

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

Tuesday, May 22, 2018

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

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

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor White (7:01pm), Councilor Allen and Councilor Hudson.

ABSENT: Larry Morgan (excused).

STAFF: Ray Young, City Manager; Ed Trompke, City Attorney; Chris Damgen Community Development Director and Kenda Schlaht, Deputy City Recorder.

GUESTS: See Attached List.

Mayor Ryan asked, are there any agenda updates?

Ray Young, City Manager, replied agenda is as written.

2. PUBLIC COMMENT: Public comment is limited to comments on non-agenda items.

Paul Wilcox, Troutdale resident, stated the April 10th minutes on page 2, about 7 or 8 lines down that starts with the City's financial obligation for the third land. It should be third lane not third land. On a positive note, I want to publicly express my appreciation for one of the city staff members. Last Friday we got a postcard from our Homeowners Association Management Company saying they were going to take down 50 maple trees on our street. No explanation. Just that they were going to be gone starting today. I knew from reading the municipal code that a permit is required for removing street trees so I left a message with Tim Seery over the weekend. He confirmed that they did not have a permit so he followed up and the trees got a short reprieve. He has since approved them for removal because sidewalk damage is being created by the surface roots. I wanted to express my appreciation for Tim Seery. One more thing is that I have a handout to pass along regarding how many cities are plurality-at-large versus elect-by-position. To make it even simpler I've created a spreadsheet that I'll circulate (handout attached to these minutes). You can see them side by side and column by column. Statewide there's approximately twice as many plurality-at-large than there are position. Excluding the ones that are Wards or Districts.

Councilor Allen asked, would you happen to have population numbers on there too?

Paul Wilcox replied I inserted some here and there for comparison.

3. CONSENT AGENDA:

3.1 MINUTES: April 10, 2018 City Council Regular Meeting.

MOTION: Councilor Ripma moved to adopt the consent agenda with changes. Seconded by Councilor Lauer. The motion passed unanimously.

- 4. PRESENTATION:** A presentation from Troutdale Elementary the following 2 topics:
- Restorative practices at Troutdale Elementary School to build a stronger community; and
 - Art Night – last chance for the community to come together to commemorate the current building while celebrating the future.

Ed Krankowski, Troutdale Elementary Principal, stated there's a lot going on, on top of the hill. First, we want to open up and talk about some of the practices that are occurring that are in-line with restorative practices. Basically, we have a model of support that's in-line with the public health model for our students. The restorative practices is a very versatile way of being sure students understand expectations and then also, what do we do when the expectations aren't followed? How do we teach the lacking skill? As we see in the tragedies that are occurring across the nation, people often forget the importance of social and emotional growth. So this is something that we're committed to as well as the academics. I want to introduce Shelley Neilson. She is our restorative justice practice coordinator at Troutdale Elementary. She'll tell you more about what we're practicing.

Shelley Neilson stated I would like to thank you for the time to be here. I'm a firm believer that a school is made stronger by a community that surrounds it and is engaged in the life of a school itself. I've lived in Troutdale now for 5 years and I really like it. I feel like it's more than just this little city. This is a real community and the people here care about each other. I like how we use our resources and our concern about Beaver Creek, that there's a historical society and that we celebrate what's good. In December when I was assigned to Troutdale Elementary School I was thrilled. I love working in my neighborhood. My personal passion is advocacy for children and families so I'm very grateful that Reynolds School District has made this commitment to explore and implement restorative justice practices. You may be familiar with that phrase in terms of the criminal justice system. The U.K., Scandinavian countries and Canada have used restorative justice practices to provide more than just incarceration for people to provide ways for the offended to actually meet with the offender and let them know how what was done impacted them. And then provide opportunity for both parties to speak to each other and come to some understanding. There's some pretty powerful stories to be told. In a school system we kind of see it as an alternative to the typical punishment to suspend method of discipline that has historically been used. I like to think of it as a kinder, gentler approach to dealing with conduct problems in schools. Everything from disruptive behavior in classrooms to violence on our students. Restorative practices and the changes that it can bring is making a real big difference in the United States schools as well. Urban centers like Chicago and San Diego are bringing in the numbers how truancy is decreasing, attendance is increasing, violence is decreasing and graduation is

increasing. Restorative practices are about communication, about sitting down with students and letting them each speak to one another. I'll share a little story. This is what it looks like on the ground. There was a 1st grade class outside and some 4th graders thought it would be funny to sneak up behind them and whisper things like, somebody's going to kidnap you and you better be careful. It kind of freaked out those 1st graders. So I sat down and we started an inquiry. Each of the boys told me what had happened and then we all met together and what came of that is each of the boys apologized for what they had done. The kids were able to share how it affected them and then we already had a plan in place where one of the boys would come up and he read some books to the kids so they wouldn't be afraid of him. The other boy was going to help during math because he's good at math. Part of restorative practices is not just that we talk about it but, it's action that we take to heal the harmed. It's so powerful and its relationship based. That's the part that excites me because we're seeing more and more of violence that occurs in school. It's with kids who don't feel connected and who don't feel like they're part of a community. What we want to say to kids is, what you say matters and what you care about matters and to help them find that common ground that connects them to each other. That's what we're doing and we're giving these kids tools to solve problems and communicate.

Ed Krankowski stated I have some other things related to the replacement school as well. There's been a lot of progress made. We got to see the inside of the building and the size of it. It's super impressive to look at. Where the stage is, it stretches south all the way through the cafeteria to the gym and then that can collapse or expand depending on the need. It's probably about 2 football fields. We're excited about the future there. There's a lot of sentimental value attached to the building that we're currently in so to help commemorate that building and also to celebrate the future we are going to have an Art Night. We've partnered with the Historical Society to help our students create some type of expression and create the artwork. They'll be there during art night as well which is June 7th. We also have partnered with Kiwanis. They got a street permit so they'll have vendors there. Some businesses from the community are also going to have a part in the celebration. The other thing I wanted to talk about was the ribbon cutting ceremony. That is going to be on August 22nd. The timeline is on track and we expect to open the doors to students in September. One more thing, for anyone who knows a business that wants to sponsor to have their name on a t-shirt, we have the new logo on it. We're trying to get sponsorships.

Ray Young asked, what time on August 22nd is the ribbon cutting ceremony?

Ed Krankowski replied at 6:00pm and until 7:00pm.

5. REPORT: A report from East Metro Mediation on services provided to Troutdale residents.

Tera Cleland, Mediation Specialist, stated thank you so much for having me here. I'm going to tell you a little about what we're doing and what services we're doing. I'm passing around the semi-annual highlights and the part I want you to look at when you get the brochure is going to be the highlights piece (copies of the handouts can be found in the meeting packet). It's the short reference of the neat things we're doing. The other piece

is our newer brochure and it talks about all the services that we're doing. The insert is about our second home program which I'll talk about as well. For those that may not be familiar, mediation is an opportunity for community members to come together with the help of a neutral third party. A mediator helps them facilitate their conversations so they can work out a resolution of what works best for them. Mediators don't give advice, legal or otherwise, don't make judgments and have no skin in the game. Their job is to help these folks who are experiencing some kind of conflict and figure out how to work through that and create whatever agreement works best for them. It's a voluntary process which means they can leave at any time. If they show up and they're not getting any value out of it they can leave. There's no consequence for that. In 4 years with East Metro Mediation I've had one person actually leave a mediation. Most people realize when they get there it's really a whole different conversation. We've had neighbors who had property line disputes for 15 years that finally decided to give mediation a chance and resolved it in two 2 hour meetings. When people come to the table, between 85 and 90% of the cases meet some kind of agreement. These services are free for everybody who lives or works in Gresham, Troutdale, Fairview, Wood Village and unincorporated East Multnomah County. We get referrals from school districts and local businesses, parking disputes and neighbors tree disputes and the barking dog. All sorts of different cases. We get referrals from law enforcement, Troutdale City Hall and people call because they've seen us advertise in the Troutdale Champion. Some of the other really neat things that we're doing is we provide a contract with the Department of Human Services to provide solution services. We have a number of volunteer mediators that come into the office and make year-long commitments and come in 2 hours a week. We're also doing the Second Home Program. It's currently with Gresham/Barlow School Districts, however, it's going to be expanding to Reynolds School District as soon as we get a full-time employee on board. You all may be familiar, Reynolds has one of the highest homeless high school population. The home providers can live anywhere in East County because the school will pay for transportation and keep that kid going to the same school. We have a number of successes. We've had 3 students now graduate from our program living with home providers. We now have 3 home providers back that can take students again. Except all 3 of them are keeping those students through college. Two of them are going to Mt. Hood Community College and the third one went out of state for school and gets to come back and live summers with their home provider. This is really powerful stuff. These are people who literally just step forward to volunteer to take in a student who had no place to go. We are always in need of home providers. People think they can't be home providers for different reasons because they don't know how easy it can be. You have to have a clean background check, get vetted and you just have to have a bed and access to a bathroom for the student. There's no money exchanged. The rent is that that student goes to school every day. They're also expected to do chores around the home. Where mediation comes into this is that we draft the house rules with all of the parties during a 3 hour meeting with everybody. We talk about things like taking their shoes off at the door, who takes care of the family dog or can you have a boyfriend or girlfriend over. We talk about everything we can think of so that we set them up with a very strong agreement so their expectations are clear. Then we write up a lease agreement so when they do graduate high school they'll have lease rental history to take with them.

Ray Young stated I did family law for 20 years. With children who are minors, are you working with the state foster care system at all? Because how do you deal with parents

who aren't approving of these kids living somewhere else when they come back into the scene? How do you connect them with the resources of the state when you're dealing with minors?

Tara Cleland replied it would be students and DHS is usually not involved. These are 16, 17 and 18 year olds that do not want to go into foster care. We've had different situations. Sometimes the situation at home is so bad that the parent has kicked them out. Or the student has said they can't be there. It's a volatile situation and they're failing when they're there. We've had it where the relationship between parent and child has dissolved and parents have said they think it would be good for the student. Students and home providers interview each other a number of times before they even consider moving in together. The student is also set up on SNAP benefits and OHP before they come into the program so they're able to get their own food and healthcare. The other thing that we do is we provide free training. We did 2 trainings for the City of Fairview. We went in and trained 5 or 6 of their city employees with skills to better interact with the community. That worked well for them so then we trained the rest of the employees at a second session. That is something else that we do that is completely free.

6. DISCUSSION: A discussion on required changes to the Troutdale Development Code in regards to Accessory Dwelling Units.

Chris Damgen, Community Development Director, stated what I wanted to do tonight is introduce this issue to you that you can expect to see later this summer with full confidence that your Planning Commission will be reviewing it over the summer to help you advise on the steps. The reason why we're here tonight is accessory dwelling units. There has been some action from the state, so I would advise you that if there are concerns about what the impacts are and these actions stem from state legislation which is requiring the cities of a certain size to cause us to revisit our development code. We're talking tonight about accessory dwelling units and I think it's important, first, to clearly articulate what an accessory dwelling unit is. Chris Damgen showed the Council a PowerPoint Presentation which outlined the required changes to the Troutdale Development Code in regards to Accessory Dwelling Units (A copy of the PowerPoint presentation is attached as Exhibit A to these minutes). The staff report in your packet should explain a little bit more about the reasoning as to why we're facing this issue. It also shows the State guidance and the model code. Again, I stress that the model code is not the end all be all. It's just a starting point. Planning Commission is aware of the issue and they've received the same information that you guys did in your packet. It is a controversial issue and we fully acknowledge that. We are effectively being required to change the code and that's beyond our control.

Councilor Ripma asked, is this a controversial issue from the community or from staff?

Chris Damgen replied I would say that whenever you're talking about increasing density in single family neighborhood it's a conversation. We know we have a housing issue but it's never easy to have additional people, therefore, additional cars and trash. What do you do about utility connections? There's a lot of things that go into it. It's a tough issue also for staff. There's no easy solution but we know that we have to do some things in the code.

Councilor Allen stated I would be more concerned about size of property and setbacks. I question the entrance through the front. Just because then you're making an accessory dwelling have to use the same door and access as the rest of the family. People like their privacy. A side or back entrance wouldn't bother me.

Councilor White stated it concerns me because we've taken on our current zoning required amount of high density and this throws that out the window. It takes any of our newer neighborhoods and makes them high density. Something I'd like to see is education if people want to do an accessory dwelling on their property and estimates of what their new taxes are going to be on that and what the SDC's are going to be.

Chris Damgen stated there is a social element to it. But it does bring community values with it too that hopefully your Planning Commission can help with that part.

7. REPORT: A report regarding possible Building Code inspection rule changes.

Ray Young stated there was a wonderful comedian named Gilda Radner and she had several characters. One of her characters would always say, "It's always something." And another one of her characters would say, "Oh, never mind." This is one of those exact same situations. For many months there has been a big brouhaha brewing in Salem that in many ways was going to impact probably 80% of the cities in Oregon and how they conducted their building inspection work. There was a move afoot among the BCD board to change the rules and they came out with these emergency rules a couple weeks ago that essentially cast doubt over most of the building inspection programs. Particularly with Troutdale it cast doubt over our ability to contract with Gresham, Wood Village, Fairview and us as a team of 4 cities because they were proposing you couldn't do that with 3 or more cities so there was some concern. Ed and I were on a conference call last week with a number of the cities in Oregon and with the League of Oregon Cities talking about lawsuits, how much it's going to cost and how to fight them to slow this down. Then Friday afternoon we get a new memo from the BCD saying here's a whole new set of rules. It's going to be off another year before we come up with new rules. Now it's just 2 or more cities can contract together. It's still something we're going to have to keep our finger on for a while to see where they go with these rules. At this point our building code inspection agreement with the City of Gresham is not in jeopardy and the City of Gresham, as my understanding, is in no hurry to get rid of us and they're comfortable with our current agreement.

Ed Trompke stated the League of Oregon Cities did do a lot of work behind the scenes to get things rolling on this. A number of mayors and city managers had conversations about this. It took an organized reaction and it will take some further pushback but I know Ray is on top of it. It's unlikely we'll be able to hire someone like Steve Winstead again because they are still saying we can't hire outside people to do it. The other issue is something that Councilor Ripma is aware of. I filed a ballot title 2 weeks ago for an initiative petition that John Wilson is the chief petitioner of. Councilor Ripma challenged it in circuit court. We don't have any kind of court hearing set yet. We don't really know where it is but there has been some discussion to try to get it resolved without actually having to go to court.

Councilor Ripma stated discussion to get it resolved is news to me. The ballot initiative is for term limits. That is a straight forward thing that the voters can vote for or against. I would fight it. I think it's a bad idea but of course it does affect me and not a majority of our Council which is one reason we don't really need them here. The really objectionable thing about this particular initiative, if you haven't read it, is it would take effect after the election in November but people running in the election who were fully qualified to run when they filed and ran and even if the people voted for them and they won could find themselves, by the wording of this thing, disqualified after the fact. After they've already run and won and been voted in. And they award the election to the second place finisher which is just ridiculous. I'm sorry. It's just ridiculous. If someone gets disqualified now, under our charter, we have another election or we appoint someone to fill the vacancy. There's provisions for that. Never do we award it to the second place finisher. I'm hoping the courts will say this is not constitutional. I threw what I could into it. This is not really my field. I'm a patent lawyer. I did my best to throw out my argument. I do urge any voters in Troutdale and this Council and everybody, if a petition is presented, please look at it and see what it does. Even if you're for term limits, watch out for this one because it disqualifies the winning candidate and awards it to the second place candidate. A very, very bad idea.

8. STAFF COMMUNICATIONS

Ray Young stated tomorrow night, right in this room, we will be having the Town Center Open House from 4:00 pm to 8:00pm. I've checked Facebook and we now have 130 people who have expressed an interest to be here. Imagination Station, as I've mentioned before, we are rapidly moving forward. June 16th is the beginning of our tear down date. We are hastily trying to collect volunteers and notify the public about that date to help come tear it down. Konell Construction has volunteered their equipment and their staff that day to come on out and they will help tear down Imagination Station. If you're available we would love to have you join us. Monday we are closed. It's Memorial Day. There is no meeting next Tuesday night but we're making up for it by having a special meeting on June 5th. June 5th will be a one issue meeting and we will be dealing with the apartment complex proposal from Sheldon Development. I would ask you to not talk about it with anybody. Don't make any public statements on it because you're acting in a quasi-judicial function. We want to make sure you don't prejudice yourself ahead of time or make it appear that there's some decision made in your mind. So keep to yourself until those hearings. Just for information, because I know Councilor Ripma is not going to be here on the 5th, there is no voting on that night. That's simply the first hearing on the ordinance issue. The actual voting will be on June 12th. Because we now have joined the Water Consortium they would ask to have somebody from Council be part of their board. It meets quarterly. If any of you would like to be on the Water Consortium Board, please contact me. Finally, ODOT is having an Open House next week on May 30th down at the Holiday Inn. This is the beginning of public advertising process of the new Graham Road overpass. That will be next Wednesday night at 5:30pm in one of the rooms at the Holiday Inn there off of Frontage Road.

9. COUNCIL COMMUNICATIONS

Councilor Ripma stated next Tuesday night at McMenamins Edgefield is one of the history nights. They're doing the history of how Edgefield was saved and the Troutdale Historical Society's role in that effort. It's at 6:30pm at Blackberry Hall and doors open at 5:00pm. I'm wishing everyone a good Memorial Day next Monday.

Councilor Lauer stated I'd like to let the Council know that I would like to be considered for the representative for the Water Consortium Board. It's what I've done for the past 14 going on 15 years of my career. Secondly, this is Public Works week. It kind of takes a second to let everybody know how much we appreciate our Public Works employees here in Troutdale. Happy Memorial Day.

Mayor Ryan stated I went to the Senior Breakfast this morning. My son got an award and I was happy to see that. The valedictorian is one of Troutdale's own, Joshua Stanfill. Ray, if you could get a hold of him I would love to have him here on June 5th. It was a really nice ceremony.

Councilor White stated I did have one comment for Ray since we're bringing up codes and inspections. It's my preference that we do it in-house. Nothing against Gresham but it gives us the flexibility to help all the way up the gorge and it offsets some of those costs during slow periods. I was hoping for better news. I miss not having Steve on our staff. He did an excellent job when he was here.

Ray Young stated we're working now with Chris and his department to be able to have our own official building official in-house. We're doing the best we can to keep control in those areas.

Councilor White stated on May 16th I had the honor of attending the Multnomah County Sheriff's Office Memorial Service and they had Honor Guard from Multnomah County Sheriff's Office, Portland Police Bureau, Clackamas County Sheriff's Office, Clark County Sheriff's Office and various police departments. It was very nice. You may have heard the 21 Gun Salute.

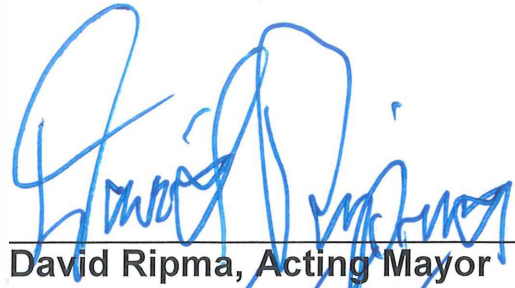
Councilor Allen stated on the building official, my 2 cents there, I can understand an inspector not inspecting their own architectural work but I've seen so many architectural people that are so good at inspections.

Councilor Hudson stated I want to congratulate the Reynolds High Rugby team. We just won State Championship.

10. ADJOURNMENT

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Lauer. Motion passed unanimously.

Meeting adjourned at 8:06pm.



David Ripma, Acting Mayor

Dated: _____

6/28/18

ATTEST:



Kenda Schlaht, Deputy City Recorder

Accessory Dwelling Units

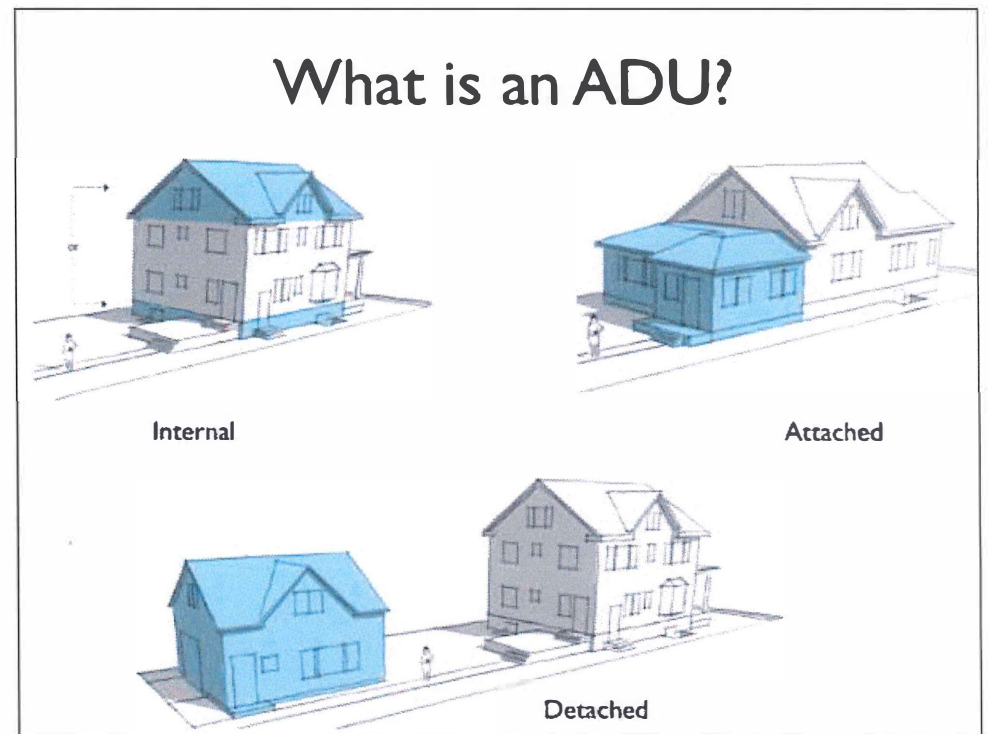
state-required future Development Code amendment

Accessory Dwelling Units

- From model code:

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

- Not considered a duplex
- Not a residential accessory structure (stand-alone structures like sheds, detached garage, etc.)



Troutdale's Current Standards – TDC 5.900

- Called Accessory Residential Units
- Processed through Type II review (15 day public comment, staff decision)
- Standards
 - Only allowed with detached single-family dwelling above 1,000 sq ft and within a subdivision recorded after July 27, 2000.
 - Must comply with primary building setbacks
 - One unit allowed per dwelling – freestanding units & conversion of detached garage prohibited
 - Cannot exceed 750 sq ft or have more than one bedroom
 - One entrance on the front of the dwelling
 - One off-street parking space in addition to the standards for the primary dwelling
 - Matching architectural character similar to the primary dwelling
 - Adequate public facilities
 - Meet all building, fire, and health code provisions

Getting to State Compliance

- Update definition (and rename to Accessory Residential Units)
- Update permitted uses in all single-family residential zoning districts
- Update Section 5.900
 - eliminate date/subdivision restriction
 - propose standards using state model code and guidance as a starting point, not the end-all, be-all
 - clear and objective standards are not fully established in Code and would need to be flushed out
- Amend the Code through Type IV procedure
 - State and Metro will evaluate compliance on specific standards

Timeline

- March – Planning Commission initial discussion
- **May 22 – City Council update**
- June 30 – last day for City to inform DLCD of amendment path
- July 1 – State law goes into effect - Section 5.900 no longer legally applicable
- July 18 – PC work session to develop draft amendments
- August 15 – PC initial hearing
- August 28 – City Council first hearing/reading
- September 11 – City Council second hearing/reading
- October 11 – effective date