

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

Tuesday, June 8, 2004

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

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

PRESENT: Mayor Thalhofer, Councilor Gorsek, Councilor Ripma, Councilor Thomas, Councilor Kight and Councilor Daoust.

ABSENT: Councilor Kyle (excused).

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Kathy Leader, Finance Director; Marnie Allen, City Attorney; and Debbie Stickney, City Recorder.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

John Anderson, City Administrator, replied we no agenda updates or additions this evening.

2. CONSENT AGENDA:

- 2.1 Accept Minutes:** April 6, 2004 Work Session, April 13, 2004 Work Session and April 27, 2004 Regular Meeting.
- 2.2 Resolution:** A Resolution adding Tracts C and D of the Eldon Snider Farms Estates Subdivision to street right-of-way for road purposes.
- 2.3 Resolution:** A Resolution authorizing the Mayor and City Administrator to sign Renewal No. 17 to Intergovernmental Agreement No. 3012987 with Multnomah County for Road Maintenance.

Mayor Thalhofer read the consent agenda.

MOTION: Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Kight. Motion passed unanimously.

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

None.

4. MOTION: A Motion to notify the Multnomah County Board of Commissioners of the City's position on the County Roads Study.

Jim Galloway, Public Works Director, stated this item is being brought before you in response to a request from County Commissioner Maria Rojo de Steffey requesting that we provide a response to the roads study with Multnomah County. The major recommendations that came from that study, which were discussed at some extent at your March 7th regular meeting and again at the March 23rd work session, were the following: 1) The County should transfer jurisdictional responsibility of roads within the incorporated cities of East Multnomah County at the request of any of the municipalities. 2) The County should continue to maintain its current inventory of roads in both the rural areas and within any of the municipalities regardless of whether or not they would like to do the transfer of the roads. That particular recommendation does include the concept that the County would continue to receive the gas tax funds and would continue to administer the maintenance of those particular roads whether they remain with the County or transfer to another jurisdiction. 3) Positions that would be needed to support capital projects, Willamette River Bridges or road maintenance would stay with the County. Other positions would transfer to any jurisdiction that elected to transfer roads. Funding and equipment associated with those positions would be transferred as well. 4) The Office of County Surveyor, the Willamette River Bridges and the Water Quality Program would remain with Multnomah County. 5) A Multnomah County Transportation Commission would be formed as a governing body for transportation system planning and development of implementing strategy through a unified capital improvement program that would span all of our jurisdictions. This body would be staffed with four planning positions currently at Multnomah County and would have a Director of Transportation Planning who would be a County employee chosen by and accountable to this commission. The commission itself would be comprised of the Mayors of each of the East County Cities and the Multnomah County Joint Policy Advisory Committee on Transportation representative, which is currently Commissioner Rojo de Steffey. That is the recommendation that came out of the study that was conducted by Rhodes Consulting. Some background on the roads transfer issue, which some of you that have been on the council probably know and are more familiar with than I, this is the latest in a series of efforts, primarily led by the City of Gresham to gain ownership of the County roads within their jurisdiction. As I mentioned in my staff report, one of those efforts and probably the one that attracted the most attention and publicity, was a ballot measure placed on the ballot in November of 1993 which put this question to a vote. In my staff report I included the tally that I received from Multnomah County Elections Office from each of the jurisdictions and only one jurisdiction, Lake Oswego, voted in favor of this particular measure so it failed. The City of Troutdale and your predecessors have long opposed the transfer and I think the reason behind that opposition over the years is it has been a concern that at some point if the County transportation division is somewhat eroded by the transfer of roads they would at some point lack the critical mass needed to remain a viable transportation organization. We depend on them not only to maintain the County roads within the City of Troutdale, but they also provide us backup support on a reimbursement basis for a number of functions that either we couldn't do or we couldn't do very efficiently without their support. Following that ballot measure in 1993, staff from the jurisdictions worked for a number of months to produce a very general memorandum of understanding and Intergovernmental Agreements that try to identify what the

responsibilities would be of each of the jurisdictions. Out of that came a concept that the County would be responsible for arterial and collector roads that support regional travel and the cities would be responsible for local transportation and getting access to the regional system. I think at this point, since the study is done and recommendations have been made and we are being asked along with the other East County jurisdictions to comment and express our concurrence, non-concurrence and concerns regarding this study, we have at least three options. One would be to simply say that we oppose the recommendations that came from the study. (In my staff report you will find some pros and cons to each of the three options.) The second option could be to notify the County that the City of Troutdale opposes the study recommendations but, if the County intends to move forward with the next steps anyway, that we have major concerns that should be addressed. The third option could be to notify the County that the City of Troutdale concurs in proceeding to the next step in the consideration of the study recommendations but reserves its right to ultimately disagree if subsequent events lead us to that conclusion. Staff's recommendation is to go with option number one, which would be to announce to the County that we do not support the recommendations from the study. I have included as exhibits to my staff report, three draft letters to the County for your consideration.

Councilor Daoust asked we keep referring to this next step as seen by Gresham for the County to adopt a resolution agreeing to a concept of a road transfer, what is the next step as seen by the County, is it the same as what Gresham is driving for?

Jim Galloway replied I am not aware that they have gone to that step. I think they are first waiting to get feedback from each of the jurisdictions. Attached to my staff report is a copy of the letter that Gresham sent to the County articulating their position and a copy of the letter that Fairview sent, which indicates they don't mind them going forward however we have a number of concerns and I think those are pretty strong concerns that may be difficult to meet. The City of Wood Village has not taken any action yet, but I believe they will take action similar to the City of Fairview. One of my concerns, if I may, would be if the County or some entity determines that the next course of action will be to work through all of these issues and see if we can come up with something. I would be very concerned about the impact that is going to have on staff. I think probably the only entities that could afford to put that kind of staff time and resources into the exhaustive study that I think that would require are Gresham and maybe the County. I would be very concerned about our ability and probably the ability of Fairview and Wood Village to participate in any meaningful way.

Councilor Daoust asked in Fairview's letter they refer to an oversight committee and a board, what is the oversight committee that Fairview referred to?

Jim Galloway replied I believe they are referring to the proposed formation of a Multnomah County Transportation Commission that is recommended in the study.

Councilor Daoust asked well then who is the board?

Jim Galloway replied I think that is the County Commissioners.

Councilor Daoust asked do we have a current written maintenance agreement with Multnomah County?

Jim Galloway replied yes, it is in the form of an intergovernmental agreement. It is a fairly general document and we annually update it. Generally what it says is that the County will provide support to us as we request it on a reimbursable basis and each year we outline what that support will be. In this years agreement, which was on the consent agenda this evening, I think there was about \$75,000 in asphalt pavement overlays, around \$30,000 in street sweeping and some stripping of streets and roadside brush and vegetation control.

Councilor Daoust stated in the County roads study recommendation number three talks about the positions that would stay with the county and then it says all other positions in this group should transfer to Gresham. How many positions are they talking about moving to Gresham in this recommendation?

Jim Galloway replied I don't believe that has been absolutely defined. I think during a previous meeting that Vic Rhodes was before you I think that question was posed to him and I believe his response was that he thought that it would amount to three or four positions.

Councilor Ripma asked if Gresham were to get jurisdiction of the roads and then were to go on and ask for all the money and equipment that was their share of the County Road Department, would there be anything left for Troutdale?

Jim Galloway replied I think it would be difficult for the County to continue as it is now. I think there are some functions that the County performs where probably they could split up and still remain viable. I think there are some other areas, for example Vic Rhodes acknowledged that there is one stripping machine at the county and you can't split that up to give a piece to each of the jurisdictions. I believe that the County signal shop, which maintains all of the street lights in East County has either two or three positions, again, it would be very difficult to divide two or three positions to support four jurisdictions. I think there are certainly some functions that would be extremely difficult for the County to perform well if this division occurs.

Councilor Ripma asked if Gresham does ask for the money, personnel and equipment, which there is absolutely every reason to think they will because they have said it, they are probably big enough to operate a road department with the equipment and personnel that they get. Would Troutdale be able to have a viable road department with the equipment and personnel we might get out of asking for our fair share of the county road department?

Jim Galloway replied I don't believe so. I think there would be some functions that we would have to look elsewhere for, probably through contracting out services and I suspect that would be a fairly substantial cost to us to do.

Councilor Ripma stated I do to. The County is asking, at least Commissioner Rojo de Steffey is asking for our opinion, is there any reason to think that she is asking for our opinion because she is actually going to listen to us. In other words if we give an opinion is there any reason to think she won't listen to us?

Jim Galloway replied I don't feel there is a reason to believe that she will not listen us. That question has been posed to her and I think a few others in one way or another on a couple of occasions that I have been present and the response that has been given is that nobodies mind is made up and no decisions have been made.

Councilor Ripma stated in other words, while it might be good for us to support Gresham in their aspirations here, if we really want to give the County Commissioners who have the power to do this our opinion, now is the time to do it.

Jim Galloway replied yes.

Councilor Thomas asked you had eluded in your staff report that there are things that we could do if we had to, do you know what those are?

Jim Galloway asked if we were to take the County roads?

Councilor Thomas replied yes.

Jim Galloway stated certainly there are some things we would have difficulty in doing and probably have to seek elsewhere. One would be stripping. We do not have a stripping machine so we would probably have to contract that out. We don't have anyone with the knowledge or experience to handle traffic signals, so we would probably have to contract that out. Snow and ice removal, even though we don't get hit too hard too frequently, certainly if we had a major storm event we would be very hard pressed to handle the four and five lane county arterial collector streets and still do anything on our city streets. That would be another area where we would have to turn somewhere else to get some support.

Councilor Thomas asked with the signal lights are you referring to setting the timers and changing the lights?

Jim Galloway replied yes, the normal maintenance and repair. The county has an electrical crew and the trucks and equipment to do that work. I can't see that being split up between the three or four jurisdictions.

Councilor Thomas asked what about engineering, it takes a specialized field to engineer roads?

Jim Galloway replied it would. We have a couple of engineers on staff who have the capability. Generally speaking we don't spend too much time trying to design projects in-house because we do have a limited staff. I would envision that we would contract out with an engineering firm for most of the engineering work that we would be required to do.

Councilor Thomas asked if we were to contract out all of this work, would we be able to do it for the same as what we are getting the services for from the county?

Jim Galloway replied probably not. I think being able to work through that issue and knowing exactly what that bottom line dollar is and how it is going to be split up, whether it will be based on centerline miles or road miles and will there be some factor taken into account for the current condition of the roads and the traffic volume on a certain road, I think all weighs into that decision. But my best guess is that probably splitting that one pie up into four jurisdictions probably means there is going to be less efficiencies.

Mayor Thalhofer stated you are familiar with the different agreements that we have had with Gresham and the County in the past, for example the Blue Lake Accords where all jurisdictions signed off on ownership of the roads in the late 80's. Very shortly thereafter Gresham refuted that agreement. Then we came on to what I call road war one, because I wasn't around when we had the road war before that, so I called this road war one for the sake of simplicity. I was one of the leading warriors on that road issue and spent a lot of time testifying before the county opposing this. After Gresham lost road war one they had an election because they thought they could win with an election since Multnomah County wouldn't approve it. But after that there was a group, which I called the peacemakers that came in and were going to negotiate an agreement. What was the name of that group?

Jim Galloway replied I am not sure if we ever had a formal name for the group. It consisted of the public works directors from Fairview, Wood Village and Troutdale and the transportation director from Gresham. I think there were also several different folks from Multnomah County who assisted in it depending upon what the area of discussion was.

Mayor Thalhofer asked what was the purpose of that group?

Jim Galloway replied we were tasked to try and come up with agreements to try and resolve some of the conflicts which led to, what you refer to as road war one.

Mayor Thalhofer asked how long did it take you to come up with the agreement?

Jim Galloway replied I think it was about a year. The election was in November of 1993 and I think the decision to meet and try to work things out was made fairly soon thereafter and I believe the Council acted on the agreement between the City and Multnomah County in January of 1995.

Mayor Thalhofer asked how long was it before the complaints started coming up from the City of Gresham?

Jim Galloway replied I don't know the timeframe. I think the differences that occurred probably were occurring between Gresham staff and Multnomah County staff that I was not necessarily privy to. Certainly there were some rumors not too long after that indicating that Gresham was not pleased with the outcome of the election. In my opinion, the principal statement made in those intergovernmental agreements basically said that there was an understanding that the County would be responsible for the arterials and the collectors and the regional transportation system and the cities would be responsible for local transportation network and getting access to the regional system. Several of us involved felt that was the

basic principal that we all signed up for, but certainly for what ever reason and what ever changes have occurred, that is not the position that the City of Gresham would like to take now.

Mayor Thalhoffer stated that brings us up to date. It's been some time since that agreement was been signed by all parties, but it has been festering.

Councilor Kight asked as indicated in your staff report, in 1993 the voters in East Multnomah County voted overwhelmingly to allow Multnomah County to maintain the road department. One of the things that irritates the voters probably more than any single thing is when they vote on an item and then the elected officials try to overturn that vote or change it back to the way that they want it. Having said that, what has changed since 1993 to date that has indicated that it would be to the advantage of Gresham to take over the road system?

Jim Galloway replied I don't know the answer to that. I do know that in Mayor Becker's letter to the County he does make the statement, "Gresham, its businesses and citizens are committed to the concept of local ownership option".

Councilor Kight asked how did he find that out?

Jim Galloway replied I don't know how that occurred.

Councilor Kight stated we have no indication, nor does he indicate in his letter how he came up with that knowledge that the citizens of his community are in favor of changing over from the County to Gresham. He has provided no supporting evidence to his statement. Has Gresham provided to you or the other staff members any indication that they have considered the impact to the other three cities? Or is their regional approach then specifically to their own city?

Jim Galloway replied I think the Gresham position is that they are in only for the transfer of the county roads within the City of Gresham to the City of Gresham. I think their position is that the other cities should be free to do as they wish. If they want to take the roads they should be allowed to, if they don't then they shouldn't be required to. I believe that Gresham feels that it would still leave a viable transportation organization at Multnomah County to meet its other needs and that is probably where the difference of opinion is. I am not here to say absolutely that the county transportation division would be unable to fulfill its role if this were to occur, but I would be concerned for Troutdale.

Councilor Kight stated so the short answer to my question is they did not consider the impact to the three cities. As you indicated, as an example, there is only one stripping machine and I have never heard of a stripping machine that could be cut four different ways. So we would have additional costs in stripping, snow and ice removal and signal maintenance and repair. How would we pay for those costs?

Jim Galloway replied that level of detail hasn't been worked out. I assume if the final action is for all of the roads to be transferred and the resources to be transferred as well, which is not

the current proposal, but if that were to occur we would be getting some portion of the money that currently goes to the County. My concern would be that it would not be sufficient to meet all of the needs that you mentioned and either the work would not get done or we would have to dip into the resources that we are currently allocated for city streets in order to make up the difference.

Councilor Kight stated it appears that the voters were on the right track. If we had to pick up these costs and we are only going to have partial reimbursement, you have indicated we would have to dip into our general fund and we all know the problems with the current fire services issue, the funds simply won't be there.

Jim Galloway replied I would be very concerned about it. One clarification, when I mentioned that we would probably have to dip into our own resources, that would probably be the street fund as opposed to the general fund.

Councilor Kight asked is there a large amount of money in that contingency fund?

Jim Galloway replied I think in a relatively short number of years we are going to have difficulty maintaining the city streets as it is now. So I don't think that is going to be a resource that we would have forever to make up the difference.

Councilor Kight asked so clearly one could say that if the road system was split up and Gresham opted out and we were left twisting in the wind we would end up subsidizing to the point that our contingency fund would eventually be drained? In other words if we wanted to provide the same level of service, would it not be accurate to say we would actually end up losing money, there wouldn't be any money for reimbursement?

Jim Galloway replied I think that is a very likely outcome.

Councilor Kight stated bottom line is Gresham really hasn't considered the impact of the other three cities.

Mayor Thalhoffer asked is there anyone here that would like to speak to us on this issue?

No testimony received.

MOTION: Councilor Thomas moved to adopt staff's recommended Option #1 with the letter shown as Exhibit A. Seconded by Councilor Ripma.

Councilor Thomas stated I don't see any benefit to the City of Troutdale by supporting the transfer of the roads in the long run. What we have is working very well. We are getting the roads maintained and we are able to keep up with what our needs are within the City.

Councilor Ripma stated I concur. If the county were to go forward with this proposal, I think it is just one step and it is not the end of the line at all. Gresham has been given

every opportunity, I think all of us have talked to Gresham Councilors, to say this would be the end of the road. It isn't, it is just the opposite. It is just a step towards taking over the dollars associated with the roads. That being the case, I think our attempt earlier at coming to a middle position where we tried to be reasonable and say if it would just go one step and not cause the destruction of the road department we might be able to support it. I think that was misunderstood by the County and the other cities. I think we have a chance now to make a clear statement and we better do it. It is being misunderstood if we try to take a middle course. While I am not optimistic that this will be the end of the issue, I know it won't be the end if we go forward with this. There is just a chance that Gresham might see the light and recognize their citizens voice from some years back. It isn't even a good deal for Gresham for them to try and attempt to take over the County roads and the money. They have a good deal now as we do. I strongly support the motion.

Councilor Daoust stated originally I thought that the planning aspect would be appealing if we were to own the road so we could be more involved in the planning of the roads. But tonight I am going to support the motion because I am looking into the future not just looking at the planning aspect that would be beneficial. I am looking into the future and to the fact that it is too probable that we would lose the bulk of the County maintenance department by Gresham pushing the issue, which would cost the City valuable funds. Granted it is looking into the future the best we can, but tonight I see it as probable, not just an estimate.

Councilor Gorsek stated I support the motion as well. My concern is the future and our ability to take care of the roads that we have now. It makes no sense to take apart a regional system that works well and is cost effective. That makes absolutely no sense, so I want to support the staff in Option 1.

Mayor Thalsofer stated I have thought long and hard on this issue because I have been to several meetings, the Council has had the Multnomah County consultant, Vic Rhodes, here and Multnomah County officials. They made a pretty good case for letting Gresham have the transportation planning in their own shop with the dollars staying with Multnomah County for maintenance. I looked at that really hard because I have been involved in this issue since 1988. Road war one was a vicious war and a hard fought battle. We spent a lot of time fighting that war. In the big battle Gresham wanted a certain amount of the personnel and equipment from Multnomah County and when it was all said and done it left Multnomah County just decimated without enough manpower or equipment to do the job for these three smaller cities and the unincorporated areas. That was our opinion, which was based on cold hard facts in the early 90's. So that is why Gresham said if Multnomah County won't let us have our own roads then we will take it to the voters and you can see the statistics on that vote and even the people in Gresham voted against it. We had the Blue Lake Accords, then we had the road war one and then we had the peacemakers group that, after a year of negotiations, came up with a plan that at least the idea was to accommodate Gresham's concern about land use planning and transportation planning. Everyone agreed to that but it wasn't long after the agreement was signed that Gresham was not

happy with that. They will never be happy until they get ownership of the arterial roads. My concern is avoiding another war and this constant conflict among the cities. The Mayors went to Multnomah County to testify not to long ago. Mayor Fuller and I asked Mayor Becker, if you don't get the money for the road maintenance will you be satisfied with that. His reply was well maybe in a few years things will change and we will have to get that money. So that was it for me. I thought hard about how we could give the arterials roads to the City of Gresham and make sure that they never get the road maintenance money. I thought we could have another election if they wanted the money, I am not sure that would work. The only way we could be sure that they don't get the money down the road, because probably six months after we sign this agreement they would want the money, so we just can't do it. The only way to assure the County that we don't want this to happen is to say no at this point. Going into Phase II, you start getting into the details and an indication that we are in favor of this. I have changed my position a little bit on this, not substantially. I have never been in favor of Gresham getting the money. There are some Gresham Councilors that don't want the roads without the money. I think it is time to say no. I would like to add to the letter that Multnomah County has done a miserable job in the last five years of dealing with their transportation department. The leadership there is lacking. We have excellent transportation engineers at Multnomah County and we have good people. I think the Board of Commissioners has failed us in that they have not stepped up and taken seriously the transportation division. There isn't any leadership in that department. I think Multnomah County Commissioners need to step up and say we have got this good transportation department and we need to take them seriously and we need to have a work session with the transportation staff to discuss how they could do better and how they can provide leadership in this department. I think in the letter we ought to suggest that they do something about providing leadership for that division.

Council supported sending a separate letter to the County.

Councilor Kight stated I am also going to support the motion for a number of reasons which my colleagues have already spoken to. Once again it appears that Gresham is trying to circumvent the wheel of the voters. Nothing has officially changed since 1993 and it is clear that the voters at least had the tenacity as well as the insight to realize that there would be increased costs. As Mr. Galloway stated if we were to break up the County Road Department we would have increased costs to the taxpayers of Troutdale that are receiving the same level of service today and they are not having to subsidized our road department for services such as snow and ice removal, stripping and maintenance of signals. It seems like this issue constantly keeps coming up. I wish there was some way that we could put this thing to rest and not talk about it again. Clearly the voters have indicated they don't want to support it and there is going to be increased costs to the communities. There could be, potentially, increased costs to Gresham also. As indicated in the letter from Mayor Becker, it says Gresham, its businesses and citizens are committed to the concept of the local ownership option and will work with the County and the other east county cities to work through the

details necessary to develop and execute a transfer resolution. There is no supporting evidence for his statement.

VOTE: Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Kight – Yes.

Motion Passed Unanimously.

5. RESOLUTION: A Resolution establishing and revising specific fees and charges and rescinding Resolution No. 1637 and 1644.

Mayor Thalhofer read the resolution title.

Kathy Leader, Finance Director stated city staff reviews the various fees and services provided by each of the individual departments on an annual basis to make sure they are recovering the costs to provide those services. This resolution provides the recommended changes to those fees and some new fees for services provided.

Councilor Daoust stated the utility bill late fee is being recommended to increase from \$2.50 to \$5.00 per month. I see that the fiscal impact will be approximately \$15,000. When I read the fee schedule, it is unclear to me whether that is a \$5.00 fee per month or a one-time \$5.00 fee 45-days after the billing cycle ends.

Kathy Leader replied it is assessed each month that the bill is delinquent.

Councilor Daoust stated that is what I thought but when I read the language in the schedule it just reads that the utility bill late fee shall be \$5.00 whenever an account is not brought current within 45 days. It doesn't say per month.

Kathy Leader stated my understanding on that fee assessment is that when the monthly charge is past due by 45 days they would assess the late fee on that balance. So if they have multiple monthly billings that exceeding the 45 day limit they would assess that fee on each of the delinquent months.

Councilor Daoust stated that is what I thought you meant. Do you think the language is clear that it is a monthly fee?

Kathy Leader replied we could look at the language and make sure that it is consistent with the practice.

John Anderson, City Administrator stated perhaps it could be clearer by adding "per month" after the \$5.00.

Councilor Gorsek asked is this letter from the West Columbia Gorge Commerce part of this?

Mayor Thalhofer replied yes.

Councilor Gorsek stated so all they are asking for is that we not implement the vendor permit fee for this years SummerFest since it has already been published.

Mayor Thalhoffer replied yes.

Councilor Gorsek stated that makes sense. On the traffic fees in Section 2E, is this based on state guidelines or are these our own fees?

Marnie Allen replied I believe they are our own fees.

Councilor Gorsek asked Section 2h we decided not to do something specific in terms of speed racing, is there a reason for that? Was that in the schedule before and we have decided to take it out.

Marnie Allen replied it is my advice that we not put fines for violations of ordinances in a fees and charges resolution. We adopted the general penalty provision of our code in Chapter 1.04 that sets fines and we will be using that to establish the fine amount instead of having it in our fees and charges resolution.

Councilor Gorsek asked in Section 7c where we talk about athletic field use fees, are we talking about the ball fields at Columbia Park and other similar fields?

Rich Faith replied yes.

Councilor Ripma asked is the concern of the Chamber reflected in the proposed language?

Kathy Leader replied no.

Councilor Ripma asked does this take effect late enough that they would be exempt?

Kathy Leader replied this takes effect immediately upon adoption.

John Anderson stated we could add some language to implement this particular item on September 1st.

Councilor Thomas stated when we talked about this awhile ago one of the things that came up was SummerFest. I seem to recall during that discussion that since SummerFest is sponsored by non-profit organizations like the Lions Club and the Chamber of Commerce, I understood that we wouldn't be charging the fees for those types of things.

Kathy Leader stated the resolution does exclude non-profit organizations from the vendor license fee.

Rich Faith stated this requirement for a vendor license fee does not pertain to the organization that is sponsoring the community event. It actually is applied to the specific vendors that are selling goods as part of that event. So the Chamber of Commerce,

Historical Society or any of these organizations that are conducting community events that are being held in Glenn Otto Park are not subject to any kind of license fee. But if they are retaining various vendors to attend that event then what this is doing is it requires each of those vendors to obtain a temporary vendors license from the city for the right to conduct business within our park for the purpose of making money.

Councilor Thomas stated in that particular case they are paying a fee to be there already.

Rich Faith stated they are not paying a fee to the city.

Mayor Thalhoffer asked Councilor Ripma when is the Harvest Faire?

Councilor Ripma replied around September 18th.

Mayor Thalhoffer asked could we extend the date until October 1st. That would take care of the events for this year.

Councilor Kight stated under Section 7b it says fees for reserving covered areas at Columbia Park and Glenn Otto Park and the 4-table grouping at Columbia Park shall be as follows: Under 50 people is \$25 for the first four hours and \$10 for each hour thereafter. If you have a family picnic with less than 50 people, they have to pay \$25?

Rich Faith replied to reserve the use of that area, yes. Or, if you choose to not reserve it you could take your chance and just go there but if someone else has reserved it they have the right to use it and you don't.

Councilor Kight asked have we had this policy in place already?

Rich Faith replied we have had the policy of requiring fees if there was 50 or more people. If there was less than 50 people you just simply took your chances. Many people that were having smaller groups wanted a guarantee that they would be able to use the area and they would call to reserve it but there was no fee involved. We felt that it is only fair that if you want to guarantee usage of that facility, regardless of the number of people, then there should be a fee for it.

Councilor Kight asked who is going to be there to enforce it?

Rich Faith replied it is somewhat self-policing. When people show up and they have the reservation form in hand, they have rights to use it.

Councilor Kight asked how did you come up with the \$25 figure?

Rich Faith replied it is half of \$50.

Councilor Kight stated I think that is kind of steep for a reservation.

MOTION: Councilor Daoust moved to adopt the Resolution establishing and revising specific fees and charges and rescinding Resolution No. 1637 and 1644 with a minor change to Item 6g adding the words “per month” after the \$5.00 and having the effective date for Item 7d changed to October 1, 2004. Seconded by Councilor Ripma.

Councilor Daoust stated in reviewing these fees they appear reasonable.

Councilor Kight asked Councilor Daoust if he would entertain a friendly amendment to reduce the \$25 reservation fee for reserving a table under item 7b to \$15. I like the idea of people having to pay a fee to reserve the table but \$25 seems kind of steep and they have to self-police it.

Rich Faith stated I think it is inaccurate to portray it as renting a table. These are covered picnic shelters at Columbia and Glenn Otto Park and there is a second area where we have a grouping of four tables that can accommodate larger groups. These are not just one picnic table out in the park.

Councilor Kight stated my point is I think the price is a little high. We are coming to the summer season, which is a very short season in Oregon.

Rich Faith stated I think the demand for these facilities is not in the middle of the summer when it is nice out, but it is during those times of the season when you want to be under the covered areas and out of the rain is when the demand is greater.

Councilor Daoust did not accept the friendly amendment.

VOTE: Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Kight – Abstained.

Motion Passed 5 Yeas and 1 Abstained.

6. PUBLIC HEARING / ORDINANCE (Introduced 5/25/04): An Ordinance amending Chapter 2.20 of the Troutdale Municipal Code regarding Committees and Commissions.

Mayor Thalsofer read the ordinance title and opened the public hearing at 8:22pm.

Debbie Stickney, City Recorder stated we are proposing two amendments to Chapter 2.20 of the Municipal Code. The first amendment is to Section 2.20.010(A)(1) regarding the membership of the budget committee. In October of 2003 this section of the code was amended to allow residents, electors and Troutdale business owners to serve on the budget committee. We have since discovered that State Law mandates that the members of the budget committee must be electors of the City. We are proposing to change the language to read, that the budget committee membership would be six councilors, the mayor and seven electors of the city. During the first public hearing on May 25th the Council discussed the possibility of limiting the membership of the planning commission to only Troutdale residents and electors thereby not allowing Troutdale business owners to serve on the planning

commission. The Council decided to further discuss that issue at tonight's meeting. The second change that we are proposing is in Section 2.20.020(B), which is the selection of the members with regards to the alternates for the city committees. At your April 13th work session the Council discussed whether the alternates for the city committees should be able to fill a vacancy on city committees if a vacancy occurred anytime during the year as opposed to only being eligible to fill a vacancy that occurred within six months after the last selection process. Council decided to make the change from six months to a year and the necessary changes have been made to the proposed ordinance to implement the Council's decision.

Councilor Daoust asked do we currently have any business owners on the budget committee or the planning commission?

Debbie Stickney replied no.

Mayor Thalhoffer asked so we are restricting business owners from the planning commission?

Debbie Stickney replied that is up for discussion by the Council. The only recommendation made by staff is to limit the budget committee membership to electors only.

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

No testimony received.

Mayor Thalhoffer closed the public hearing at 8:22pm.

MOTION: Councilor Ripma moved to adopt the Ordinance amending Chapter 2.20 with a change to amend the planning commission membership to residents and electors only. Seconded by Councilor Kight.

Councilor Ripma stated I think the change to have the alternates terms to one year is a good idea. The change of the budget committee membership is necessary as dictated by state law and I favor the change to the planning commission membership also.

Councilor Kight stated it is clear that by having business owners, as much as we would like to have them be a part of our community by serving on the planning commission, we need to maintain the integrity of the planning commission as well as make sure those folks in the business community don't have a financial interest and obviously they would if they have property in Troutdale. We want to protect that to the degree that we can and that is why I think it is important to extrapolate out the business owners from being on the planning commission.

VOTE: Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Ripma – Yes; Councilor Thomas – Yes; Mayor Thalhoffer – Yes; Councilor Kight – Yes.

Motion Passed 6 – 0.

7. STAFF COMMUNICATION:

John Anderson, City Administrator provided the Council with the agenda and packet for the June 10th Joint Council Work Session with Fairview, Troutdale and Wood Village.

8. COUNCIL CONCERNS AND INITIATIVES:

Councilor Gorsek stated that he appreciated all the work that staff has been doing on all of the different projects, especially the fire service issue. I know these projects are taking a lot of time and the Mayor is also doing a lot of work on the fire issue.

Councilor Thomas requested that staff provide, in the next packet, an audit of the expenses reimbursed to each councilor for the past year.

Councilor Thomas voiced concerns about the conduct of some of the councilors. He had observed some things happening with various city councilors, for example during a budget committee meeting a councilor forced the vote of a person, which he don't think was appropriate. If we have to tell someone how to vote, maybe that person shouldn't be on the committee. In addition on various occasions some of the councilors have jumped on other councilors, which Councilor Thomas feels really isn't appropriate. Councilor Thomas also stated in general we need to make sure that we follow our council guidelines and principles and maintain a level of professionalism.

9. ADJOURNMENT:

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Kight. Motion Passed Unanimously.

Meeting adjourned at 8:32pm.

Paul Thalhofer, Mayor

Approved August 24, 2004

ATTEST:

Debbie Stickney, City Recorder