

RESOLUTION NO. 49

A RESOLUTION AUTHORIZING AN APPLICATION FOR A LOAN FROM THE STATE BROWNFIELD REDEVELOPMENT FUND.

THE URBAN RENEWAL AGENCY OF THE CITY OF TROUTDALE FINDS AS FOLLOWS:

1. That the Troutdale Riverfront Renewal Plan recognized areas of blight and that it serves the public interest to implement redevelopment projects which will reclaim a long-standing brownfield, support environmental and ecological restoration of the site and riverbank, all benefiting the public health, safety and welfare of the community.
2. That in order to protect the public health, safety, and welfare of the City, and to eliminate blight and foster development and redevelopment within the Troutdale Riverfront Renewal Area, the Agency acquired real property in March 2018 from both the City, and Eastwinds Development, LLC, ("Eastwinds"), to create a larger consolidated project site.
3. That previously Oregon Business Development Department, know as Business Oregon, provided the City a \$65,000 grant from their Brownfields Redevelopment Fund to conduct a supplemental soil and groundwater environmental site investigation and characterization at the site.
4. That Business Oregon has also previously provided Eastwinds a \$610,575 loan from their Brownfields Redevelopment Fund to conduct an Interim Removal Action Plan for the removal and appropriate disposal of buried animal waste material at the site.
5. That at various locations across the 20 acre project site past environmental contamination of varying degrees has occurred, and to protect the Agency from potential liability for pre-acquisition releases of hazardous substances at or from the property, the Agency entered into a Prospective Purchaser Agreement ("PPA") with the Oregon Department of Environmental Quality ("DEQ").
6. That the PPA is a court approved Consent Judgment in which the Agency is obligated to expedite removal or remedial action of hazardous substances at the site to facilitate productive reuse of contaminated property, in exchange for providing the Agency, and future property owners, liability protection for pre-acquisition releases of hazardous substances at or from the property.

7. That completion of the requirements of the Consent Judgement PPA by the Agency will be of significant public benefit and that all aspects of the work to be performed pursuant to the Consent Judgement PPA must be performed under the direction and supervision of a qualified contractor having experience in hazardous substance remediation and knowledge of applicable state and federal laws, regulations, and guidance.

8. That the Agency, following a public procurement competitive bid process, awarded a demolition and site clean-up contract in August 2018 with an initial completion target of December 31, 2018. And further that the clean-up process has encountered numerous delays and difficulties resulting in significant cost increases.

9. That the Agency does not have sufficient financial resources to complete the court mandated requirements of the Consent Judgement PPA and is in need of additional financing to complete the necessary remediation actions.

10. That Business Oregon, through their Brownfields Redevelopment Fund, may provide the Agency a loan for remedial actions of hazardous substances at the site to facilitate productive reuse of contaminated property toward the fulfillment of the court mandated requirements of the Consent Judgement PPA.

11. That it is necessary and desirable for the Agency to seek additional financing, and that a loan from the Business Oregon Brownfields Redevelopment Fund would be in the Agency's best interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TROUTDALE:

Section 1. The Agency in accordance with the findings set forth above, in order to facilitate redevelopment in the Plan Area, and fulfill the obligations of the Prospective Purchaser Agreement ("PPA") with the Oregon Department of Environmental Quality ("DEQ"), hereby determines that remedial actions of hazardous substances are needed, and will serve a valuable, desirable and necessary public purpose, and is for an authorized public purpose toward the fulfillment of the adopted Troutdale Riverfront Renewal Plan (Plan).

Section 2. The Agency hereby declares it serves the public interest, and it is necessary and desirable for the Agency to obtain additional financing to conduct remedial actions of hazardous substances at the project site in support of the PPA and the Plan.

Section 3. The Agency hereby authorizes an Agency Official to file a Business Oregon General Application and Application Supplement for a Brownfield Redevelopment Fund loan of up to one million five hundred thousand dollars (\$1,500,000.00) on behalf of the Agency, and any and all other required and necessary documents for the loan application process.

Section 4. The Agency Executive Director and City Manager Ray Young, and Finance Director Erich Mueller, (each an "Agency Official") are hereby authorized empowered and directed to act on behalf of the Agency, and without further action by the Agency Board, to sign on behalf of the Agency the Brownfield Redevelopment Fund loan application, and any and all other required and necessary documents to implement the intent of this resolution.

Section 5. Further, consistent with intent of the Brownfield Redevelopment Fund loan program, and in the best interest of the Agency, the Agency Official is authorized empowered and directed to prepare the necessary ordinances, resolutions, debt instruments, intergovernmental agreements, and other documents and actions, as necessary for implementation, consideration and approval by the Agency as appropriate.

Section 6. Further, as applicable, to comply with State statutes, administrative rules or local ordinances, and to act in the best interest of the Agency, and without further action by the Agency, the Agency Officials are hereby authorized, directed, and responsible for fulfilling the ministerial, intergovernmental, technical, compliance, procedural or promotional functions as required for the effective administration and implementation of the loan, and to take any other action as may be advisable, convenient, necessary, or appropriate, and the execution thereof by any such Agency Official shall be conclusive as to such determination.

Section 7. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the intent of this resolution and the loan, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 8. This Resolution shall take effect immediately upon adoption.

YEAS: 5
NAYS: 0
ABSTAINED: 0


Casey Ryan, Chair
Date: September 19, 2019



Sarah Skroch, City Recorder
Adopted: September 17, 2019