before high-impact events

Multi-Year events are designated by City Manager or City Council

- City Manager reviews list of such events annually
- 5-year permits (renewed & reviewed annually)

This Ordinance regulates **alcohol consumption** at events

- Provides guidance for applicant's responsible alcohol management
- **Alcohol**-use requirements: \$500 deposit, applicant OLCC permit, City temporary license. Organizer ensures compliance. City Manager reviews & approves application, may impose conditions.

Event Fees- Overview

- Goal is to help City recoup portion of costs
 - *Not* a money-maker
- CAC sees value in deposits, traffic-control & application fees :
 - Use credit-card hold capability to avoid need for (and overhead of) holding/depositing/returning checks
 - City Manager can grant fee exemptions or abatements (with documentation of rationale)

Event Fees- Differences

- (Speak to slide)

Event Fees- Differences, cont'd

- “Full Day” give the applicant exclusive use of the subject facility, for all hours during which it is normally open to the public.
- For consecutive multi-day events (e.g. weekend), event set-up may be left in the facility, by arrangement with the City. The event organizer is responsible for any needed overnight insurance and possible security services.
- The City may also allow set-up and take-down outside the contracted hours of the event, subject to whatever constraints and permissions the City wishes to impose.
- The Fall Festival of the Arts (run by the West Columbia Gorge Chamber of Commerce) is an example of these provisions.

Unresolved Issues & Questions

City Manager deviations from process:

- Ensure that standard process is usually adhered to and treated seriously
- Need **guidance** for City Manager (& delegates) re. documentation requirements & assessment of appropriateness of exemptions/deviations
- *Annual presentation* to Council by City Manager?
- Since City Manager makes event-permitting decisions, *should Council address appeals?*

Requirements-exemption process:

- Need up-to-date list of exempted **events** (not blanket **groups**)
- Council reviews list proposed by *City Manager* or *CAC* ?
- No visible documented **process** for guiding City Manager in evaluating exemptions

Fees-exemption process:

- No obvious **existing process**, beyond ad hoc requests in Council meetings
- Council defines qualifications/criteria & City funding (if any) for fee-exempt events?

Non-profits:

- Recommended fees schedule only considers resident vs. non-resident
- Non-profits can benefit community- but to differing degrees, based on mission
- Need a **process** for determining which non-profits merit consideration from the City?
- *If Ordinance is adopted, CAC recommends strong **public outreach**.*
- *CAC strongly recommends **online implementation** (convenient, affordable).*

Background Material

- (No content- separator)

Highlights: Event Permitting Proposal Presentation, 11/14/17

- Process has involved City staff, plus public input
- Work was chartered by Council, based on staff recommendations to CAC
- There is a need to provide **structure** for staff handling of events, and to **update event fees**
- Some areas of desired **improvement**:
 - define event permits
 - providing a single point of contact with City
 - clearly disposition event applications: approve (with or w/o conditions), or deny (with documented reasons)
- **Implementation** targets:
 - Give timelines, address recurring events, move process online
 - Address alcohol, vendor permits, public notice, signage, block parties