



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale City Hall - Council Chambers
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)
Troutdale, OR 97060-2078

Tuesday, September 8, 2015 – 7:00PM

Mayor

Doug Daoust

City Council

David Ripma

Eric Anderson

Larry Morgan

Glenn White

Rich Allen

John Wilson

City Manager

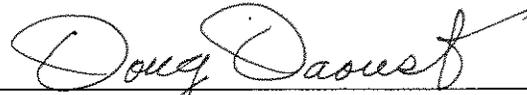
Craig Ward

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **CONSENT AGENDA:**
 - 2.1 **ACCEPT MINUTES:** June 30, 2015 Work Session.
 - 2.2 **RESOLUTION:** A Resolution accepting a perpetual, nonexclusive utility easement along NW Graham Road from Roger Tash and Janet Tash.
3. **PUBLIC COMMENT:** Public comment is limited to comments on non-agenda items. *Remarks shall be limited to 5 minutes for each speaker unless a different time is allowed by the Mayor. The Mayor and Council should avoid immediate and protracted response to citizen comments.*
4. **REPORT:** Multnomah County Sheriff's Office Activity Report.
Chief Anderson
5. **REPORT:** Metro update from Councilor Shirley Craddick.
6. **REPORT:** A report from Claude Cruz, West Columbia Gorge Chamber of Commerce, on the following topics: SummerFest wrap-up; Troutdale Gorge Hub update; and an overview of the Fall Festival of the Arts event.
7. **RESOLUTION:** A resolution accepting the recommendations of the Parks Advisory Committee, and establishing, naming and funding of Visionary Park.
Edrich Mueller, Finance Director
8. **MOTION:** A motion authorizing a contract for Floodplain Methodology Analysis.
Ed Trompke, Attorney

9. STAFF COMMUNICATIONS

10. COUNCIL COMMUNICATIONS

11. ADJOURNMENT



Doug Daoust, Mayor

Dated: Sept. 1, 2015

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 and Frontier Communications Channel 38 on the weekend following the meeting - Saturday at 2:30pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Debbie Stickney, City Recorder at 503-674-7237.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Debbie Stickney, City Recorder 503-674-7237.

Agenda Item #2.1

9/8/15 Council Meeting

DRAFT

Troutdale City Council Work Session
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078

Tuesday, June 30, 2015

1. Roll Call

Mayor Daoust called the meeting to order at 7:50pm.

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Morgan, Councilor White, Councilor Allen, and Councilor Wilson.

ABSENT: Councilor Anderson (excused).

STAFF: Steve Gaschler, Acting City Manager; Erich Mueller, Finance Director; and Debbie Stickney, City Recorder.

GUESTS: See attached.

2. Discussion: Street Funding Public Outreach and Survey Report to Council.

Steve Gaschler, Acting City Manager, stated since our last meeting in February when we launched our public outreach and communications plan there's been a lot going on and we have some survey results, and stakeholder outreach from some of the service station owners. Libby Barg and Clark Worth with Barney and Worth to present some of that information. If the Council decides to move forward with this and put it on the ballot in November then a decision will have to be made at the July 14th Council meeting. We hope to give you some good information tonight, let you discuss it, ask questions, and then give us some direction as to whether you want us to bring you that Resolution in July to put it on the November ballot.

Clark Worth and Libby Barg, with Barney and Worth, showed the Council a PowerPoint presentation. A copy of the presentation is attached to the minutes as Exhibit A.

Councilor Allen asked when I'm using my phone to check gas prices, how many zones are there?

Clark Worth replied I can't answer that.

Libby Barg replied they're not required to say how they're setting the zones. There are different ways that they set them. For example, it's not just the demographics of the area but the amenities at the gas station. If you have food, restrooms, and soda machines then you charge more for gas at that station because of the amenities. But for competitive reasons, they don't have to share their formula.

Councilor Allen asked this is done by the distributor?

Clark Worth replied the ownership of the service stations is also complicated. Most service stations are owned by very large multi-state companies. In Troutdale 5 of the 7 service stations are owned by multi-state companies. That's common in the industry. Those are set by whoever is wholesaling the gasoline which could be a company that you've never heard of before.

Councilor Allen stated when I talked to people that work for one of the wholesalers, there aren't that many names that are thrown around.

Libby Barg replied this is a very complex economic free market type situation. I think the point that we're trying to make is that gas prices are fluctuating for multiple purposes and reasons. Within that fluctuation it's hard to see where and how the gas tax is applied at a particular station.

Clark Worth stated if you drive around Oregon it's even starker. It's more expensive to deliver gas to rural areas because the gas comes from this area, so why is it that if you're in Madras gas is \$.50 a gallon less than the Portland Metro area? If you're in Salem it's \$.10 a gallon less than the Portland Metro area. If you're in Portland and you drive from region to region you'll see enormous swings in price. It's always like that. This has been legally challenged a number of times and it has survived all the legal challenges.

Mayor Daoust asked so when gas station owners say they'd prefer it be administered at the state level, would it be?

Clark Worth replied that's actually an option for you. Most local jurisdictions in Oregon have the State administer them but some administer it themselves.

Mayor Daoust asked so that's part of the decision that we'll eventually have to make?

Clark Worth replied it would be. When it gets voter approval then it's a decision you could make subsequent to that.

Councilor Morgan asked do we know what the effects of the carbon fuels bill are and might there be any implications for a dual tax? Second, is there a way to find out the amount of gallons that are consumed in the City?

Clark Worth replied the estimate of that is shown in Slide #18.

Councilor Morgan stated if we do move forward on this my recommendation would be the November 2015 election.

Mayor Daoust stated I understand most everything about this but I need you to speak to me a little bit more about the November 2015 election and why that would be our best bet and your recommendation.

Clark Worth replied we could make a really good case for either election date. We fell on the side of going for November 2015 because of the low number of votes needed. Because you have some momentum right now and based on our public opinion research we know there's a potential for voters to support it right now.

Libby Barg stated the other issue is the Mt. Hood Community College bond that you'd be up against next year. What we see are that people pick and choose. When you have 2 options, they can compete with each other where people only pick one of the options. We believe that in November you are likely to be the only money measure on the ballot.

Councilor Ripma stated the November 2015 numbers are compared against the May 2014 numbers. Is that because they're both special elections?

Clark Worth replied no May 2014 was actually a primary election, it wasn't a presidential election year, but the turnout was incredibly low statewide. The May 2014 turnout was not very good and we thought given the number of things on the ballot we thought the highest possible turnout that you'd get for November 2015 would look like May 2014. There's a potential that there will be nothing else on the ballot. The fewer things on the ballot the more difficult it gets to drive turnout. But because there are so few votes required you can knock on doors to explain the situation. You have enough time to do it and you only need around 800 votes.

Councilor Ripma asked is your analysis that the low turnout in 2014 was a model for what's going to happen in November?

Clark Worth replied our assessment is that's the highest possible turnout that you'd have, which is 17% and 20% for 2 precincts.

Councilor Ripma asked if it was a special election and we were the only thing on the ballot, would we have to pay for it?

Clark Worth replied I don't know all the rules about who pays but I think not.

Councilor Ripma stated that's worth at least looking into and if so, how much would it cost.

Mayor Daoust asked what role would you play if we decided to go in November? Would you recommend additional public education?

Clark Worth replied part of our recommendation was additional public education. The City can't campaign but elected officials can on behalf of a measure. You really need to restrict your activity to distributing public information and answering questions.

Councilor Morgan asked who files the ballot title?

Libby Barg replied the City. The City's responsibility is to make sure that people have the factual information that they need to be able to make a decision. I'd say 100% of the time when we're working with a City you can give presentations to an organization and City staff gives the facts about the presentation and then elected officials or someone who can express an opinion are there and can give their perspective. It's great to have staff there too because they can answer technical questions that people may have.

Mayor Daoust asked will you help the City with the filing deadline and the voters pamphlet language?

Clark Worth replied yes we would help with that.

Mayor Daoust stated if we want to go with a November ballot then we'll need to make the decision at our next Council meeting on July 14th and tonight we'd have to give staff direction to prepare that for our next meeting.

Councilor White stated my biggest concern is the amount of tax. Before we had expert help we were shooting for 1 to 2 cents. I see on the list that there is only 1 city at 5 cents. Everyone else seems to be around 3 cents. We're already a minority by being a city that has a gas tax.

Clark Worth replied currently that's the case. But given the legislature's failure to enact, I would predict that in the next 2 years there will be a number of cities with a 5 cent gas tax. I think some of the cities with a 3 cent tax will move up to 5 because they're in the same situation that you are and they have to do it. They don't have another option. There may be some that look at this same public opinion research that we have looked at and see what we saw which is that 5 cents is not an issue.

Libby Barg stated what we also know from public opinion research is that citizens like when you present the solution that fixes the problem. What they don't like is setting something that you think is low but doesn't actually solve the problem so there's a gas tax but you still don't have enough money to fix the road. Citizens generally don't like that especially if you have to go back to them and ask to raise it.

Clark Worth stated in Oregon City we did extensive public opinion research. We learned that every penny that you went up as you raised the tax there would be some drop off in votes. When it dropped off more precipitously was when people found out it wouldn't solve the problem. We saw the loss of votes to the higher amount was much less than the loss of votes to not solving the problem.

Councilor Wilson stated I think they ended up adding \$7.50 per month to their utility bill. It can be quite a lot higher than a gas tax.

Councilor Allen asked are we being as efficient as we can be or do you have ideas in your head that might be more efficient?

Steve Gaschler replied the pavement preservation piece was put out for bid. We received 3 or 4 bids this year. We try to group it in a big enough piece that it's efficient. Maybe the only thing that I see is if you look at our maps we're spread out all over the city doing a little here and a little there. I'd like to get through the City once and then maybe split it up by district. That might give us a little better pricing. The Department as a whole, the money that's going to staff is a pretty small piece. I think there are 1.8 FTE's in the Streets Budget to maintain 45 miles of street that the City has. That's ridiculously low in my opinion. The water and streets crew is a hard working group of guys. They get out there everyday and work hard. This year we let Fairview piggyback on us. I don't know that it helped our pricing any but the contractor knew going in that Fairview was going to take their prices and do some work over there. I don't know what the volume is but I think they're going to do about \$100,000 work of sealing work with our contractor based on the prices they gave us.

Mayor Daoust asked is there anyone in the audience that would like to speak to this?

Paul Wilcox, Troutdale Resident, stated I had a comment on the slide about customer profiles (Slide #13). It sounded like it applied to the stations on Frontage Road in particular. I don't think it applies citywide as far as travelers versus regulars.

Libby Barg replied the 40/60 split was from local dealers.

Mayor Daoust asked all local dealers?

Clark Worth replied we only had 2.

Shirley Craddick, Metro Councilor, stated I really appreciate the City considering this. I think you'll be seeing more cities in the Metro region that will be considering a gas tax. I see you City as one of the leaders for that. It will be a great benefit to help some of the other cities to make that decision to approach the voters. You might approach Gresham, Fairview, and Wood Village to see if they might have interest. If the 4 East County Cities approach the voters together or within a year of each other then I think that can really help with your effort. The way Congress looks at our federal funding for transportation is really changing. Most of those funds are used for new construction and not for maintenance but there definitely is a change in Congress about how they're going to look at funding for transportation in the future. There is a large group in Congress that is saying they want to get out of funding transportation all together. The shift in policy is moving to put more burden on the State and local jurisdictions. I think you're really wise to consider this. I know it's hard to be ahead of the other cities but I think you're going to see other cities following your lead and I really appreciate your interest in this.

Mayor Daoust replied thanks, that's a good perspective and one that I've picked up being on JPACT and EMCTC. You hear more often that it'll be up to local cities to pull a larger share of the weight. I don't mind being in that position at all.

Councilor Morgan stated I'm glad we didn't wait given the fact that the legislature didn't act like we thought they weren't going to.

Claude Cruz, Troutdale Resident, stated with the low number of votes that are required, the November election puts double emphasis on the need for good education and targeting the influential voters. You'll have to shape an education program around that.

Councilor White stated I've been to several of the Mayor's Community meetings and one of the resounding things was that if we do the gas tax, they want to make sure the moneys being spent on the roads and basics. They don't want it going towards curb extensions or rain gardens. I think Council already brought that up and Steve committed that he didn't have plans to bring such thing into Troutdale.

Councilor Wilson stated I'm ready to move forward with a November election. We'll need a group of people to form a PAC (Political Action Committee).

The Council directed staff to move forward with a November election.

Councilor Wilson asked when a PAC is formed, will they be able to reach out to you?

Libby Barg replied they would be allowed to reach out to Steve and ask for factual information. He can provide them the information that we developed. All of that is available if it's requested by the PAC.

Mayor Daoust called for a 5 minute break at 8:43pm. The meeting was reconvened at 8:50pm.

3. Discussion: Community Enhancement Program Committee and Project Eligibility Criteria.

Erich Mueller, Finance Director, gave an overview of the staff report and exhibits. He told the Council that he would like to go over each of the Policy Considerations which begin at the bottom of page 2 of the staff report with Policy Consideration #1, establish the enhancement area boundary.

Councilor Wilson stated when I went through Forest Grove and Oregon Cities boundaries, maybe I missed something, but it just showed it was the city limits for each city.

Erich Mueller replied I forget which document it was, I think it was something that Bill Metzler (Metro) had shared with me.

Councilor Wilson stated it might have been Metro's because they handle Portland. I could see putting something on County property because we have County property within our City but to put it in Fairview or Gresham wouldn't make sense unless it was in the Park behind Mt. Hood Community College.

Erich Mueller replied Stark Street is a good example. By the college, one side of the street is Gresham and the other is Troutdale. But the perception is for people as they drive through there that it is Troutdale. All this does is give you the flexibility but it doesn't require you to by any means.

Councilor Wilson stated as long as we really try to find a place that it would fit on Troutdale property and if for some reason we couldn't and it had to be on another cities property, then we'd probably have to get their permission to put it there anyway, wouldn't we?

Erich Mueller replied property owners have to consent regardless of whether it's in or out of the city limits. The property owner will always be involved.

Councilor Allen stated I could see us doing it within the city limits even if it's multi-jurisdictional. I can also see the beauty of being able to go outside of your city limits say there is a trail that starts in Troutdale, close to Wood Village, and continues through Troutdale and you want to make some improvements there. Mainly that should be a case where an exception could be approved under certain guidelines, otherwise it's within the city limits.

Erich Mueller replied every grant has to be individually approved. If you adopt it with the boundary being the city limits then you would have to come back and modify the bylaws in order to have it

do just what you said. That's why I'm suggesting the flexibility because it's for property immediately adjacent to ours. Also, you would have to approve the individual grant so it'll always be something that you'll look at on an individual basis.

Councilor Morgan asked is this going to be an application based project?

Erich Mueller replied that's correct.

Councilor Morgan stated so we would be able to examine that and determine if there would need to be an exception at that time.

Erich Mueller replied you would have to go back and revise the bylaws.

Councilor Morgan stated so leaving it ambiguous for this purpose might be at our best interest.

The Council had no changes to staff's recommendation for Policy Consideration #1.

Erich Mueller stated Policy Consideration #2 is the calendar timeline. There is an example in the staff report. Typically the jurisdictions do grants in 1 cycle per year versus monthly or something else. Councilor Wilson and I talked about different timelines. I wanted to steer away from the month of April simply because you already have both Council and Budget meetings. The other jurisdictions appear to be doing stuff in May, making the grants in mid to late June, with the grants money ready for distribution in July. The precise dates would be revised year to year due to the calendar changes. Is that calendar timeframe acceptable to the Council? The application period would be January 1st to May 29th or we could potentially move up the deadline to the end of April so that there's more time to evaluate the applications for the funding in June.

Councilor Wilson stated I think this is a good 1st year process. Craig will appoint a staff person to go through the applications first and then bring forward the ones that best fit our needs that we will be able to actually fund.

Mayor Daoust stated I don't see any red flags with this timeline. The only thing that I read that I did not like was the last sentence on Forest Grove's where it said contracts must be executed by September 30th or the grant is forfeited. There are times where there is a period during the year when work should be done or has to be done and it may not be feasible to start executing contracts right after the contract is awarded, between July and September.

Erich Mueller replied I think what might be a little confusing about what that means. On the very last page of the staff report in Exhibit F, is essentially the contract between the City and the grant recipient agreeing to the terms of receiving the grant money. They have more than that timeframe to spend it but they have to agree to the terms before we'll give them the money. If the Committee awards money and we notify the recipient that their money is available and they need to come in and sign the agreement and they don't respond then essentially they're forfeiting the grant that was awarded to them because they never completed the paperwork.

Councilor Wilson stated they have until June of the following year to finish the project. If they need an extension, I think they have to file that by February.

Erich Mueller replied years 2 and 3 come along and you'll have projects that get delayed for 1 reason or another and they'll need an extension to complete their project. The expectation is that they would complete it and file an exit report or a completion report within 30 days of completing the project. I reviewed the most recent Oregon City packet and in their packet was extension considerations for previous grant recipients.

Councilor Wilson stated it would have to be for a legitimate reason and not just that they forgot about it.

Councilor Allen asked am I the only one wishing the cycle were at least a month sooner?

Councilor Wilson replied I had originally put April but because of the Budget meetings that we have in April this would be too much work on staff and us to try to get it started in April.

Mayor Daoust stated I think we can start the first year with this timeline and see how it works. We could have the applications available in April. This timeline only gives them 1 month.

Erich Mueller replied what I'm suggesting for this first cycle is that from January 1 to April 30th will be the window and the absolute deadline to submit your application is April 30th.

Mayor Daoust stated this is a little misleading because it says in May the applications for proposals will be available. Maybe it should just say in January.

Erich Mueller replied I think we'll change it to January through April.

Mayor Daoust asked is the Council ok with the grant timeline that we've discussed?

Councilor Ripma stated the presentations are limited to 4 minutes and the Council will have up to 5 minutes to ask questions. The Forest Grove Council must be easily satisfied with that because that would never work here. I say we'll do our best but let's take that part out of it.

The Council had one change to Policy Consideration #2, remove "after which the Council will have up to 5 minutes to ask questions" from the June 11 statement.

Councilor Morgan left the meeting at 9:22pm.

Mayor Daoust stated on to Policy Consideration #3, eligibility criteria and goals.

Erich Mueller stated if you go about midway through Exhibit A to the page that says 4 of 5 at the bottom, in the middle of that page it talks about how the project applicant must be a non-profit organization including without limitations a neighborhood association, or charitable organization with 501(c)(3) status; a school or institution of higher learning; or a local government, local government advisory committee, etc. Those are the types of entities that can be grant applicants.

Mayor Daoust stated when I look through Oregon City and Forest Grove's, they allowed requests from other than what's listed here. They allow requests from the Chamber of Commerce, Farmers Markets, Downtown Business Associations, etc. I'm only bringing that up to say is this too restrictive? Maybe the Chamber would have a project or maybe our Farmers Market would have

one. They're not a 501(c)(3) here. We have new leadership in the Farmers Market, he might have some proposals.

Councilor Wilson replied the Oregon City Chamber has a subsidiary that's called Buy Local which is a 501(c)(3). It's not the Chamber applying for it, it's the dba Buy Local Oregon.

Councilor Allen stated it's not so easy, it's expensive to get a 501(c)(3).

Erich Mueller replied that's true and there are a number of other types of non-profits that are different subsections of the 501(c) section. This is the criteria that Metro adopted in their code. This is the criteria under which we agreed to in the IGA. These aren't our limitations this is what is part of the funding requirements through the Metro Program. Some of the earlier programs might have had some flexibility because they had a different set of criteria which they were allowed to operate.

Mayor Daoust asked could we add another option and say "or they're fully endorsed in writing by a non-profit organization"?

Erich Mueller replied there's going to be a contract and they are signing to be accountable for this money that we're going to hand over. It's got to be an organization that's eligible and it's got to be somebody who's authorized to commit that organization to contract terms.

Mayor Daoust stated so endorsement doesn't cut it.

Erich Mueller replied that doesn't mean that there may not be people that could join with an eligible organization. They could volunteer and work for that organization to accomplish this. Say there was a group of people that want to do a project and they talked the Historical Society into being the applicant, it met the criteria they might do the project itself but the Historical Society would be on the hook to sign the contract for the funds and be responsible to account for funds and provide the closing report, receipts, and those types of things.

Councilor Ripma stated I agree with the idea that the Chamber could be a very worthy applicant. I think we ought to stick with the criteria.

Erich Mueller replied it's gets a little bit fuzzy when it comes to neighborhood associations. That's one of the other groups listed. I don't know if they're necessarily 501(c)(3) but they're eligible under the criteria. Also the applicants can be is a local government advisory committee, so the Parks Advisory Committee could be an applicant.

Councilor Allen stated so you're saying that you don't necessarily have to be a 501(c)(3) if you are one of these other categories?

Erich Mueller replied correct, those other categories are also eligible but not all non-profits are eligible because it's limited to that particular criteria.

Councilor Wilson stated I think the neighborhood associations would have to be registered as a 501(c)(3).

Councilor Allen replied that's the way I'm reading it.

Mayor Daoust stated I had one question on Exhibit B, page 2, #9. You say prior applicants and/or projects can apply for funding each fiscal year. Recurring projects are subject to a reduction in funding upon review by the Metro Enhancement Committee. If they are applying a second year to do something different, why would we reduce?

Councilor Wilson replied this would be for the same project, not for a new project. The Farmer's Market in Oregon City reapplies every year for their POP program for the underserved kids. The City could reduce the amount of funding based on the other applications and something needing more money.

Councilor Allen asked couldn't we do that anyway?

Mayor Daoust stated we already say in here that each grant can be partially or fully funded. We have that latitude with every single grant. I don't see why we'd arbitrarily say if you apply again we're going to reduce you.

Councilor Wilson replied it isn't saying it will be reduced, it's saying it could be reduced.

Mayor Daoust stated I would propose that #9 under Councilor Wilson's notes not be part of the eventual guidelines.

The Council had no objections to Policy Consideration #3 except that they wanted to make sure that the statement from Exhibit B, Page 2, #9 was not included in the City's Guidelines.

Erich Mueller stated moving on to Policy Consideration #4, the grant funding limitations. Oregon City has a \$25,000 maximum, Forest Grove's has recently been moved to \$8,000, both cities have represented that they get double or more in terms of applications than they ever have in funds available. Having a limit is a way of trying to spread things around. There's not a requirement that we have a limit but it seems as though that is what the practice has been so that one project doesn't hog the entire available program.

Councilor Wilson stated the difference between the 2 is that Oregon City is estimated to get \$220,000 this year out of the program. Forest Grove's amount will be similar to ours.

Shirley Craddick, Metro Councilor, stated Oregon City has Metro's Transfer Station which is much larger.

Councilor Wilson stated when I was looking at this, I felt it was a good idea if we split it 50/50 like Forest Grove does so that 50% of the funds can be used towards ours and 50% can be used for other needed projects in the City so you wouldn't have 1 project dominating the whole amount. Then the limitation at \$25,000, I've gotten some input that it seems too high.

Councilor Allen stated we're going to have all the applications before us to consider and at which time we can determine amongst the Committee how to divide them up. We don't know at this point in time what's going to happen in the future and what projects will be brought forward to us.

I'd hate to arbitrarily box ourselves in when we should be looking at the order of priority of the projects before us.

Mayor Daoust replied I tend to agree with you.

Councilor Wilson stated I don't think we will. If there's no art applications we would roll it back over to the other projects.

Councilor Allen stated it's predetermined that we spend a certain amount of money on different things rather than judging based on the priority and importance.

Mayor Daoust stated with the Forest Service I managed a grant program. When we had a new program, we started out wide and didn't have very many limitations. Once you go through a year or two and you figure out how many grants are coming in, what they are requesting, then you can start refining it down and saying we better limit the grants because we're getting way too many requests. Right now I don't know how many requests we're going to get or what dollar amount they'll be requesting. My general tendency is to loosen it up a little bit for the first year and see how things go. The next year we can set limits. If we get 100 grant applications for \$25,000 each we'll adjust the next year.

Councilor Wilson stated I don't think you'll get that many high end applications. But you will get more of the lower end ones. We will get more applications that we have money for. I think we need to establish guidelines now rather than later. I think the other cities have done a lot of leg work ahead of us and been able to foresee that. I think we should look at what they've established instead of trying to rewrite the whole book.

Erich Mueller replied some of that comes into play in terms of what you're going to have in terms of a match expectation. Are you going to fund grants at 100%, are you going to require an applicant match, and how much of a match.

Councilor Allen stated I was at Oregon City and they were talking about grants. The request was much higher than what the committee was willing to give. All they did was say we can't give you the \$79,000 you're asking for, would \$25,000 help you? There is some point of negotiation that's possible.

Mayor Daoust stated so the question is whether we put limitation up front and stick to it or whether we don't have the limitations up front and can limit each grant to whatever you want to give them.

Councilor Craddick stated I'm involved with East Metro's Natural Areas Wild Nature grant program. It's similar to what you've said, it's the worthiness of the project. If we don't have adequate funds then we'll go back to them and say we are able to give you this amount of money, will you be able to make that work, as opposed to limiting the request.

Mayor Daoust stated after the first year we'll be dealing with about \$80,000.

Erich Mueller stated if you have a \$25,000 maximum then you're at 3 grants.

Councilor White stated I prefer greater flexibility. Since this is brand new to us. We can tighten it up as we go.

Mayor Daoust asked do we want a maximum award?

Councilor Wilson replied I think there should be.

Councilor Ripma stated we argued for the maximum flexibility. I understand your point too it just seems like it wouldn't hurt to have maximum flexibility the first year and just see how it goes.

The Council decided for Policy Consideration #4, not to specify any grant maximum amount and the Committee could decide to do that on a grant by grant basis.

Erich Mueller asked for Policy Consideration #5 (Obligations on the Grant Applicant) will you do 100% funding or will you require a match and if so what kind of match expectation do you want? On page 4 of 5 in the staff report there is the table that is in the Oregon City program, it's a sliding scale. You could adopt something less detailed, a different scale, you could attempt to do it more grant by grant basis although you're going to have to be careful because you don't want to get into a situation where you appear to be playing favorites. Be cautious about being completely flexible.

Councilor Allen stated as a reminder we need to look at our applicants, we're looking at a number of organizations who don't have deep pockets. We have to take that into consideration as we look into the portion.

Erich Mueller replied it may not be that you'll require them to do a 50% match but maybe you're going to require 10% because you want them to have buy in before you hand over the money. Another aspect is do you want to give them the opportunity to do their match as in-kind and set a formula of \$10 an hour per volunteer hour. Then if they had to do a 10% match then they can do it by the number of volunteer hours that are required.

Mayor Daoust stated they need to know up front what the match requirement is. We don't give them any latitude on that at all. The match can be either in-kind or a monetary match and they can choose to use whatever percentage that they want. If they have volunteers that are going to pull weeds then they can count the hours that the volunteers are going to pull weeds and have it go towards their match. They don't have to come up with cash.

Erich Mueller stated the question then is what is the match expectation?

Councilor Wilson replied I think the guidelines that were set up in Oregon City are pretty straight forward and reasonable.

Mayor Daoust stated I'm ok with them. Basically it's saying the larger project costs you have the more funding you have to come up with.

Councilor Allen stated it seems a little steep to me. Let's say if it's \$10 per hour, for a \$25,000 grant that's 2,500 hours' worth of work. For the charity organizations that we have here in Troutdale that's a bit of a barrier that they may not be able to overcome.

Mayor Daoust stated we could cap the additional funding percentage at 40% or something and not have the 50% and 75% requirement for larger grants.

Mayor Daoust asked do you have a recommendation as to how to handle the match?

Councilor Allen replied I would suggest 10-20% but that's just an arbitrary point.

Councilor Wilson stated I think they need more skin in the game.

Mayor Daoust stated the Forest Service grants that I used to administer required an equal match for every grant that we offered. Again it's easy for some groups to add up the in-kind contribution like Rip could use all the time he puts into making the statue.

Councilor Wilson replied Oregon City and Forest Grove have found that their systems work. We can always change it later but let's try to use something that's already being done and see if it works or not.

Councilor White stated I'm looking for greater flexibility and we can always increase as we learn.

Erich Mueller stated I would make a suggestion for consideration for the first year. You could require a 10% match with a \$1,000 maximum cap. You would still be using either the dollars or in-kind hours or a combination and it still requires people to have skin in the game and doesn't set the bar too high initially.

Councilor Allen stated I see that more of a real possibility for our charity groups.

Mayor Daoust stated that's a pretty low bar. We could have a minimum match percentage of maybe 20-30% but keep in mind that we'll rate the proposal and give more credit if they have more match and more people going in with them. We could make that a criteria for evaluating each proposal. If a proposal comes in and they only have a \$6,000 match and a similar proposal comes in and they have a \$60,000 match then we'll give that grant more points than the grant that only came up with the minimum 20% match.

Councilor Ripma stated I assume these are recommended minimum matches and they could always match more. Another thing to consider is we don't have a lot of money and having these matches also allows the money to go further. We'll be able to do more projects. If we find that worthwhile projects are falling by the wayside by not being able to match then we can always adjust. I think it's good to require a match.

Mayor Daoust stated for the first year let's stick with what's in the staff proposal and we'll see how it goes. If it limits who's applying then we'll get a good message.

Erich Mueller stated Policy Consideration #5 is obligations on the grant applicant:

- Be a qualified organization
- Meet the application deadlines

- Determine in advance of the application, any zoning, land use, building permit requirements and costs for their project
- Provide a project description, purpose and start and completion target dates
- Include a clear “project management” implementation plan
- Meet the funding limitations and matching funds requirement
- Comply with funding and expenditure timeframe requirements
- Be able to enter into the grant agreement – see Exhibit F
- Submit a project exit/completion report

The Council had no changes to staff’s recommendation for Policy Consideration #5.

Rip Caswell stated as an artist this is very discouraging. It’s so complicated that I don’t see how this vision is going to be accomplished with it. I came in here very hopeful but leaving very discouraged to be honest. It’s going to get dispersed into a multitude of things and we’re not going to have anything lasting to show for it. You’re going to have to hire a grant writer and pay them thousands of dollars to write your grant for you to be able to be compliant to all of this.

Councilor Wilson replied but a lot of non-profit organizations are used to doing this. This isn’t geared for a private business to apply for. This is set up so a non-profit has to handle it or the City has to handle it. The weights not on you, it’s on a non-profit.

Councilor Allen stated it seems to me that the only people that can afford to do this would be from outside the City.

Rip Caswell replied even our Troutdale Historical Society had to pay \$2,000 to a professional grant writer to write a grant for something and that was a big stretch for them to come up with that money. That’s 20% right off the top for an administrative thing. We had an opportunity to make a major impact and see this vision happen. I took a survey and got over 250 signatures of local people that want art to happen in the town. We only had 1 person out of all the people that we asked not sign it. I feel like we’re following somebody else’s vision, we’re not following our own.

Mayor Daoust stated one thing we did to address what you’re talking about is we opened up how big the grants could be. We didn’t necessarily think we’d split it up into small pieces.

Rip Caswell replied I like the idea that at least we know we’ve got 50%. If we don’t put that in there then I see it getting hijacked and going into oblivion. You’ll have thousands of people submitting and we won’t have any. I thought the whole idea was to be able to use this as an opportunity to double down towards this being an art town.

Councilor Craddick stated you have to think about why this fund was created in the first place. The reason this was made available to the communities is that these transfer stations are very difficult to site. This is the thanks to those communities that have allowed these proposed facilities to be sited in their community. Because transfer stations from the public’s perspective tend to be pretty objectionable facilities to have in your community. The purpose of the fund is how are we

able to make those facilities better to have in your community. That's why the funds are distributed in the way that they are. The funds really have a higher and different purpose than what Mr. Caswell is referring to.

Mayor Daoust stated the City of Troutdale had in the back of our minds that we would use it or a portion of it for art. These grants have typical grant writing responsibilities. It's a pain in the neck to put a grant like this together. We're not making up all the responsibilities, I think the requirements are Metro code. If we're going to dole out money then we have to follow this grant process.

Claude Cruz, Troutdale Resident, stated I want to back up Rip's perception. I didn't realize it was this sort of a grant program as far as how the monies are regulated. Certainly as a grant program, it makes sense and I think you've done a great job of keeping it as flexible as makes sense for the first year. I think in practice what we'll see is it's really inapplicable to advancing the arts in the way that we envisioned in the City. You might want to think as a Council if there are other ways to serve that need and redirect this to other sorts of applications.

Mayor Daoust stated that kind of leads into the next agenda item. If we develop a public art committee that deals with only art in Troutdale and how to pay for that, outside of the Community Enhancement Program. The other avenue is talking about what a public art committee may come up with as far as what art will be purchased by the City, where it will go, and those types of things. There is that different avenue.

Rip Caswell replied then that would come out of your general fund which goes for other things.

Councilor Wilson stated if there's a City committee for art then the City can apply for the funds and we already have grant writers that can fill them out and send them to the Committee to be voted on.

Councilor Ripma stated this is Metro and I knew it would be complex. I think the obligations for a grant applicant and for spending public funds are quite reasonable and wouldn't require the kind of grant writing skills that you need to apply at a big company that has a foundation. This seems simpler to me and I still thought it could be used to fund the art project.

Councilor Allen asked are we saying that a local government advisory committee can do the grant?

Erich Mueller replied absolutely. The City can apply for a grant under the program. One of the requirements is that it has to go through the exact same process as any other applicant. You've got to fill out the form, you have to meet all the requirements, you have to provide all of the information, and it has to be considered in the same manner as the applications from a 501(c)(3), the Historical Society, or anybody else. It has to be judged on an even playing field. The City decision maker may be more informed about it simply because of where it's come from but it still has to go through the same public process and same evaluation.

Councilor Wilson stated that is another reason I wanted to try to limit it so it wasn't perceived from the community that we were applying and trying to take up all the money. That's one of the

reasons I was putting a cap so if the City wanted to do something it couldn't utilize the whole amount so that other people that apply could get some of the money.

Mayor Daoust stated in the first year we're not going to be expecting professionally prepared grant applications. I can't imagine that the obligations of the grant applicant can't be answered fairly simply. Rip could write up a project description, an implementation plan, and what will be done in certain months. You can make simple statements that give the committee a good picture of what's planned, what you're going to spend your money on, and not get too professional about it.

Claude Cruz stated I think a very good solution is to have a small committee to help with the vetting of the proposals. They would have access to the rationale behind each proposal. Then they make the choices and provide the administrative support to generate the grants in conjunction with the applicant so that they are unburdened for most of that tracking process and application process. That committee is also responsible for tracking progress.

Councilor Wilson stated an individual person such as Rip or myself cannot apply for one of these grants.

Councilor Craddick stated Oregon City, Forest Grove, and Portland have had these in place for quite awhile. Non-profits and groups that you've identified in your code have been applying for these grants for awhile. They are able to do it and it's not as complex as it may appear right now. After the 1st year I think the community is going to see that this is a lot easier than you may think. You don't have to hire a professional grant writer. The committee's charge is in Metro's code, they review the proposals and are not there to help write the proposals.

Erich Mueller stated Policy Consideration #6, Administrative Obligations, is just a recap of the extensive administrative reporting and compliance requirements that are on the City as part of the program. This is an area where Councilor Wilson and I are at complete opposite ends of agreement on. I view this program as being a significant administrative burden. Given all of these different reporting requirements, that's part of why the 20% overhead is available because there is going to be significant staff time involved in this process. The last Oregon City committee meeting packet contained 121 pages. The agenda includes dealing with prior meeting minutes, information for extensions for projects that didn't get completed, grant review requests for coming periods, for reviewing of the prior allocations, and reviewing of the exit reports. There's a lot of administrative activity that goes into preparing for the committee. I view it as nothing but administrative expense because the City General Fund doesn't get a nickel for this program, it is just an expense. Having the opportunity to attempt to recover what I think will only be a portion of our cost is why I'm at a disagreement with Councilor Wilson.

Councilor Wilson stated it dilutes the program from what it's supposed to do. We aren't hiring anybody new and we're not increasing anybody's salary with this 20%. If we don't have it we're not going to lay anybody off. If we do have it then it's just getting absorbed into employee expenses that we're already paying for and have already been approved in the City's budget. My thought was that whatever the cost of the printing of materials and getting them distributed can be recovered but I really feel that this program needs to benefit the maximum that it can.

Erich Mueller replied all the time we spend on this is time we're not spending on other things. It isn't that it comes free, we're not hiring somebody else and somebody isn't going to get paid more.

It means some other part of the city is subsidizing it because there's something else we're not spending time on.

Councilor White replied I know we have certain obligations to meet Metro's criteria but I think we could make simpler for staff, simpler for the applicant, and treat it less like a grant and more of an application. I agree it's already a low number and if we start chopping 20% off the top then I think we're cutting the whole program at that point. I think the best solution is to keep it as broad and flexible as we can and simplify it as much as possible.

Mayor Daoust stated a lot of the administrative obligations are annual reports to Metro. I understand what Erich is saying, there's a fair amount of administrative obligations here.

Councilor Craddick replied Metro has responsibilities too because these are public dollars.

Mayor Daoust stated maybe some of these annual reports could be simplified.

Erich Mueller stated it's going to involve staff time from Public Works, Planning, it'll involve my time, and it'll involve the City Recorder's time because all the meetings are public meetings for which there will need to be minutes prepared. It is not 1 partial staff person spending part of the year doing something on the side.

Mayor Daoust stated we are asking staff to do quite a bit but I tend to agree with Councilor Wilson, taking 20% off the top for administration grinds on my teeth. I totally understand what it's for but 20% is quite a bit. Maybe we can document the staff cost for the 1st year and change it in the 2nd year. This is a touchy subject because I fully recognize that staff's going to be busy with this.

Councilor White asked could Council take on some of this workload?

Mayor Daoust replied we could review all of the grant applications.

Councilor Allen stated there's a statement in here that was bothering me that anybody who applies include a supportive document from the local government executive officer. That would mean our City Manager would be arbitrarily determining which ones go before us. I prefer it to be that anything that meets the criteria comes before us and then we can decide which ones should move forward.

Erich Mueller replied that requirement is only if the applicant is the local government. That's not required if it's coming from a non-profit or a school. It's basically so the Parks Department can't decide it'll apply for something without the City Manager signing off on it. The Sandy Drainage District is an eligible entity, they can't apply for a grant unless their Executive Director is going to sign off on it.

Councilor Allen stated I wouldn't want to limit an advisory committee as long as they're meeting the criteria.

Mayor Daoust asked how are grants paid out? Can they submit payment invoices during the project to the City or do we pay them all at once at the end? If they're allowed to submit payment invoices a few times during the year, that's a load on staff to process a payment.

Erich Mueller replied part of that goes to the question at the very bottom of page 3 of the staff report, may grants be funded in advance or only on a reimbursement basis. Typically when the City applies for a grant, as a recipient, they're on a reimbursement basis. We spend the money up front, prepare the reimbursement documentation, and submit it to get reimbursed. When you get to that non-profit group and they're doing a project for \$5,000, do they have \$5,000 of their own money to spend up front or are we going to say that they've been awarded a grant for \$5,000 and once they sign the grant agreement we'll give them a check for \$5,000 to do the project and then at the exit report they have to account for the expenditure of all those funds, provide the receipts, and give us back any money that was not spent.

Mayor Daoust replied I like the 2nd approach. It sounds much easier to just hand them a check up front and ask them to account for it in the end. If we do reimbursements then they could send in multiple payment invoices throughout the year and expect us to reimburse them every time.

Erich Mueller replied particularly if they're a small organization and can only afford to spend \$500 at a time. There are pros and cons to either approach. There's a risk if we give them \$5,000 and the project never gets done and the person that was the lead on the project has moved away, then all of a sudden there is a grant that you could be subject to criticism for that you wasted public funds on and you never got what was promised. That's a risk that you can choose to take. We're not talking about \$500,000. It's just a policy choice that I want the Committee to make rather than something staff assumes.

Councilor Allen stated I don't want to be in a position of collections. I'm thinking that reimbursement sounds good to me. Maybe we can limit the number of reimbursement payments that can be made either by a minimum amount or maximum number of payments.

Councilor Wilson stated I didn't see in the information that we got from Forest Grove or Oregon City how they do this. Do you have any idea how?

Erich Mueller replied I'm not sure about Oregon City off the top of my head. I believe in Forest Grove they provide money up front.

Councilor Wilson stated my preference would be giving them a check up front and then showing their receipts.

Councilor Allen stated I do a lot of volunteer work. I've seen where you get really good support up front with people saying they'll support you and then it comes time to do the work and they're not there. It makes me nervous to give them the money totally up front. I'd rather limit the number of reimbursements.

Mayor Daoust stated reimbursements take a lot of staff time.

Erich Mueller replied also people wanting checks promptly is a challenge. There is a process from a documentation standpoint that we have to go through because I have to answer to the auditors every year. We generally run checks once a week which is a week too long for most of these folks that'll want reimbursement. The challenge is that these are going to be wanting to do something positive in the community and when I bounce it back to them because they don't have

adequate documentation, they're going to go and complain to you and be unhappy with you and it'll be because they're not complying with it and you get put in the hot seat again. There are pro's and con's to both approaches. We could limit the dollar amount that we give them up front, maybe we won't advance more than \$5,000 at any given time. So if we have someone that's up to \$5,000 then we'll give it all to them upfront and if it's a \$15,000 grant then we'll give them \$5,000 and when they document that then we'll give them the next \$5,000. That may be a way to navigate the 2 approaches. I don't want to be dealing with a receipt for \$3.29 because it does chew up staff time.

Mayor Daoust asked has the Council concurred that we are not going to take 20% for administration?

The Council did not want to charge 20% for administration, at least for the first year, and wanted staff to keep track of staff time.

Mayor Daoust asked do you still need an answer on the administrative billing procedures?

Erich Mueller replied I think all the policy choices that I had questions on have been answered. I will revise documents and prepare for a future actual Community Enhancement Program Committee meeting where at the first meeting you will officially establish the boundary area, you'll have the bylaws to adopt, the program criteria, and we'll work on cleaning up some of the other descriptions.

Mayor Daoust asked did we clarify the role of Councilor Craddick? It wasn't clear what role she chose to take.

Erich Mueller stated her staff communicated that Councilor Craddick chose to be the co-chair of the Committee once they start meeting.

Mayor Daoust replied thank you.

Councilor Ripma I'm still not clear whether Oregon City and Forest Grove pay these out upfront.

Councilor Wilson replied Forest Grove does pay it up front.

Councilor Ripma asked did the rest of you agree to pay ours out up front? I'm ok with it if you did.

The Council did not like the option for them to submit payment invoices, they would prefer to award the money up front.

Rip Caswell stated my concern is that art won't even be in the mix in the future if you don't at least give 50% to art. I feel like it'll be a free for all and it'll be whoever has the loudest voice and most polished proposal.

Councilor Ripma stated I would say at least 50% to art and that way we could go more. In my mind that was one of the real reasons for doing this.

The Council agreed that 50% should be for art.

Erich Mueller asked what if we have one or two art proposals that end up using only 15% of the funds available.

Councilor Ripma replied if we found ourselves with extra money that wasn't being used we could carry it over.

Erich Mueller asked to clarify, you would say you would not spend that remaining 35% on any other projects that year?

Councilor Ripma replied if we found ourselves boxed in like that then we'd probably want to change the rules. My answer is yes, I would rather that at least 50% go to art.

The Council also wanted to make sure that if any of the 50% dedicated to art is not awarded that it gets rolled over to the next year.

4. Discussion: Potential Revisions to the Public Art Acquisition Policy.

Mayor Daoust stated I did some research prior to this meeting to see what other cities do and I pulled up Kirkland, Washington's public art policy guidelines and it looked pretty good to me. It addresses all the aspects of donations or loans of artwork, public art acquisition, temporary art exhibits, memorial donations, and the whole nine yards. What they have is a committee that deals with all of that, it's not a subset of the Parks Advisory Committee, it's a separate committee. They can pull a panel of experts into the committee if it gets to be a real artistic challenging question. Then they just recommend to the City Council. Right now we have a 3 tiered approval process. It goes from our subcommittee to our Parks Advisory Committee to the City Council.

Rip Caswell replied as long as it's not part of the Metropolitan Arts Commission then I think you'll be ok. I know that they'll want to get into the Public Art Policies and they charge a fee for that and it really limits the type of art that can go into the City. I talked to Craig Ward and one of the things he mentioned is that it would be better to work with an existing group because if we form another one then staff has to come to another meeting when they're already at a lot of meetings.

Mayor Daoust stated staff covers it either way whether it's a Parks subcommittee or whether it's a different committee.

Erich Mueller stated another challenge is the committee recruitment. There's already challenges getting enough applicants and if we're going to create yet another committee then we'll need even more applicants.

Councilor Ripma asked is there some problem we're trying to fix?

Erich Mueller replied there are 2 basic issues which is why it's on the agenda tonight and why it followed the Community Enhancement Program. The desire is to buy art through that program. The way the policy is currently structured we have to go through this whole convoluted multi step process before the City can even apply for a grant to the Committee. Which seems to be excessively complicated. This is an existing policy and we're getting ready to add this whole new program. The current policy presumably doesn't allow the City Council to make a decision to buy

a piece of art. The way the current policy is, you have to go through this long process. That's why the trout that was recently acquired was somewhat a convoluted and backwards process to clean up at the very end. Because the Council made the determination up front that they liked the piece of art and wanted to get it which they did that out of sequence. When you did it you violated your existing policy. So when you ask if there's a problem to be solved, yes.

Councilor Ripma asked does the policy forbid us from acquiring art?

Erich Mueller replied it doesn't provide for the Council to make a decision to buy art up front. I'm suggesting that you might want to amend the policy so that you have that luxury. An issue that Ed raised as we reviewed the policy is that we can't have an artist on the Ad Hoc Committee because it's a conflict of interest from a State Ethics standpoint. His view is that we can't have artists on the Committee because it puts them in a conflict because it's either artwork of theirs which they have a financial interest in or it's artwork of "a competitor" which then they have an interest to not be supportive of because there are limited funds. It may not be a legitimate conflict from their own personal ethics or motivation but it puts them in an ethical conflict and in the appearance of conflict. It doesn't mean that the Committee can't make use of as many consultants as they want. It doesn't mean that every artist can't attend meetings, they are public meetings, they just can't be a voting member of the selection committee.

Mayor Daoust stated there may be other ways of handling conflicts of interest rather than complete exclusion.

Erich Mueller replied they aren't excluded from participating in the meetings, they're not excluded from being a consultant, they're not excluded from providing input, they just can't have a vote because you're voting to allocate public money. If you want to give them no ability to allocate public money, then they can be on the committee.

Councilor Ripma stated maybe it just needs to say the Committee shall include representatives from the PAC and may consult artists. It could be a simple fix.

Councilor Allen stated if we approve art ourselves and we didn't go through the process, then we have a problem.

Councilor Ripma stated if someone wants to propose an artistic project that they would be applying for a grant, are you saying the City couldn't even entertain the grant application without it first being approved by this process?

Erich Mueller replied if it's a piece of art that the City is going to receive, then the policy in place says any art that's purchased or donated goes through this policy.

Councilor Ripma stated there must be a way to adjust the policy in a way. Let's let Ed propose something.

Erich Mueller replied it's a complicated process as it currently stands and I think we need to revise it. The reason that nothing is proposed is because I wanted to get direction from the Council to see if you wanted it to be revised or not. It went through 4 meetings and took over a year for the Council to adopt this policy. I didn't want to propose changes if you didn't want it changed. I will

meet with Ed and we'll work on a proposal to both update it as well as make it work with the Community Enhancement Program.

Rip Caswell stated I think you should eliminate 1 of them. I'm not sure it's necessary to have a subcommittee of the Parks Advisory Committee.

Mayor Daoust stated do you think maybe my idea of an Arts Committee?

Rip Caswell replied maybe so or just leave it with the Parks Advisory Committee.

Councilor White stated maybe we can change the criteria of the Parks Advisory Committee to be art directed as well.

Erich Mueller asked do you mean to expand their charter?

Councilor White replied yes.

Mayor Daoust stated I don't want to rely on the Parks Advisory Committee to make every decision about artwork in the City of Troutdale.

Councilor Wilson stated Mayor Daoust, I'd like for you to submit your example to Ed along with this to see what he thinks.

Mayor Daoust replied I can do that.

Erich Mueller asked was that from Kirkland, Washington?

Mayor Daoust replied yes.

Erich Mueller stated staff understands that there are difficulties and the Council desires to have those complications simplified and improved. We will work on something to bring back to you.

Councilor Allen stated it could be as simple as if it's Community Enhancement Fee related then the Community Enhancement Committee could make the decision and if it's not then the Council could make the decision, or even a special committee.

Mayor Daoust asked an Ad Hoc Committee?

Councilor Allen replied yes.

Mayor Daoust stated so we could summon the Ad Hoc Art Committee whenever we need them.

Erich Mueller replied some of the way it's structured now is that the Ad Hoc Committee is supposed to be formed when there's a piece of art to be considered. One of the issues is that not all art that comes through the Community Enhancement Program is necessarily going to be a City acquisition. The program provides for improvements to non-profit property that's within the zone. There might be a piece of artwork that is going to go on a church property that the Committee decides they're willing to fund.

Councilor White stated I'm for less committees. If there's a way to do this without forming another committee then I think we should.

Mayor Daoust stated somehow we need to bring artists in.

5. Adjourn

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

Meeting adjourned at 11:20pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

DRAFT

Sarah Skroch, Deputy City Recorder

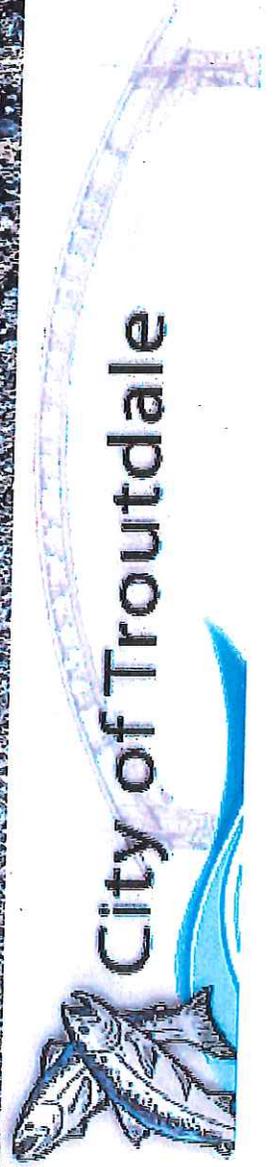
CITY OF TROUTDALE
CITY COUNCIL –Work Session
Tuesday, June 30, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
CLARK WORTH	1211 SW 5 th #2330 97004	503.222.0146
LIBBY BARG	"	"
Claude Cruz	WEGCC	503 799 9667
PAUL WILCOX	TROUTDALE	
Saul Pomperio	R. dr Pomperio	503 319 0318
Rip Cann		
Alison Brown		
Jean Le	1442 Jackson PK	503-319-1110
R Lee	" " "	503 -318-6966
Carol Cole		
Diane Castillo White		888-148

**City of Troutdale
Road Maintenance Funding
Public Outreach Update**

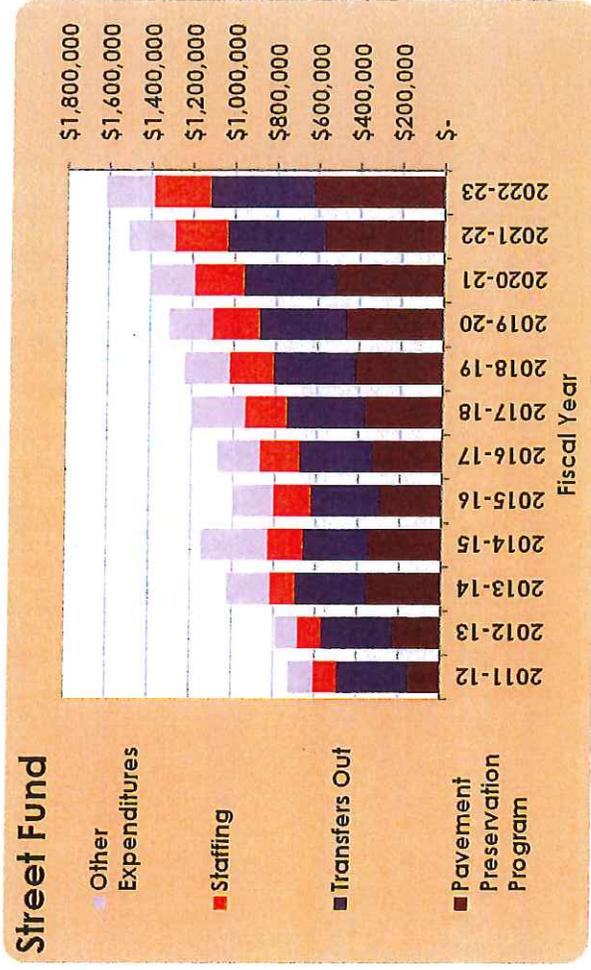
**June 30, 2015
City Council Work Session**



Troutdale Street Fund – Situation

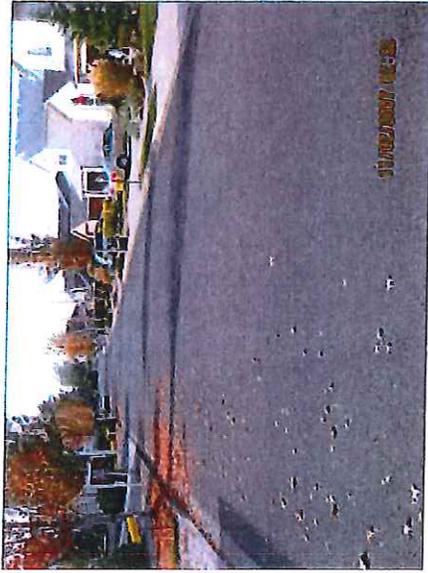
Across Oregon, transportation funding sources and amounts aren't sustainable.

- Troutdale Street Fund revenues come primarily from State Highway Fund – flat/declining revenues around \$800,000/year
- Current funding needs are \$1 million per year, expected to exceed \$1.6 million by 2022-23
- Street Fund balance declining since 2012-13 (down \$270,000 this year)
- Troutdale is studying alternative revenue sources to close the gap: street utility fee, local gas tax



City of Troutdale

New Revenues Would Support Pavement Preservation Program



Preservation avoids
need for more costly
rehabilitation and
reconstruction

Pavement
preservation
includes crack seals,
slurry seals,
overlays



** Every \$1 spent on preservation saves \$3 - \$5 for rehabilitation
or \$8 - \$12 for reconstruction*

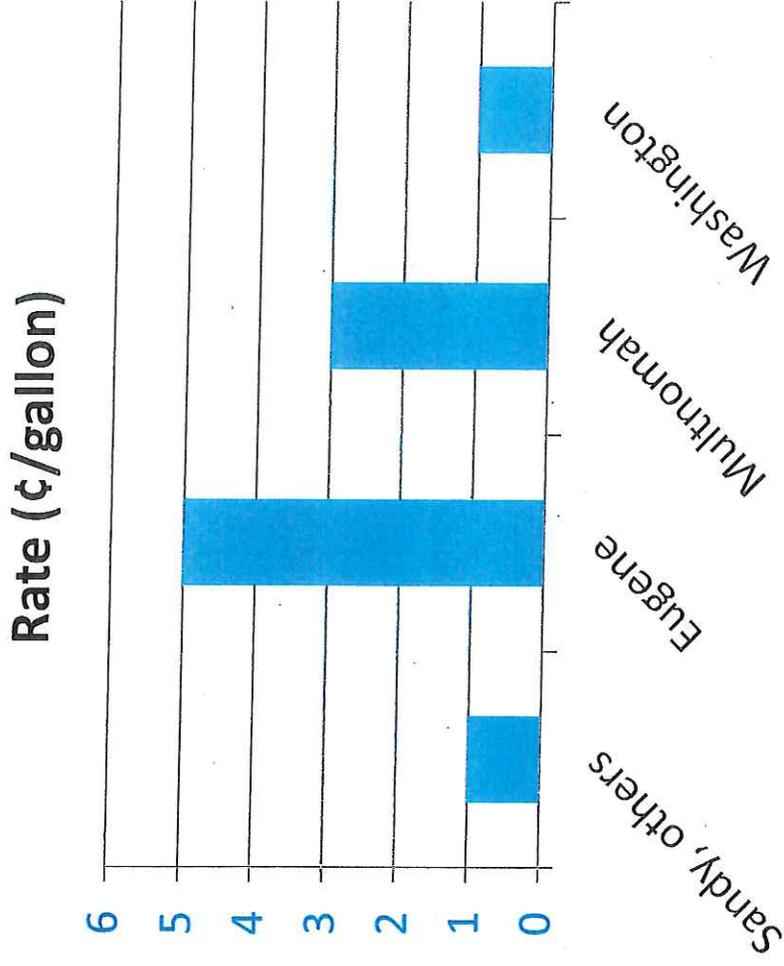


Funding Solutions

- ✓ Transportation Utility Fee: enacted by City Council
- ✓ Local Option Vehicle Registration Fee (counties only)
- ✓ **Local Option Gas Tax: requires voter approval**

Gas Tax – Other Cities & Counties

- 20 Oregon cities have enacted a local gas tax; first was The Dalles (1980)
- Most recent: Cornelius, Hood River, Pendleton, Sisters (2009)
- HB 2001 (2009 Legislature) imposed a moratorium on local option taxes, and required a vote



Current Gasoline Tax Rates*

Oregon pioneered the gas tax in 1919

Federal Gas Tax: 18.4¢/gal

No increase since 1993

State Gas Tax:

Oregon	30.0¢/gal
California	39.5¢/gal
Washington	37.5¢/gal

No increase (1993-2011)

All Revenues – fuel, registration, license (equivalent per gallon):

Oregon	41.9¢/gal
California	\$1.19/gal
Washington	\$1.07/gal
Idaho	71.5¢/gal

*Source: Oregon Department of Revenue



City of Troutdale

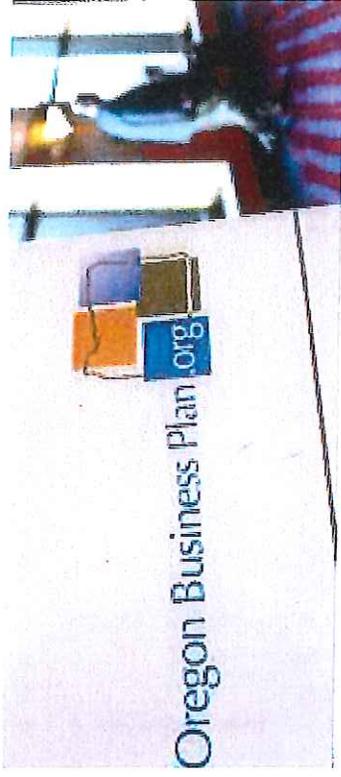
A Top Priority for Oregon's Business Community and Governor

Oregon Business Summit—
January 6, 2015

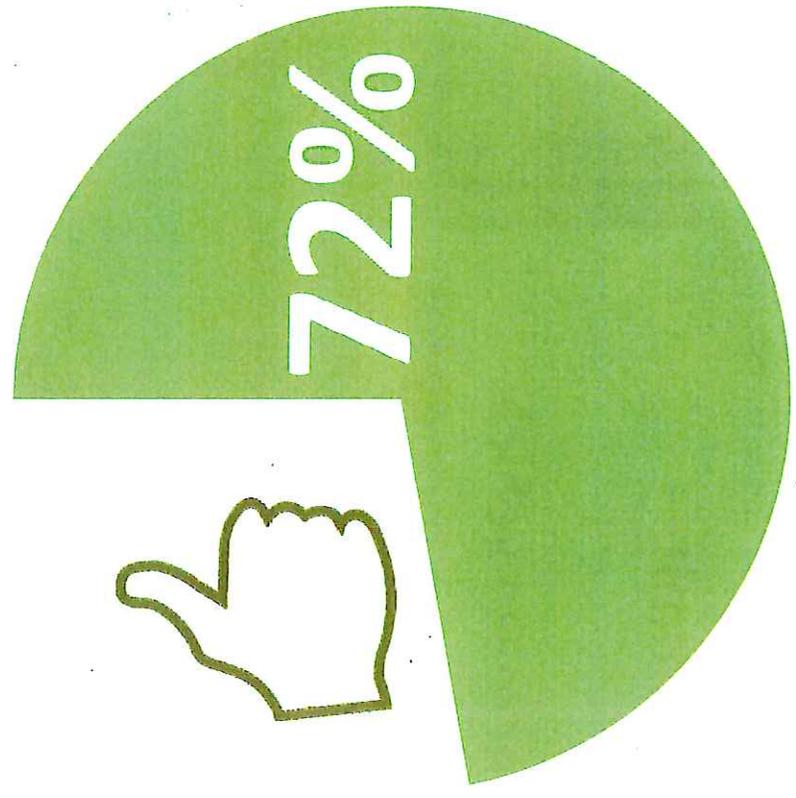
- **Top Priority:** increase vehicle taxes to provide more money for transportation projects.
- The condition of Oregon's infrastructure is a **job killer**.

Governor Kate Brown

- Working with Legislature to secure transportation funding package



72% of Oregonians say road maintenance is important and would support some increase in tax dollars.



2013 Oregon Values & Beliefs Study-DHM Research



2015 Legislature:

State Transportation Package is ~~Stuck~~ **Dead!**

- \$343.5 million compromise includes \$208 million for state and local roads
- 4¢ gas tax increase raises \$103.2 million per year
 - 2016 + 2¢
 - 2017 + 2¢
- Troutdale's share*
 - 2016 \$61,500 per year
 - 2017 \$123,000 per year

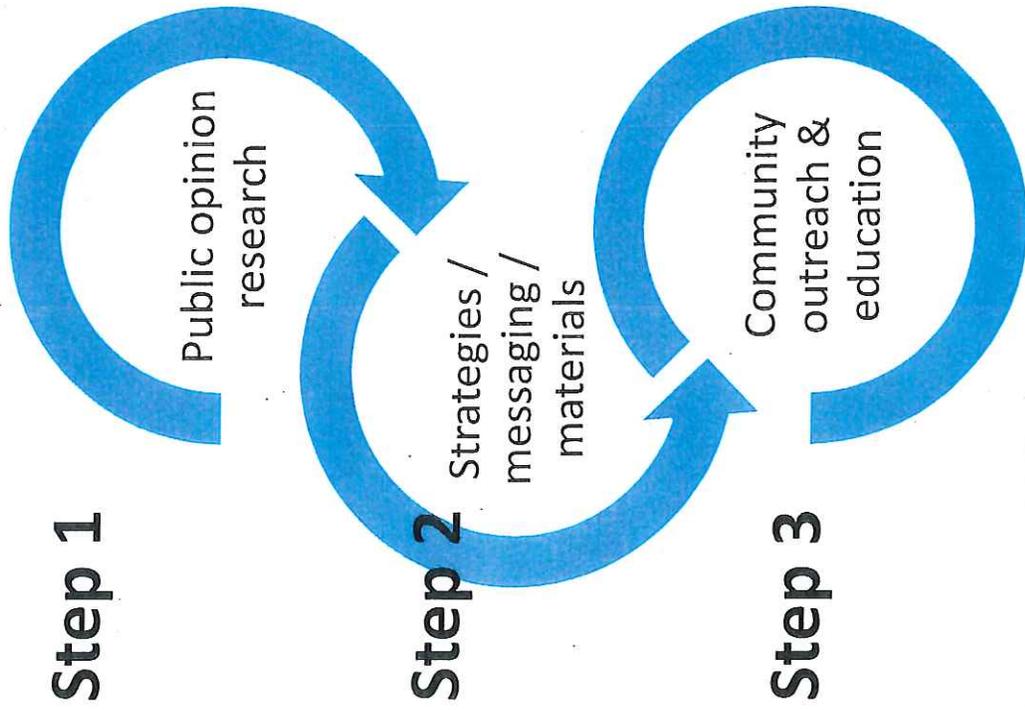
"We worked hard to find a way to address them as a package, but no solution emerged that accomplished that to the satisfaction of all parties."
– Governor Kate Brown

"The votes just aren't there"
– Senate President Peter Courtney

* Assumes current distribution formula retained



Engaging the Community



What do voters think?

- ✓ Stakeholder interviews (includes fuel retailers)
- ✓ Focus groups
- ✓ Community survey



What Citizens are Saying

- Generally happy with the condition of streets and other local infrastructure.
- There's good recognition of Troutdale's road maintenance practices.
- Don't know how road maintenance is currently funded.
- Open to solving Troutdale's shortfall by reprioritizing spending or finding new revenues.
- The local option gas tax is the preferred source if funds are needed.
- "Best advice": effectively communicate the need and how the money will be used.



Engaging the Community

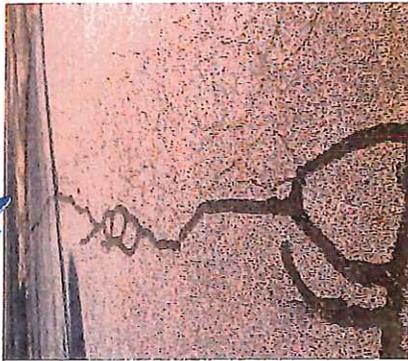
Maintaining Troutdale's Streets— and Saving Money



May 2015

Preventative street maintenance—it's a good investment.

For many years Troutdale's Public Works Department has managed a program to systematically seal and maintain city streets. For a decade, this program has reduced the infiltration of water and debris. Then (usually within a year or two) a second seal—called "slurry"—is applied over the entire street. This combination can add 5 to 10 years to the life of the street before it has to be rebuilt. That saves us all money and helps keep our neighborhoods livable.



Troutdale's preventative maintenance extends pavement life 5-10 years and saves money.

Maintaining Our Streets: 5 Things to Know

- 1 Troutdale has a program to systematically maintain all city streets on an eight-year cycle. This adds 5 to 10 years to their life.
- 2 Every \$1 spent on preservation saves up to \$5 for rehabilitation or \$12 for reconstruction.
- 3 Troutdale City Council is exploring a local gas tax to adequately fund street maintenance.
- 4 Local gas taxes must be approved by voters. 20 Oregon cities have already enacted a gas tax.
- 5 By law, the funds can only be used in Troutdale, and only for road maintenance.

Maintaining Troutdale's Streets— and Saving Money

Every \$1 spent saves up to \$12 for reconstruction.



Outreach to Gasoline Dealers

- Contacted 7 gasoline dealers:
 - 5 multi-state, 2 local
- Their questions:
 - How much? When?
 - Tax administered by Troutdale or State?
 - How will funds be used?
- Strongly support dedicating proceeds for road maintenance
- Concerns:
 - Remaining competitive with nearby cities:
 - prefer Federal or State increase
 - Loss of local customers
- Customer profile:
 - 1/3 of annual business is in June - August
 - Summer customers: 60% are “travelers” 40% are “regulars” (from Troutdale, Cascade Locks, Skamania County, Sandy)
 - Rest of year 50/50 split



Local Option Gas Tax—Election Dates

Three possible election dates were considered for a Troutdale gas tax measure:

- May 19, 2015 Special Election
- November 3, 2015 Special Election
- May 17, 2016 Primary Election



Local Option Gas Tax—Election Date

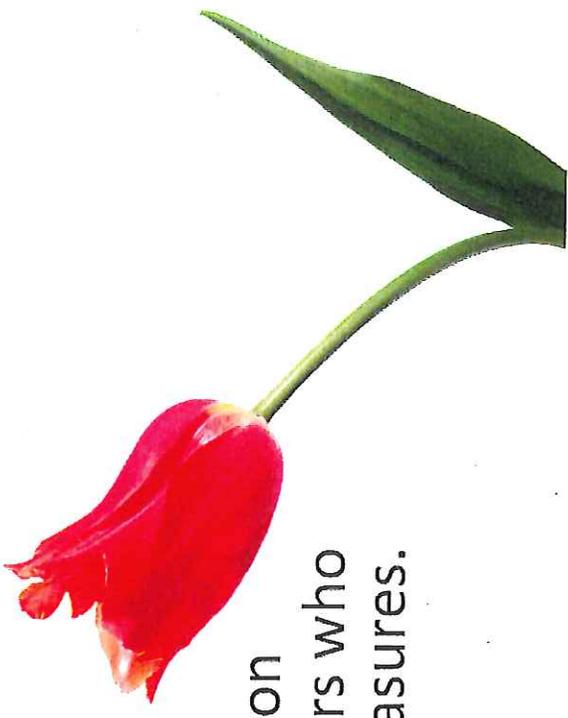
November 2015



- + Draws on current momentum and a strong economy. Opinion research shows potential for voter support.
- + Small number of votes needed to win; grassroots campaign can be effective.
- Low voter turnout; voters are less likely to support money measures
- Less time for public education.

Local Option Gas Tax—Election Date

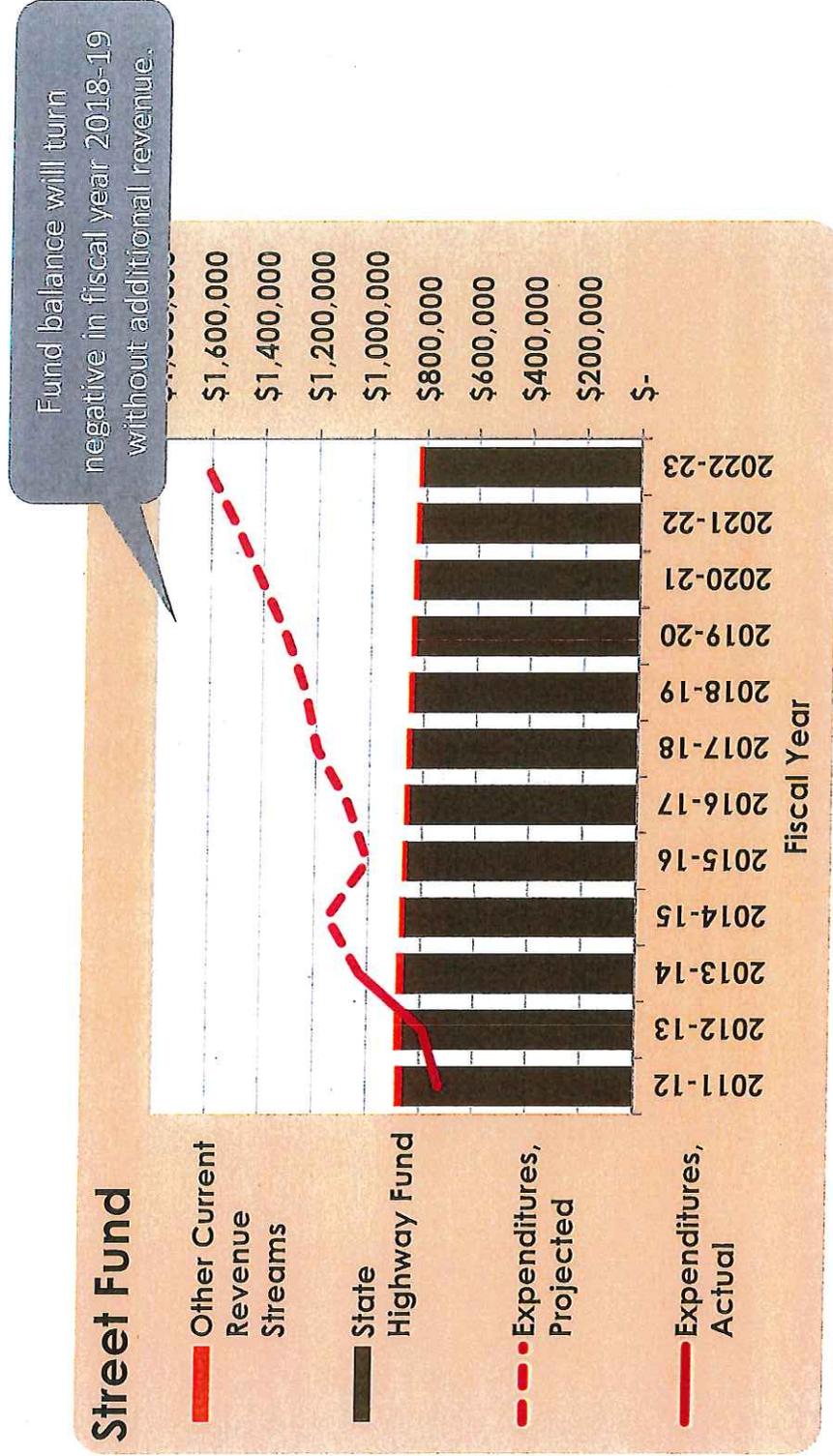
May 2016



- + High voter turnout (Presidential election year) and better cross-section of voters who are more likely to support money measures.
- + More time for public education.
- Loss of momentum; need more resources to sustain public education six months longer.
- Gas tax measure may complete with Mt. Hood Community College funding measure.

Local Option Gas Tax—Tax Rate

5¢ per gallon tax is needed to cover Troutdale's funding gap for the foreseeable future.



Local Gas Tax: Estimated Volume

Cities with a Local Gas Tax	Gallons Sold in 2012-13	Population on July 1, 2012	Gallons Sold per Capita	Current Number of Dealers	Current Tax Rate per Gallon
Astoria	6,598,960	9,555	691	12	\$0.03
Canby	8,391,087	15,865	529	17	\$0.03
Coburg	1,125,432	1,045	1,077	10	\$0.03
Coquille	3,181,358	3,870	822	9	\$0.03
Cottage Grove	11,568,077	9,770	1,184	18	\$0.03
Eugene	59,480,556	158,335	376	36	\$0.05
Hood River	9,146,002	7,375	1,240	9	\$0.03
Milwaukie	11,689,464	20,435	572	19	\$0.02
Newport	8,312,416	10,150	819	11	Seasonal
Springfield	37,101,862	59,840	620	27	\$0.03
Tigard	24,261,498	48,695	498	24	\$0.03
Veneta	2,457,062	4,610	533	7	\$0.03
Warrenton	9,167,003	5,090	1,801	10	\$0.03
Woodburn	11,289,895	24,090	469	27	\$0.01
Troutdale (estimated)	10,443,160	16,005	652	7	

Source: ODOT, Fuels Tax Group; Portland State University, Population Research Center. Note: Coburg does not tax diesel. All other cities do.



Local Option Gas Tax—Tax Rate

Opinion research found little pushback at the level of 5¢/gal

- Stakeholder interviews
- Focus groups
- Community survey
- Gasoline dealers



Maintaining Troutdale's Streets—and Saving Money
Community Survey, June 2015

The Mayor and City Council are considering how best to pay for the city's ongoing road maintenance. Troutdale received enough money from its share of the state gas tax to keep up with road maintenance needs, but as the city has grown and the streets have aged, the state funds are no longer enough. Without additional funding the city will have to cut back on maintenance. That would cause our streets to degrade and cost much more to repair than investing up-front. The City wants to hear from you about the benefits of maintaining our streets and ways to continue the cost-saving road maintenance program.

1. How would you rate the condition of Troutdale's streets?

Very good Good Fair Not sure
 Very poor Poor Very poor

2. How is the City of Troutdale doing maintaining streets?

Very well Well Fair Not sure
 Very good Good Fair Not sure

3. The City Council is considering a local gas tax to continue to pay for street maintenance. Following are some reasons the City Council is considering a gas tax. Please rank the reasons you think are most important on a scale of 1 (not important) to 5 (very important).

All proceeds would be dedicated to maintain our local Troutdale streets.

Reason	1	2	3	4	5
Every \$1 spent on road maintenance saves up to \$12 for reconstruction.	<input type="checkbox"/>				
A large percentage of the local gas tax would be paid by people who don't live in Troutdale, but buy fuel here.	<input type="checkbox"/>				
A local gas tax could be enacted only through a vote of the people.	<input type="checkbox"/>				
At 5¢ per gallon, the average motorist would pay only 5¢ per month or 10¢ per day.	<input type="checkbox"/>				
Maintenance saves money and keeps neighborhoods livable.	<input type="checkbox"/>				
Do you see any drawbacks to a local option gas tax to pay for street maintenance in Troutdale?	<input type="checkbox"/>				

4. Do you see any drawbacks to a local option gas tax to pay for street maintenance in Troutdale?

5. What questions do you have about a local gas tax for Troutdale?

What is the current condition of our streets? How will the money be spent?
 Where would maintenance occur? I don't have any questions
 Another question:

6. If you want to receive updates on Troutdale's street maintenance program and funding solution please provide your name and email address:

Name: _____ Email: _____

ONLINE: www.surveymonkey.com/d/MaintainingStreets
 MAIL TO: City of Troutdale
 Attn: Troutdale's Streets
 342 SW Fourth Street
 Troutdale, OR 97060

Effect at the Pump

Revenue Generated	Number of Fillups	Cost to consumer
\$100K/yr.	1¢ x 20 gallons x 3 fillups	= 60¢/month
\$300K/yr.	3¢ x 20 gallons x 3 fillups	= \$1.80/month (45¢ per week)
\$500K/yr.	5¢ x 20 gallons x 3 fillups	= \$3.00/month (10¢ per day)

Average monthly fuel cost: \$180/month = \$6.00/day



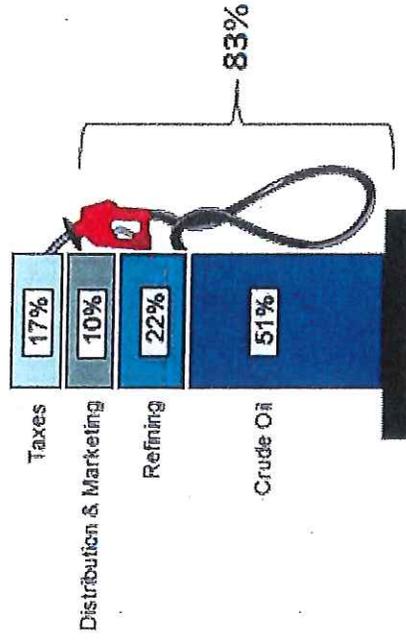
City of Troutdale

Gasoline Pricing – It's Complicated!

- Gasoline prices fluctuate wildly
- There are great disparities within the same region due to zone pricing strategies.
- Even in one small area, there are wide differences between different grades: (20¢ to 40¢/gal in Troutdale)
- Loyalty programs discount up to 50¢/gallon
- Taxes account for a small percentage of the total retail price
- Taxes are collected at the state level, with the burden apportioned by the wholesale gasoline suppliers.

What we pay for in a gallon of regular gasoline:

Regular Gasoline (May 2015)
Retail Price: \$2.72/gallon



U.S. Energy Information Administration



City of Troutdale

Gasoline Pricing – It's Complicated!

Troutdale Gas Stations

Station	Regular	Price Difference*	Regular to Premium Difference
1	\$3.06	0	20¢
2	\$3.06	0	30¢
3	\$3.06	0	36¢
4	\$3.10	4¢	37¢
5	\$3.12	6¢	44¢
6	\$3.14	8¢	20¢
7	\$3.20	14¢	30¢

June 25, 2015*

http://www.motortrend.com/gas_prices/33/oregon/multnomah/troutdale/#ixzz3e70PZ1fw



City of Troutdale

Recommendations: Rate and Timing

- ✓ Develop proposed language for a Troutdale local option gas tax of 5¢ per gallon
- ✓ Place measure on the November 2015 Special Election ballot.

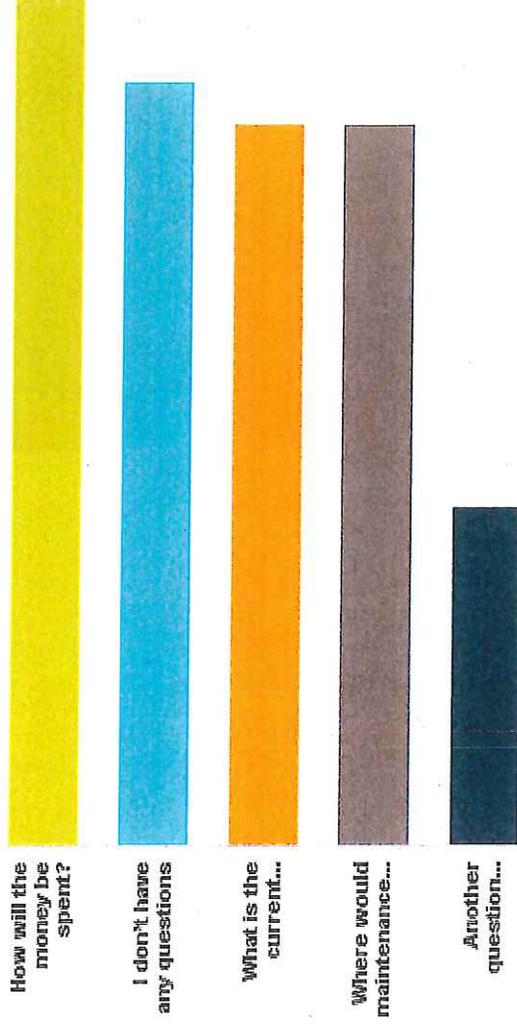
Voter turnout: May 2014	
Oregon	35.9%
Mult. Co.	32.7%
Troutdale	16.5 %/20.5%*
*1,537 ballots cast	



Recommendation: Public Education

- ✓ Continue robust public education program until Election Day.

Q5 What questions do you have about a local gas tax for Troutdale?



City of Troutdale Community Survey: June 2015



Recommendation: Public Accountability

Oregon Constitution, Article IX, Section 3a

Taxes on motor vehicle fuel **must “be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state.”**

- ✓ Develop a public reporting system to track gas tax revenues and program expenditures, to ensure accountability.



Q&A / Discussion



Next Steps

July – November	Continue Public Education
July	Draft Ballot Title
July 14	City Council Approval
August 10	Filing Deadline
August 17	Deadline: Voters Pamphlet
November 3	Election Day





CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution accepting a perpetual, nonexclusive utility easement along NW Graham Road from Roger Tash and Janet Tash

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: September 8, 2015

STAFF MEMBER: Travis Hultin, Chief Engineer

DEPARTMENT: Public Works

ACTION REQUIRED
Consent Agenda/Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Adopt the resolution accepting the easement

EXHIBITS: None; Easement document attached to proposed resolution

Subject / Issue Relates To:

Council Goals

Legislative

Other (describe)
Street improvement project

Issue / Council Decision & Discussion Points:

- ◆ This easement is needed to facilitate the construction of the NW Graham Road improvements
- ◆ The Port of Portland is executing the road construction in partnership with the City
- ◆ The City is and will ultimately be the owner/operator of Graham Road, including the completed roadway improvements
- ◆ The Port of Portland has coordinated this easement acquisition on behalf of the City, and the Port of Portland is compensating the property owners for this easement
- ◆ The property owners have agreed to the easement terms and have executed the easement agreement

Reviewed and Approved by City Manager:

Acting City Manager Scott Anderson

BACKGROUND:

The Port of Portland, in collaboration with Troutdale and other State and regional partners, has commenced construction of a major transportation improvement project in Troutdale, specifically improving NW Graham Road to commercial/industrial standards, appurtenant to the regionally significant Troutdale Reynolds Industrial Park subdivision and brownfield redevelopment project. The planned road improvements necessitate the construction of slopes along the roadway and space for improved utility systems along the road, some of which will require easements from the abutting properties. These easements primarily provide space for slopes needed to support the roadway improvements and for improved utility system that will run along the roadway.

The City is and will ultimately be the owner/operator of Graham Road, including the pending improvements. Therefore, the needed permanent easements must be granted to the City.

The Port of Portland completed all of the required surveying and document preparation for this easement with guidance, review and oversight by City staff. The Port also negotiated with the subject property owners and is providing compensation to the property owners.

The property owners have agreed to the easement terms and compensation and executed the easement agreements.

PROS & CONS:

Pros:

- Provides an easement necessary to complete and maintain the NW Graham Road street improvements and associated utility systems.

Cons

- None

<p>Current Year Budget Impacts <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p> <p>Future Fiscal Impacts: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p> <p>City Attorney Approved N/A <input type="checkbox"/> Yes</p> <p>Community Involvement Process: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p>
--

RESOLUTION NO.

A RESOLUTION ACCEPTING A PERPETUAL, NONEXCLUSIVE UTILITY EASEMENT ALONG NW GRAHAM ROAD FROM ROGER TASH AND JANET TASH

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Port of Portland is constructing improvements to NW Graham Road in partnership with the City of Troutdale
2. Roger and Janet Tash are the owners of the real property identified by State ID # 1N3E23CA-00100
3. A utility easement from Roger and Janet Tash to the City of Troutdale on the above referenced property is necessary to complete and maintain the improvements
4. The Port has prepared the necessary easement documents and Roger and Janet Tash have executed the easement agreement
5. The Port is providing compensation to the property owners in accordance with the easement agreement

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The City of Troutdale accepts the Utility Easement from Roger Tash and Janet Tash, included herewith as Attachment A.

Section 2. This resolution is effective upon adoption

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Debbie Stickney, City Recorder
Adopted:

After recording, return to:

City Recorder
City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060

UTILITY EASEMENT AGREEMENT

This Public Utility Easement Agreement ("AGREEMENT") is entered into by Roger Tash and Janet Tash, each an individual ("GRANTOR"), and the CITY OF TROUTDALE, an Oregon municipal corporation ("GRANTEE"), as of the date the GRANTOR signs the Certificate of Grantor.

RECITALS

A. GRANTOR owns the property described in this Agreement under paragraph 10 (the "Easement Area"). GRANTOR also owns other real property adjacent to and in the vicinity of the Easement Area.

B. GRANTEE is a municipal corporation in the State of Oregon which owns and operates public utilities.

C. The purpose of this Agreement is to grant a utility easement to GRANTEE for access and use of the Easement Area.

EASEMENT GRANTED

1. **Grant.** For TWO THOUSAND ONE HUNDRED EIGHTY TWO DOLLARS AND NO CENTS (\$2,182.00), paid by the Port of Portland, a Port District of the State of Oregon, the full consideration that is acknowledged and received, GRANTOR hereby grants to GRANTEE, and GRANTEE hereby accepts from GRANTOR, a perpetual nonexclusive easement for the Easement Area so that GRANTEE may construct, install, operate, maintain, repair, replace, and/or modify components of public utility systems including, but not solely limited to, water, sanitary sewer, transportation, and storm water systems.

2. **Limitations.** GRANTOR shall not construct, install, nor place any structure, pavement, or vegetation within the Easement Area except for shallow-root grasses and low-growing shrubs (but not trees), fences as permitted by applicable City regulations, and sidewalks or driveways. Any damages to GRANTEE's utilities caused by GRANTOR's construction, installation, or placement of shallow-root grasses, low-growing shrubs, fences, sidewalks, driveways, or any unauthorized structures, pavement or vegetation, within the Easement Area shall be repaired or replaced by GRANTOR, or by the GRANTEE at the GRANTOR's expense, as determined by the GRANTEE.

3. **Use and Access.** GRANTOR shall allow GRANTEE unrestricted access to the Easement Area at all times to properly construct, install, operate, maintain, repair, replace, and/or modify its utilities. Any loss, damage, or destruction caused by GRANTEE to GRANTOR's property that impedes access to the Easement Area or in performing the aforementioned actions within the Easement Area, whether or not such loss, damage or destruction was to GRANTOR's shallow-root grasses, low-growing shrubs, fences, sidewalks or driveways that are allowed in accordance with paragraph 2, shall be the responsibility of GRANTOR.

4. **Binding Effect, Run with the Land.** This Agreement shall run with the land as to all real property burdened and benefited, and shall inure to the benefit of GRANTOR, GRANTEE and their respective successors and assigns.

5. **Attorney Fees.** In the event legal action is commenced in connection with this Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and any appeal therefrom. The term "action" shall be deemed to include action commenced in the Bankruptcy Court of the United States and any other court of general or limited jurisdiction. The reference to "costs" includes, but is not limited to, deposition costs (discovery and otherwise), witness fees (expert and otherwise), out-of-pocket costs, title search and report expenses, survey costs, surety bonds and any other reasonable expenses.

6. **Severability.** If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

7. **Integration.** This Agreement constitutes the entire, final and complete agreement of the parties pertaining to this utility easement, and supersedes and replaces all other written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Easement Area is concerned. Neither party shall be bound by any promises, representations or agreements except as are expressly set forth herein.

8. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the state of Oregon. The parties agree to venue in Multnomah County, state of Oregon.

9. **Nonwaiver.** Failure by either party at any time to require performance by the other party of any of the provisions in this Agreement shall in no way affect the party's rights under the Agreement to enforce the provisions in this Agreement, nor shall any waiver by a party of the breach of the provisions in this Agreement be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

10. **Easement Area.** The Easement Area is more particularly described on Exhibit "A" and shown and legally described on Exhibit "B", attached hereto.

CERTIFICATE OF GRANTOR

I, ROGER + JANET TASH owner or the authorized representative of the owner of the property described above, hereby certify that the foregoing easement is granted to the City of Troutdale.

Dated this 21 day of August, 2015.

Janet Tash Roger Tash
Grantor's Signature

ROGER TASH Janet TASH
Grantor's Typed or Printed Name

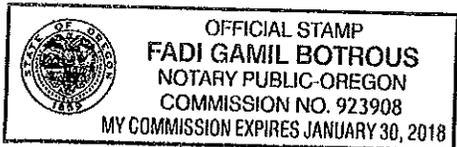
3381 SW MILLER DR.
Address

GRESHAM, OR 97080
City, State, Zip Code

503-260-3677
Telephone Number

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

Personally appeared the above named Roger & Janet Tash and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.



BEFORE ME: Fadi Botrous
Notary Public for Oregon
Commission Expires: January 30, 2018

(seal)

CERTIFICATE OF GRANTEE

I, _____ Recorder of the City of Troutdale, hereby certify that the foregoing easement was accepted by the City Council of the City of Troutdale on the ____ day of _____, _____ by Resolution No. _____.

Dated this _____ day of _____, _____.

City Recorder

(seal)

APPROVED AS TO FORM:

By: _____
City Attorney

STATE OF OREGON)
) ss.
COUNT OF MULTNOMAH)

Personally appeared the above named City Recorder and acknowledged the foregoing instrument to be the voluntary act and deed of the CITY OF TROUTDALE.

BEFORE ME: _____
Notary Public for Oregon
Commission Expires: _____

(seal)

EXHIBIT A

UTILITY EASEMENT DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ROGER AND JANET TASH, RECORDED MARCH 23, 2012, IN DOCUMENT No. 2012-034613, MULTNOMAH COUNTY DEED RECORDS LYING ON THE NORTH RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 88°29'03" WEST, 42.57 FEET; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 01°31'00" WEST, 10.00 FEET; THENCE NORTH 88°29'03" EAST, 38.11 FEET TO THE EASTERLY LINE OF SAID TASH PROPERTY; THENCE, ALONG SAID EASTERLY PROPERTY LINE, SOUTH 25°33'50" EAST, 10.96 FEET TO THE POINT OF BEGINNING, CONTAINING 404 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

UTILITY EASEMENT DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTH-WEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ROGER AND JANET TASH, RECORDED MARCH 23, 2012, IN DOCUMENT No. 2012-034613, MULTNOMAH COUNTY DEED RECORDS LYING ON THE NORTH RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 88°29'03" WEST, 42.57 FEET; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 01°31'00" WEST, 10.00 FEET; THENCE NORTH 88°29'03" EAST, 38.11 FEET TO THE EASTERLY LINE OF SAID TASH PROPERTY; THENCE ALONG SAID EASTERLY PROPERTY LINE, SOUTH 25°33'50" EAST, 10.96 FEET TO THE POINT OF BEGINNING, CONTAINING 404 SQUARE FEET, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

PARCEL 1 & 2 - TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

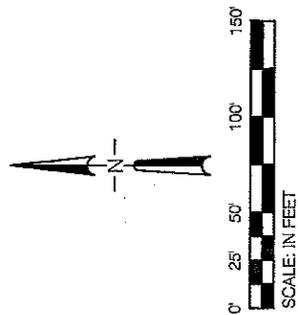
A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ROGER & JANET TASH, RECORDED MARCH 23, 2012, IN DOCUMENT No. 2012-034613, MULTNOMAH COUNTY DEED RECORDS LYING ON THE NORTH RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 88°29'03" EAST, 24.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 01°30'57" WEST, 23.00 FEET; THENCE NORTH 88°29'03" EAST, 48.00 FEET; THENCE SOUTH 01°40'57" EAST, 23.00 FEET TO POINT "A" ON SAID NORTH RIGHT OF WAY LINE; THENCE, ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 88°29'03" WEST, 48.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,104 SQUARE FEET MORE OR LESS.

TOGETHER WITH THE FOLLOWING TRACT OF LAND:

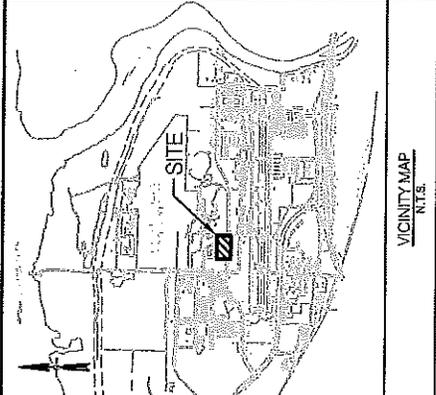
COMMENCING AT THE PREVIOUSLY DESCRIBED POINT "A"; THENCE, ALONG SAID NORTH RIGHT OF WAY LINE OF NW GRAHAM ROAD, NORTH 88°29'03" EAST, 54.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 01°30'57" WEST, 23.00 FEET; THENCE NORTH 88°29'03" EAST, 37.00 FEET; THENCE SOUTH 08°56'50" EAST, 23.19 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE, ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 88°29'03" WEST, 40.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 885 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.



GRAPHIC SCALE - FOR REFERENCE ONLY

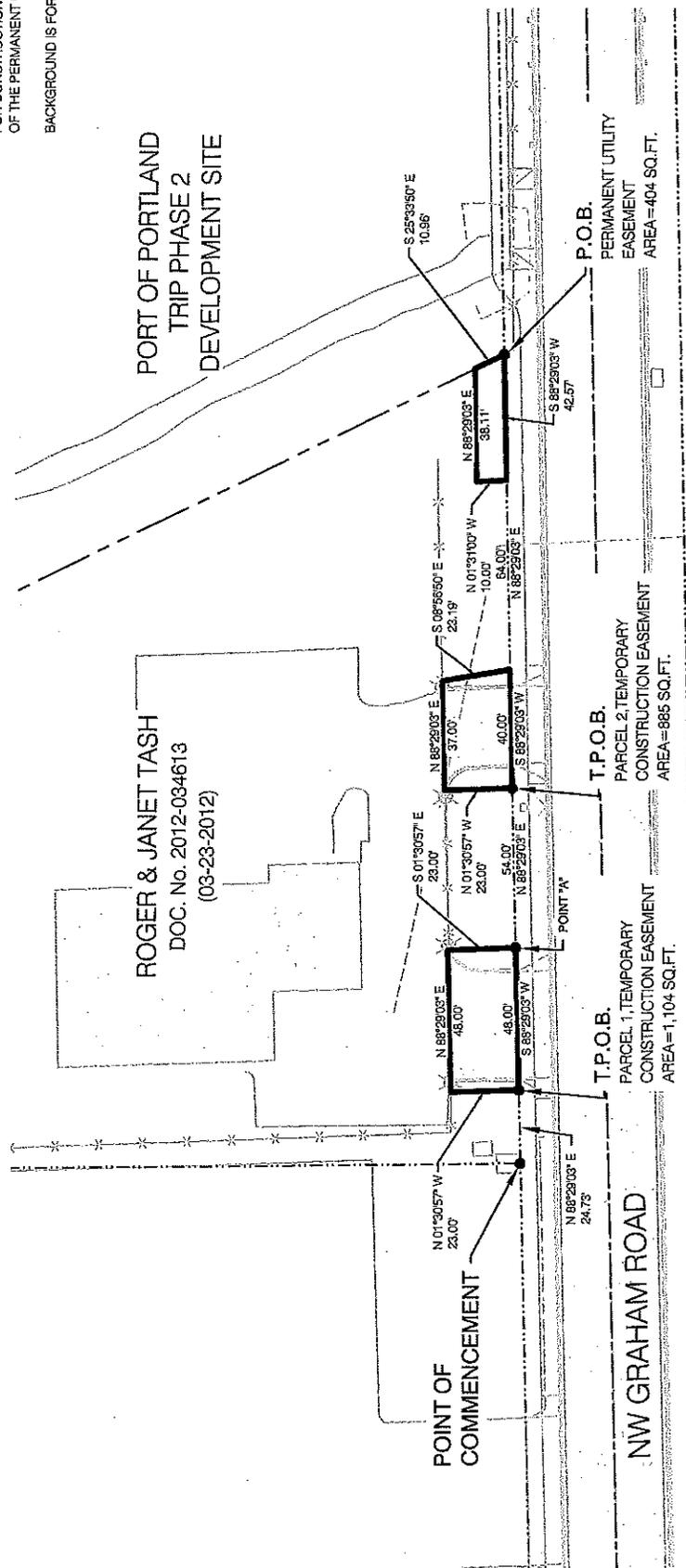
CAN YOU SEE THE AIRPLANE? THE ADJACENT SAMPLES SHOW THREE DIFFERENT LEVELS OF SHADING. VISIBLE. THIS GUIDANCE IS PROVIDED FOR REFERENCE ONLY.



VICINITY MAP
N.T.S.

NOTES:

THE PURPOSE OF THIS DRAWING IS TO SHOW THE LIMITS OF THE TEMPORARY CONSTRUCTION EASEMENTS FOR THE GRAHAM ROAD IMPROVEMENT PROJECT SLATED FOR CONSTRUCTION IN 2015-2017 AND THE LOCATION OF THE PERMANENT UTILITY EASEMENT.
BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.



		TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE TWO PUBLIC IMPROVEMENTS - GRAHAM ROAD TEMPORARY CONSTRUCTION & PERMANENT UTILITY EASEMENT - TASH PROPERTY	
DESIGNED BY	C. VANDERWERF	DRAWN BY	P. SHIELDS
CHECKED BY	R. ALDERSEDALES	DATE	JAN 2015
SIGNED	<i>Christopher M. Vanderwerf</i>	SCALE	1" = 50'
REGISTERED PROFESSIONAL LAND SURVEYOR	OREGON 2719	PROJECT NUMBER	101844
DESIGN NUMBER	20180025	DATE	5-19-15
EXP.	6/30/2016	TRIP	2015-9
DATE	5/19/2015	BY	RYAN PARKER
REVISIONS	APPROV	CD/D	1/1
NO.	DATE	BY	TYPE
			EP
			(SU-1)

MAKING A
GREAT
PLACE



Metro update

Troutdale City Council

Councilor Shirley Craddick
September 8th, 2015

Agenda Item #5
9/8/15 Council Meeting

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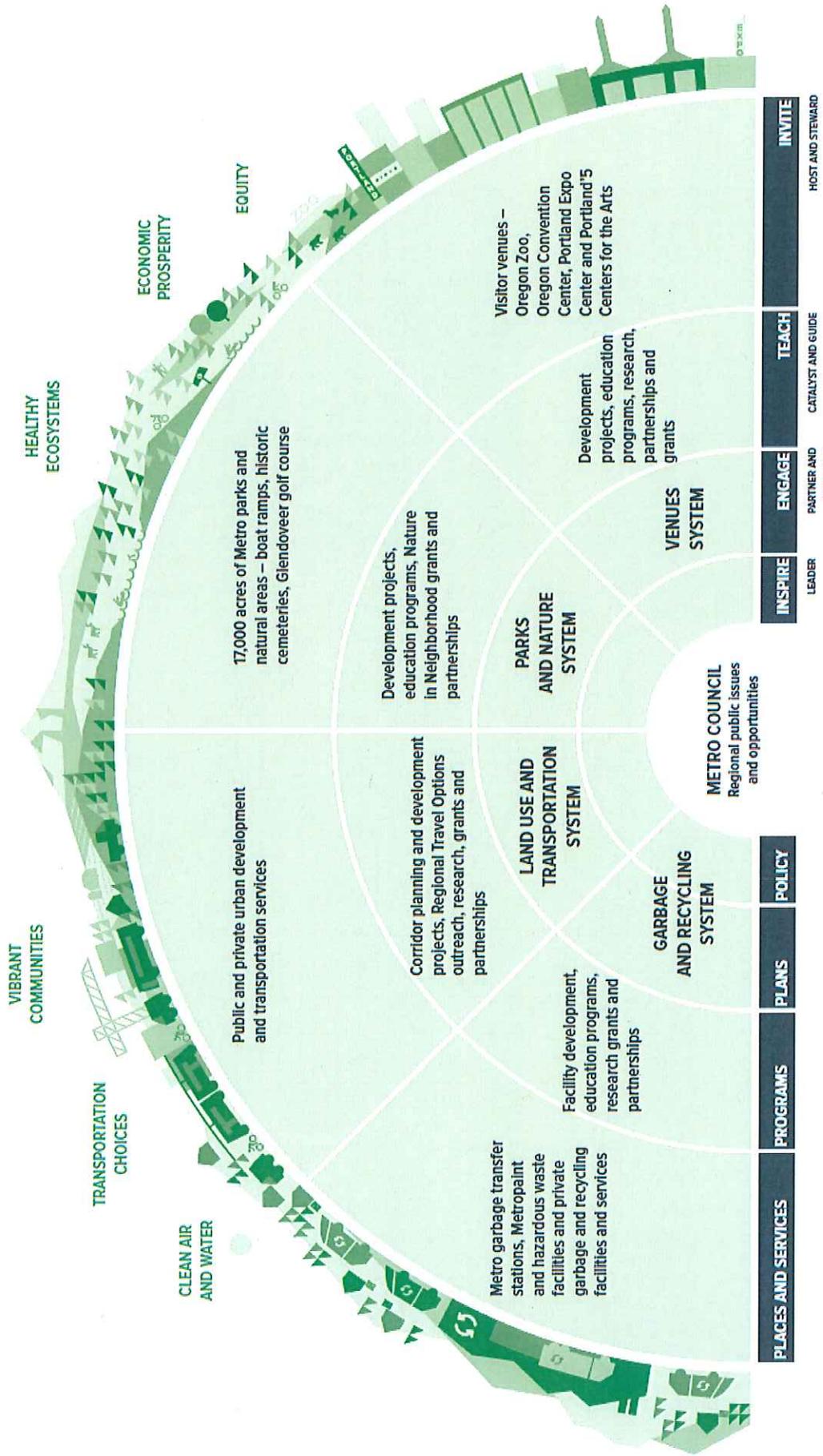
Updates to share



- Transportation planning and projects
- Solid waste roadmap
- Parks and natural areas activities
- Status of growth management decision
- What's new at the Oregon Zoo, the Expo Center and Portland's Centers for the Arts

How Metro works

Making a great place

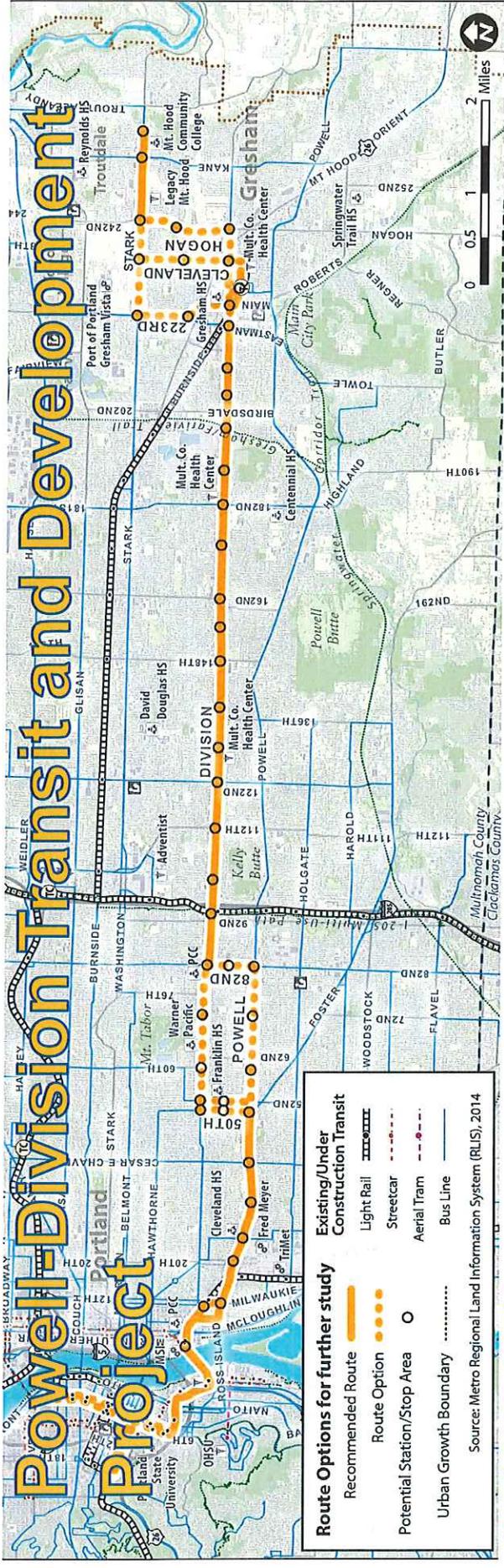


QUALITY OF LIFE VALUES

Residents of the region value clean air and water, access to nature, safe and reliable transportation, healthy neighborhoods, job and business opportunity.

Metropolitan region systems and services:

- Require coordination across city and county boundaries
- Provide equitable distribution of public benefit and cost
- Demonstrate cost efficiency or economy of scale
- Fill a gap or seed innovation
- Help shape the future of the region



Decisions made:

- Bus rapid transit
- Tilikum Crossing to Powell Blvd transitioning to Division St to Mt Hood Community College

Portland route options:

- Downtown Portland
- 50th/52nd Ave
- 82nd Ave

Gresham route options:

- Main Ave/223rd Ave
- Cleveland Ave
- Hogan Rd

Regional Transportation Planning



- 2018 Regional Transportation Plan update getting underway
- Regional Transit System Plan
- Regional Flexible Fund Allocation policy update and implementation

2015 Growth Mgmt Decision



- COO recommendation released in August
- Focus on the investments we need for today's communities
- Revisit our decision in 2018

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Solid Waste Roadmap



- How best to manage garbage and other materials in future
- How to position the region to achieve better use of discarded materials
- How the region's solid waste system can best meet the needs of the public

Improving Regional Equity



- Ensuring a healthy, strong region for all of our residents
- Focusing on a strategic approach to improving outcomes

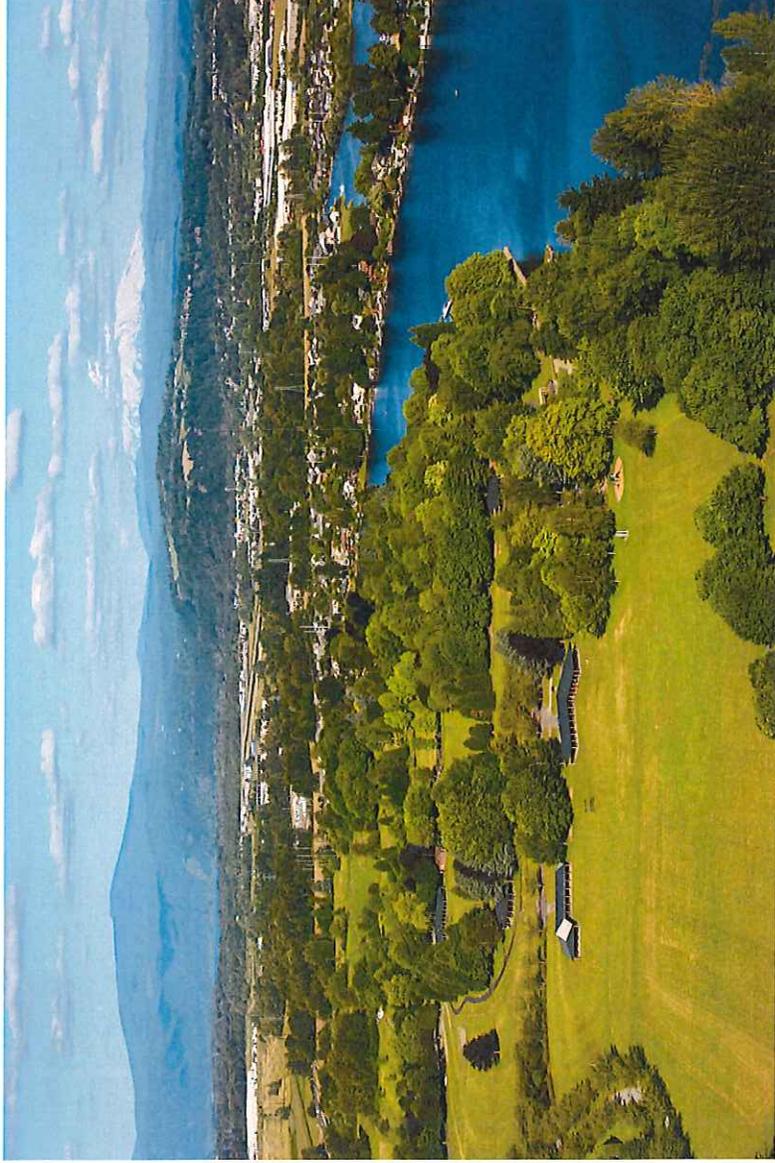
Parks and Natural Areas



- Parks and Natural areas system plan
- Capital grants and Conservation Education grants awarded this summer
- Grant opportunity for regional trails. Deadline for applications is November 3rd, 2015 (<http://www.oregonmetro.gov/tools-partners/grants-and-resources/trails-grants>)

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Blue Lake Regional Park



- Working on our master plan for the park
- Learn more and voice your opinion: oregonmetro.gov/bluelakeplan

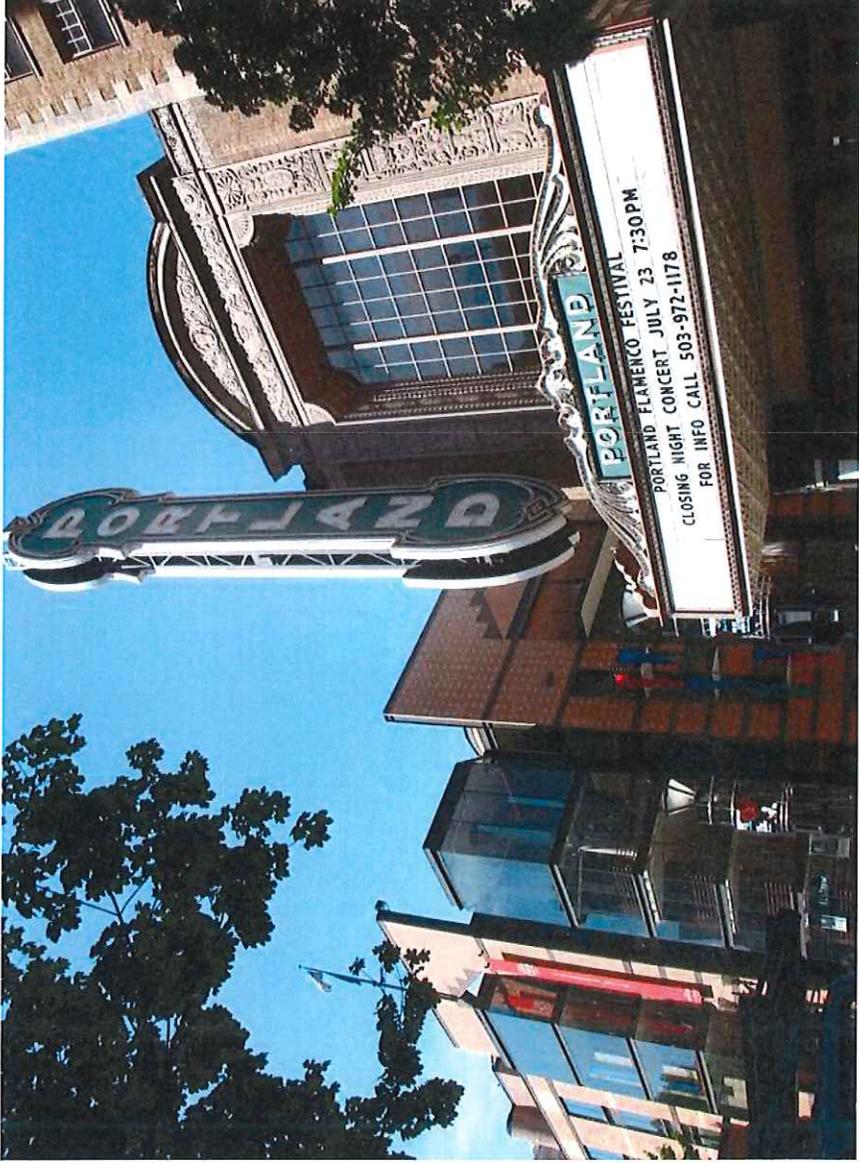
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Oregon Zoo



- Ground broken Sept. 1 for new conservation education center
- A hub for the thousands of children who participate in zoo camps and classes each year

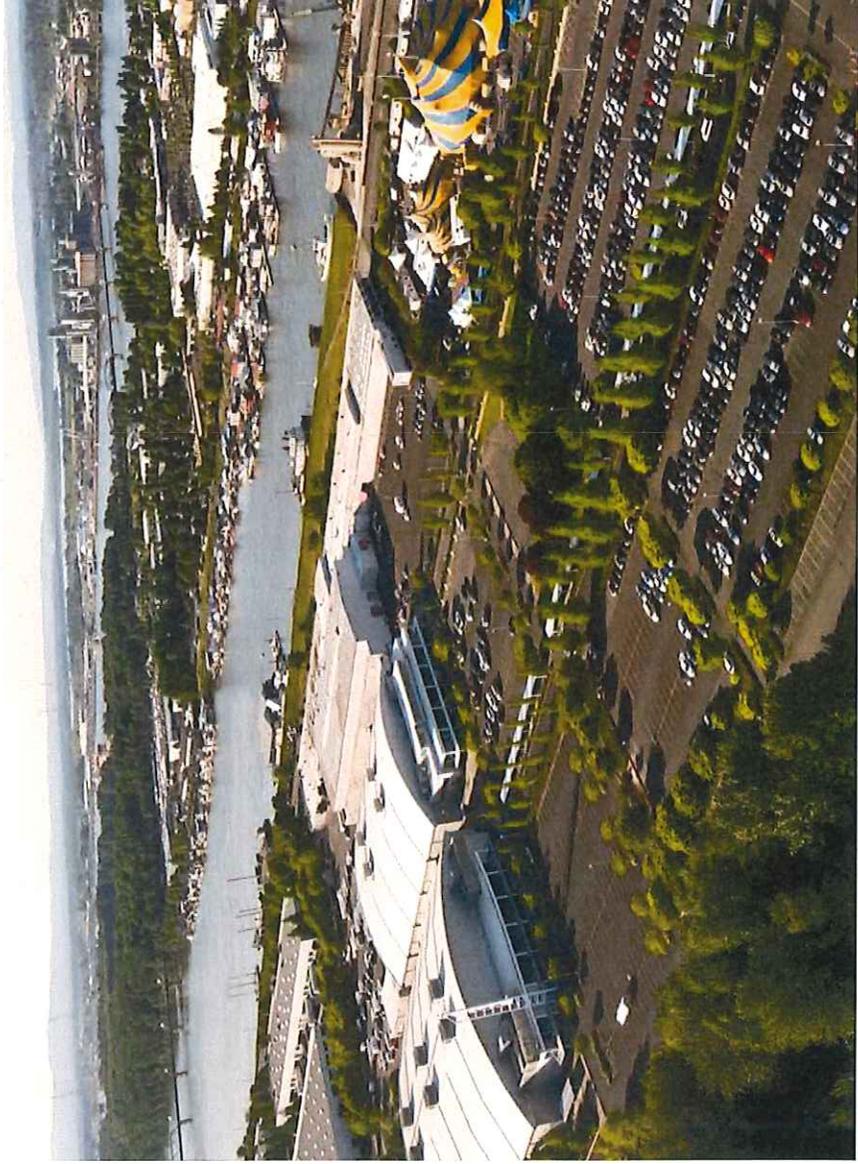
Portland's 5 Centers for Arts



- Buena Vista Social Club on Oct. 4 at Arlene Schnitzer C.H.
- Tchaikovsky's Symphony No. 5 at the Schnitz Oct. 24-26
- Jeff Foxworthy & Larry the Cable Guy on Nov. 20

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Expo Center

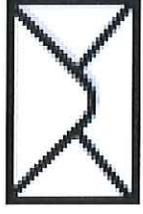


- Portland Fall Home & Garden Show
Oct. 1-4
- America's Largest Antique & Collectible Show,
Oct. 23-25
- RV & Van show
Nov. 12-15

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Your questions...

Shirley Craddick
Metro Councilor, District 1
503-797-1547
shirley.craddick@oregonmetro.gov



www.oregonmetro.gov/connect



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Accepting the Recommendations of the Parks Advisory Committee, and Establishing, Naming and Funding of Visionary Park.

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: September 8, 2015

STAFF MEMBER: Erich Mueller
DEPARTMENT: Finance

ACTION REQUIRED
Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Approval from Parks Advisory Committee

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Approve the proposed resolution.

- EXHIBITS:** A. Visionary Park Concept layout
B. Sam Lancaster statue concept
C. Preliminary Planning Cost Estimate

Subject / Issue Relates To:

- Council Goals Legislative Other:

“Put concerted effort into finishing Visionary Park before June 2016, in time for the 100-year Celebration of the Historic Columbia River Highway. Add it to Parks Master Plan and CIP list. Support other community, Chamber, and Troutdale Historical Society events related to this once-in-a-lifetime event.”

Issue / Council Decision & Discussion Points:

- ◆ Support for the Historic Columbia River Highway Centennial Celebration
- ◆ Public involvement and funding concerns
- ◆ Scope and limit of City responsibility for Visionary Park and Lancaster statue
- ◆ Budget approval and staff direction
- ◆ Officially name the park Visionary Park

Reviewed and Approved by City Manager:

BACKGROUND:

The Columbia River Highway is the first scenic highway in the United States. The highway was conceived of by Sam Hill, who hired Sam Lancaster as his chief engineer for the project. The highway was dedicated in 1916 and was the first highway in the US constructed primarily for sightseeing.

The Troutdale Historical Society has been planning and working toward the centennial anniversary of the Historic Columbia River Highway for the past few years, which has in part resulted in their recent "*King of the Roads*" exhibit.

In June 2014, a group of residents, the Visionary Friends of Troutdale, and renowned local artist Rip Caswell began discussions for a proposed Visionary Park, with a statue of the Sam Hill and Sam Lancaster builders of the Historic Columbia River Highway.

Public Discussion Timeline:

At each of the prior seven public meetings noted below, informal support has been expressed by elected officials, committee members, and members of the public, for the concept of the Visionary Park and Lancaster statue. Over the past year the project scope and estimated cost have evolved.

November 25, 2014 Rip discussed the idea with the Council at the work session on Mayor's Arts Initiative, where the location concept layout and statue drawings were presented.

The vision and project costs were discussed at the mid-year Budget Committee work session December 2, 2014.

The Council discussed further the concept at their February 24, 2015 meeting, and directed staff to proceed with obtaining the jurisdictional transfer of the right-of-way from Multnomah County for location of the statue.

The Budget Committee again discussed the project at their April 27, 2015 meeting.

June 23, 2015 Council work session included discussion of the potential park plans, schedule and funding needs and options. The Council requested the position of the Parks Advisory Committee (PAC) on the proposed park and funding the park using Parks SDCs or contingency. Rip indicated that he was prepared to donate the Lancaster statue for the park and to complete the stonework.

July 8, 2015 the PAC discussed the proposed new park, the name Visionary Park and the preliminary cost. The PAC unanimously approved recommending to the City Council creating the new park, naming it Visionary Park, and spending up to \$60,000 for its construction before the June 2016 centennial celebration.

At the July 14, 2015 City Council meeting Steve Gaschler, Public Works Director, reported the Parks Advisory Committee's unanimous recommendation to create a new park named Visionary Park, and to spend up to \$60,000 for its construction before the June 2016 centennial celebration. As the Council had discussed the matter at some length June 23, 2015, they quickly reached a consensus to accept the PAC recommendations and move forward with the project.

While the Council reached a consensus to accept the PAC recommendation to prepare for the donation of the statute, subsequent to the meeting concerns were expressed regarding the informal approval process and potential cost increases should the project scope expand.

Project Costs:

Throughout the numerous previous public discussions above, a variety of project costs have been discussed and have ranged widely depending on the degree of the City's role in the project.

Visionary Park project preliminary cost estimates previously discussed in 2014 include: Sculpture \$100,000, Site engineering, design, and construction \$60,000, and project contingency of \$15,000 totaling \$175,000.

Current Status:

To date staff has proceeded based on the numerous Council statements of support at the public discussions mentioned above. However, while the discussions have been positive and supportive of the project, the only formal approval on the record has been from the PAC.

The proposed resolution tonight provides for a more formal record of approval, staff direction and authorization. The resolution also seeks to more clearly define the scope and limit of the City's responsibility for the park and statue project.

Project Scope:

At present the project scope includes:

- a) City obtaining the jurisdictional transfer of the right-of-way from Multnomah County; and
- b) Council consensus to accept the PAC recommendations and spend \$60,000 to prepare the site for the donation of the statute.

There have been varying descriptions of what the \$60,000 would include. It is necessary to more specifically define the scope of work to be accomplished by the City within the \$60,000 expenditure. Rip has indicated he would need the site prepared to the point that all that is left for him to complete is the stonework and placing statue on top of the pedestal. Other descriptions have referenced the City providing the stonework.

At present the “**site preparation**” scope and limit of up to \$60,000 is defined to include only:

- Contractor mobilization and demobilization, traffic control, construction admin
- grading, construction and storm water permits
- Engineering planning and site design
- site work, excavation and removal
- utility line locate and repositioning
- curb and gutter construction
- storm water control facilities
- foundation and pedestal
- stonework
- lighting
- signage
- sidewalks
- landscaping

As the statute specifications have yet to be established, (including weight, pedestal diameter and height), the costs for the required volume and type of materials are unknown. The costs for the project **may not** be able to be paid within the \$60,000 authorization, if the size, scale and volume of the project components expand beyond the quantities which the cost estimate was based. Gaps in expectations for the project scope remain. Attached Exhibit C is the preliminary planning cost estimate, which may vary by 50%.

Costs specifically **NOT** included in the \$60,000 budget are the demolition of the garage which straddles the right-of-way line, and any commemorative marker or plaque.

Concerns have been raised comparing this project to the Arch project. Both projects were driven by community interests rather than being traditional City initiated, planned and managed projects. While the Arch was well received when completed, the final cost was beyond what many had expected as the expectations for the project continued to be expanded. The Visionary Park project has been discussed for more than a year and the project description and City's role has continued to evolve. The resolution tonight is, in part, intended to specifically define and limit the scope of work to be accomplished by the City. Keeping project expectations clear and realistic will hopefully avoid dissatisfaction over the project.

SUMMARY:

We do not know all the information we would like, but are proceeding based on the best information we have at this stage. To keep the project moving forward for its construction before the June 2016 centennial celebration, the resolution authorizes the \$60,000 for site preparation costs, and directs the City Manager to negotiate a written agreement with Rip to establish the site specifications, agreement to donate the statue, and his removal of the garage straddling the right-of-way line.

PROS & CONS:

- A. Approve the resolution providing formal approval of the new park, park name and site preparation funding.
- B. Not approve the resolution and reject the PAC recommendations and suspend preparation for Visionary Park and potentially miss the construction season for project completion prior to the June 2016 centennial celebration.

Current Year Budget Impacts: Yes, increase in Parks Department expenditures by up to \$60,000

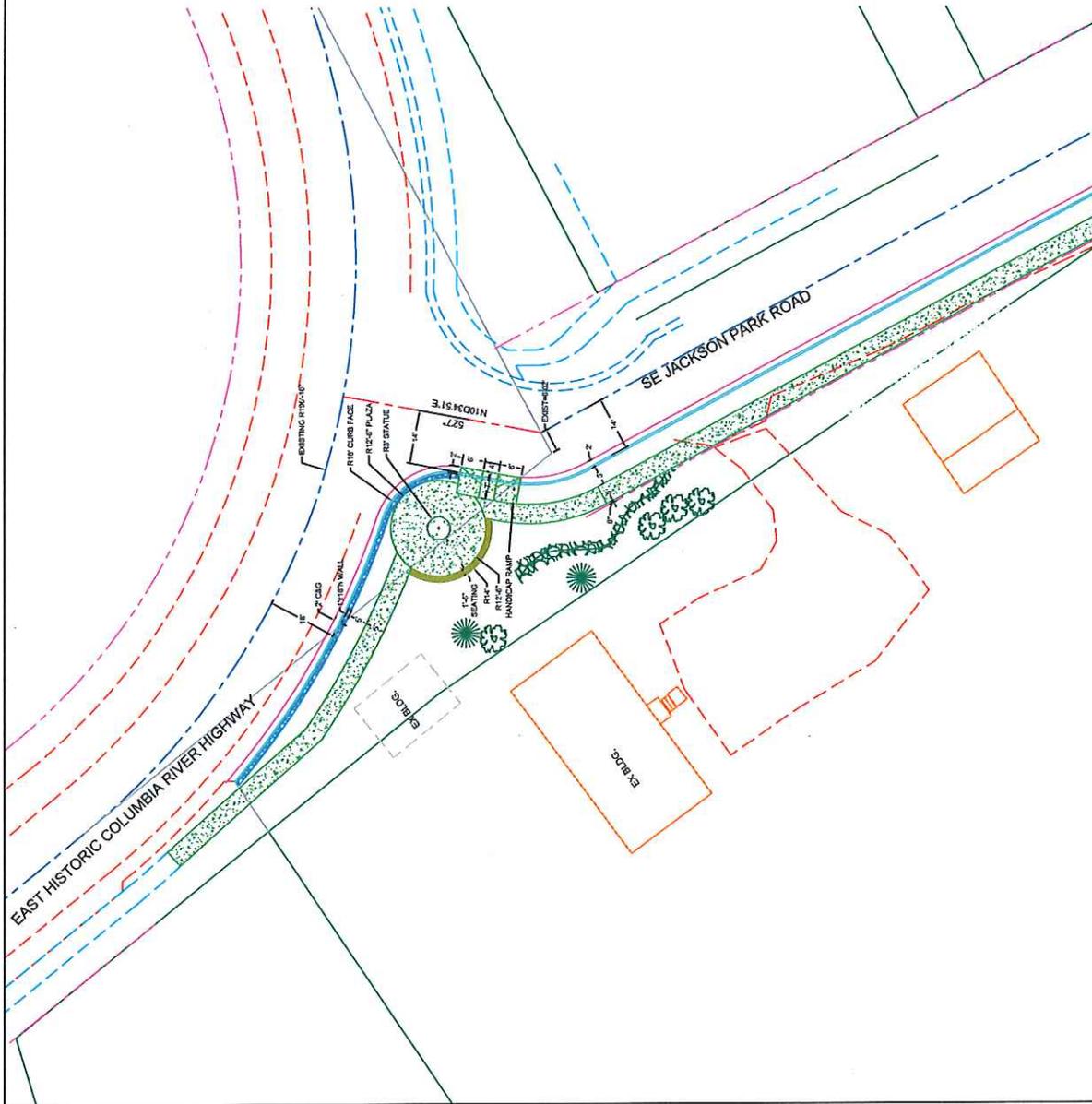
Future Fiscal Impacts: Yes, some small additional Parks Department maintenance, ongoing electrical utility expense for lighting

Community Involvement Process: Yes, discussed several times by the Council, Budget Committee, and the Parks Advisory Committee during the past year.

VISIONARY PARK
 EAST HISTORIC COLUMBIA RIVER HIGHWAY
 & SE JACKSON PARK ROAD
 CONCEPTUAL PLAN

NOTES:

1. FOR INFORMATIONAL PURPOSES ONLY.
2. ANY ENCROACHMENTS SHOWN ARE FOR PURPOSE OF DISCUSSION.
3. LOCATION OF HANDICAP RAMP NEEDS VERIFICATION.
4. STONE WALL DESIGN DETERMINED BY HANDICAP RAMP LOCATION.





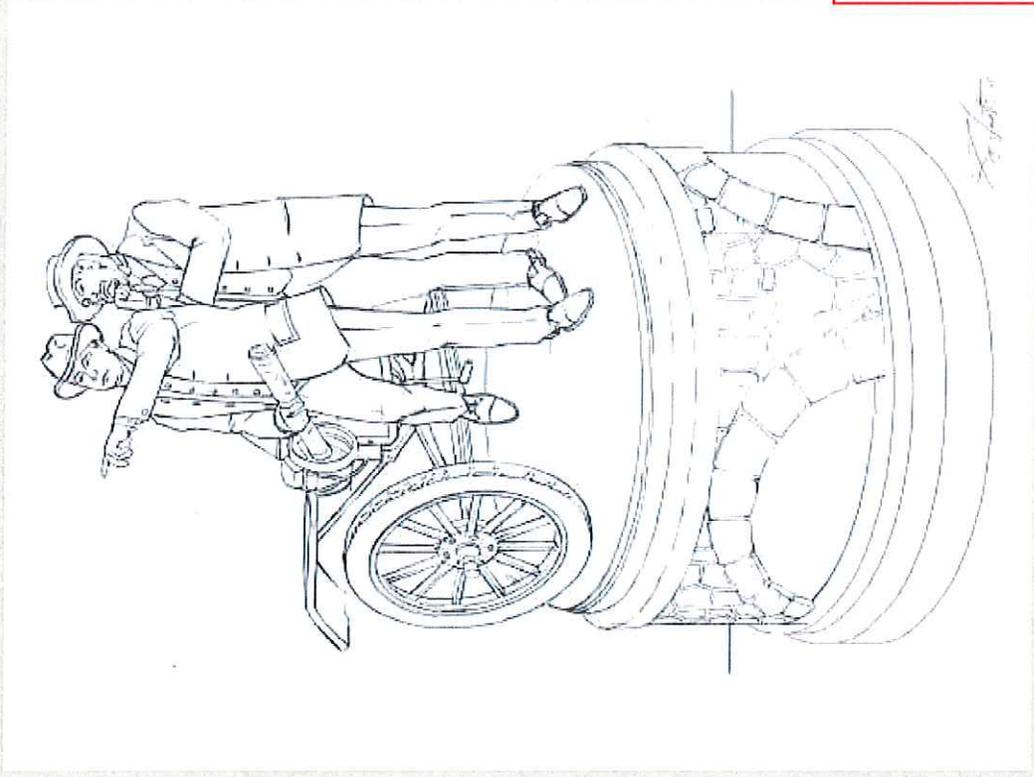
Caswell Gardens

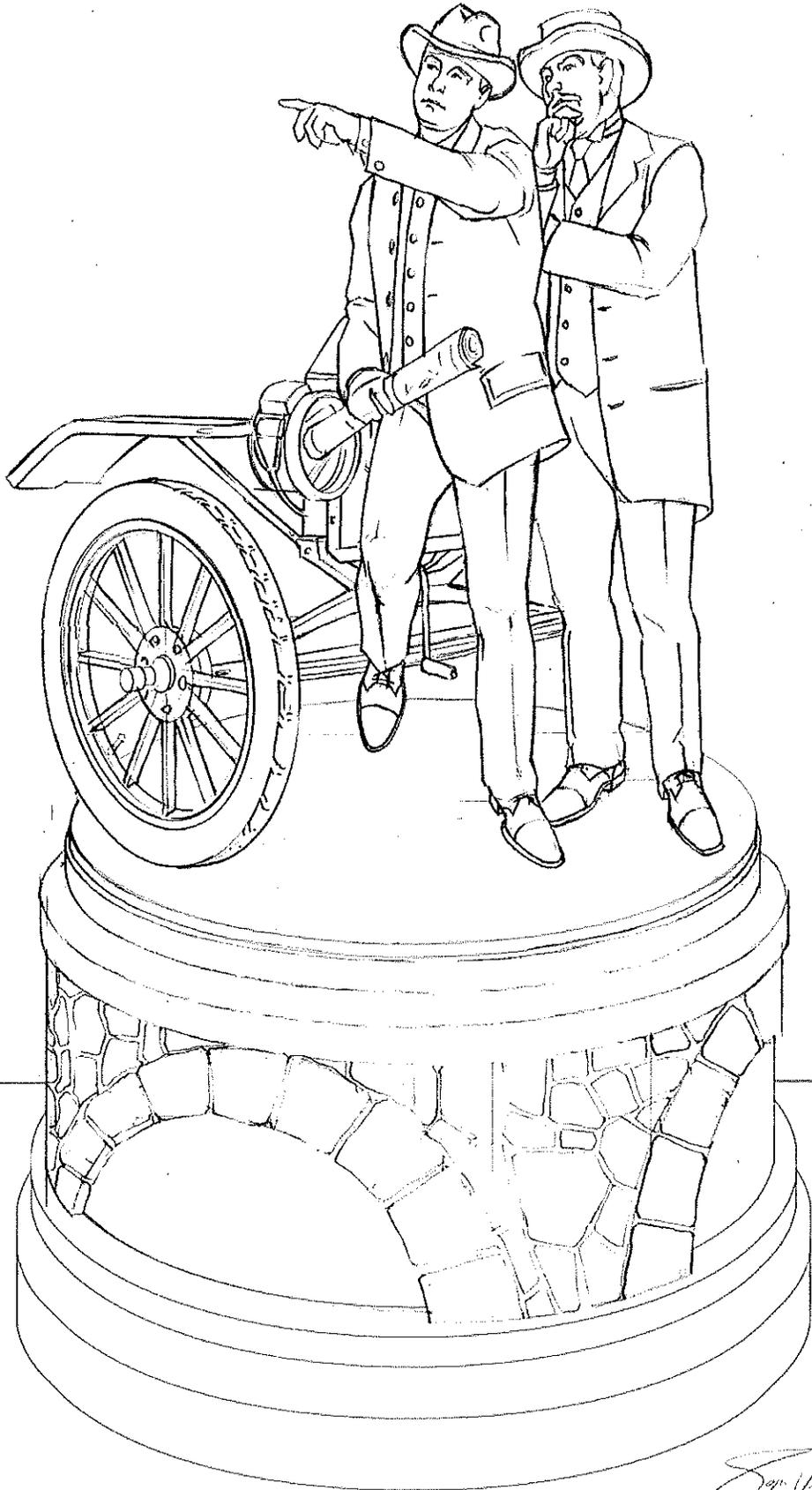
Visionary Park

Conceptual plan

Sam Hill & Sam Lancaster

- 100 Year Centennial of the scenic highway.
- Celebrating Troutdale's visionaries
- by: Rip Caswell -





Sign. J. Smith 18

November 2014 Cost Estimate - Visionary Park					
Item	Qty.	scale	\$ / each	Cost	
Mobilization / Demob	1	LS	\$ 1,500	\$ 1,500	
Traffic Control	1	LS	\$ 1,000	\$ 1,000	
Excavation and Removal	1	LS	\$ 3,000	\$ 3,000	
Curb and Gutter	200	LF	\$ 25	\$ 5,000	
Sidewalk	200	LF	\$ 22	\$ 4,400	
Stone wall guardrail	100	LF	\$ 50	\$ 5,000	
Statue Pedestal	1	LS	\$ 5,000	\$ 5,000	
Storm Water	1	LS	\$ 2,000	\$ 2,000	
Lighting	1	LS	\$ 5,000	\$ 5,000	
Landscaping	1	LS	\$ 2,000	\$ 2,000	
signing	1	LS	\$ 2,000	\$ 2,000	
stone wall and benches	25	LF	\$ 75	\$ 1,875	
Misc.	1	LS	\$ 2,000	\$ 2,000	
Engineering	1	LS	\$ 5,000	\$ 5,000	
Construction Admin	1	LS	\$ 5,000	\$ 5,000	
			Subtotal:	\$ 49,775	
Contingency				\$ 10,000	
				\$ 59,775	

RESOLUTION NO.

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE PARKS ADVISORY COMMITTEE, AND ESTABLISHING, NAMING AND FUNDING OF VISIONARY PARK.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Historic Columbia River Highway (HCRH) is the first U.S. scenic highway which was dedicated in 1916, and is an important part of the City.
2. The Troutdale Historical Society has been planning and working toward the June 2016 centennial anniversary of the HCRH.
3. A group of residents, the Visionary Friends of Troutdale, and renowned local artist Rip Caswell have proposed Visionary Park, with a statue of the Sam Hill and Sam Lancaster builders of the HCRH.
4. Citizens and elected officials have over the past year discussed in seven public meetings the need to recognize the centennial anniversary of the HCRH, and the evolving concept of Visionary Park which would support that need.
5. The City Council has recognized and expressed support for the concept, and has adopted a goal to put concerted effort into finishing Visionary Park before June 2016, in time for the centennial celebration of the HCRH.
6. The proposed park site is in the Multnomah County right-of-way of the HCRH, and the County has expressed a willingness to transfer the right-of-way to the City.
7. Renowned local artist Rip Caswell has offered to donate a commemorative statue of Sam Hill and Sam Lancaster builders of the HCRH, for the park site.
8. The City, Historical Society, visionary friends, and Rip Caswell recognize the benefits of collaborating on the project and desire to move forward as time is of the essence for the necessary preparations in advance of the upcoming June 2016 HCRH Centennial Celebration.
9. The Parks Advisory Committee has considered and recommended to the Council approval of the Visionary Park project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Establishes a City park at mile marker zero the intersection of the East Historic Columbia River Highway and Southeast Jackson Park Road, in the right-of-way adjacent to SECTION 25 1N 3E, TL 1800.

Section 2. Designates this new City park, "Visionary Park," and directs staff to prepare the necessary revisions to the Parks Master Plan for adoption at the next Plan document update, to include the new park.

Section 3. Directs and authorizes staff to petition Multnomah County for the jurisdictional transfer of the necessary right-of-way from Multnomah County to the City.

Section 4. As time is of the essence for the necessary preparations in advance of the upcoming Centennial Celebration of the Historic Columbia River Highway, staff are authorized and directed to obtain the necessary right-of-way permit from Multnomah County to begin construction work at the site, in advance of completing the jurisdictional transfer.

Section 5. Designates the City Manager, Public Works Director or Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby authorized, empowered and directed to sign on behalf of the City, any and all required and necessary documents to implement the intent of the resolution.

Section 6. Consistent with intent of the resolution, and in the best interest of the City, the City Official is hereby authorized to execute, acknowledge and deliver the jurisdictional transfer of the right-of-way petition, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the resolution, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 7. The City Official is authorized and directed to negotiate on behalf of the City, an agreement with Rip Caswell addressing the site preparation specifications and requirements, and the donation of the Hill and Lancaster statue.

Section 8. Approves the Visionary Park site preparation in substantial conformity with the project site preparation scope defined in the Staff Report.

Section 9. Approves the estimated budget of up to \$60,000 for the project scope expenditures for site preparation in substantial conformity with the project scope defined in the Staff Report.

Section 10. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the resolution obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 11. The City Official is authorized to determine, execute, acknowledge and deliver any subsequent permits, addendums, extensions, revisions, modification, or successor documents of the jurisdictional transfer of the right-of-way process and procedure, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 12. This Resolution shall be effective upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Debbie Stickney, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Motion Authorizing a Contract for Floodplain Methodology Analysis

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: Sept. 8, 2015

STAFF MEMBER: Ed Trompke
DEPARTMENT: Legal

ACTION REQUIRED
Information/Discussion

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Discuss pros and cons of procuring floodplain methodology analysis from Wayne Huber and direct staff subsequently.

EXHIBITS: A. Proposed scope of work for Prof. Wayne Huber

Subject / Issue Relates To:

- Council Goals
- Legislative
- Other:

Issue / Council Decision & Discussion Points:

- ◆ Should the Council appropriate financial resources to investigate the methodology used by FEMA to render forthcoming flood map changes?
- ◆ What other components, such as code changes, or engagement of other professionals, should the Council consider to follow-up activities based on Prof. Huber's analysis?
- ◆ Should staff develop other information for Council's use at this time?

BACKGROUND:

As the Council is aware, city staff, along with Councilor White, have undertaken to locate an expert to examine FEMA's methodology for considering changes to the Flood Insurance Study (FIS) and the anticipated updated Flood Insurance Rate Map (FIRM).

Reviewed and Approved by City Manager: *Acting City Manager Scott Anderson*

Last year Ed Trompke located and qualified retired professor Wayne Huber, PhD, of Oregon State University. Professor Huber's qualifications include his writing the textbook, Hydrology and Floodplain Analysis, as well as works entitled World Environmental and Water Resources Congress 2014: Water without Borders and Global Solutions for Urban Drainage. He is an expert in floodplain analysis on both coasts of the United States.

Councilor White and city staff conducted an initial meeting with Professor Huber. We subsequently developed a scope of work to evaluate FEMA's FIRM methodology.

Together, Professor Huber and Ed Trompke developed the attached scope of work. Professor Huber is prepared to apply his expertise to FEMA's methodology (once published) and provide the Council with findings regarding its underlying principles. However, while Prof. Huber is a scientist and educator, other professionals will need to address city options for using the analysis. That question and others like it are the remit of floodplain managers, and others.

At present, it appears that FEMA will publish its draft regulatory changes in January or February, 2016. Approximately 30 days after publication, the State of Oregon will conduct a public information meeting. The formal comment and objection period begins after that. The scope of work attempts to accommodate this schedule to the extent possible. Professor Huber needs to do preparatory work beginning later this fall if he is to complete an analysis on the FEMA schedule.

It is difficult to know at this time how any state regulations and city ordinances will be affected by the forthcoming publications. Council will have to make a judgment call whether to expend funds to study these issues before knowing the precise impacts of the forthcoming publications, especially in light of other needs bearing on the city's contingency fund.

SUMMARY:

Professor Huber is highly qualified to provide Council analysis about the Troutdale floodplain. Council may find there is value in providing its citizens with deeper opinions about an issue of public interest. Council may also find that information in the public record will be sufficiently detailed for public officials and others to understand the forthcoming map and rate study without additional public expense.

Current Year Budget Impacts Yes (*describe*) N/A Estimated contract amounts range between approximately \$11,000 and \$16,000, with an upper limit of \$50,000.00. This study would require an expenditure from the city's contingency fund. Money in the contingency fund is currently being considered for multiple projects.

Future Fiscal Impacts: Yes (*describe*) N/A

Community Involvement Process: Yes (*describe*) N/A

August 3, 2015

Memorandum to:

City of Troutdale, Oregon

Through Edward H. Trompke, Jordan Ramis PC, Attorneys at Law

From:

Wayne C. Huber, Ph.D., P.E.

2973 NW 132 Ave.

Portland, Oregon 97229

503-716-8330

wayne.huber@orst.edu

Re. Consulting proposal related to floodplain definition along Sandy River

To Whom It May Concern:

Background

On June 25, 2014 I visited with City Manager Craig Ward, City Commissioner Glenn White and Attorney Ed Trompke regarding issues faced by the City of Troutdale caused by pending changes in floodplain definitions for the Sandy River, which passes through the City. My understanding is that inclusion of new riparian property in the floodplain may lead to the need for new and/or considerable increases in floodplain insurance for numerous property owners. The City wishes to know whether or not these changes are justified from an engineering standpoint. In particular, according to Mr. Trompke's letter to me dated September 16, 2014:

“The City is interested in FEMA's development and application of its methodology used to determine the 100 year and 500 year floodplains. The City seeks a memorandum explaining what you [I] will have been able to learn about the methodology, along with any opinions you [I] are able to share about strengths and weaknesses of the methodology.”

Proposal

Four broad activities:

1. Familiarize myself with the Troutdale situation. At the June 25 meeting, Commissioner White gave me a large packet of correspondence and background information regarding the ongoing floodplain definition process. I have only briefly skimmed the content; however, a November 13, 2013 email from Craig Ward to Ed Trompke seems to pose many necessary questions from the standpoint of understanding City and agency positions. In this activity I will thus examine current information, including and beyond that given to me by

Commissioner White. Obtain additional (presumably) readily available information, e.g., documents and documentation from FEMA, Oregon Dept. Geology and Minerals, ODOT; hydrologic data; status of siltation due to Marmot Dam removal.

2. Determine what additional information and data would be useful for my evaluation, obtain such, and review. Obtaining such information may involve delays as well as assistance from the City. Review hydraulic modeling, presumably performed using HEC-RAS. Some questions that come to mind: what was/were the downstream boundary conditions? Were they in any way influenced by the new I-84 bridge construction? What influence did sedimentation in Sandy River have on the analysis, e.g., on cross-sections used? **Note:** I do not intend to perform any such backwater modeling myself. At some point in the process, I would hope to have answers to the questions in Mr. Ward's November 13 email.
3. Consider the January 30, 2015 amendments to federal Executive Order No. 11988 establishing a federal flood risk management standard and process for obtaining input, and comment on this order vis a vis the methodology used to determine the 100 year and 500 year floodplains.
4. Present my assessment and options as to future courses of action for the City, with a goal of addressing concerns of the public, within a memorandum organized around the following issues:
 - Response to the foundational issue: strengths and weaknesses of FEMA's methodology.
 - What are the new floodplain regulations that FEMA will propose? What is the timeline for FEMA's comment and adoption process for new regulations?
 - What properties within the City of Troutdale, if any, will be affected by new floodplain regulations?
 - How are the identified properties affected by proposed regulations?

Deliverable: summary memorandum/report.

Anticipated time requirements. 1 day = 8 hours:

Activity 1: 2-3 days

Activity 2: 4-6 days

Activity 3: 3-4 days

Note: I anticipate some significant separation between hours worked because of waiting on information and people.

Anticipated budget:

My rate: \$150/hr.

Lower bound: $9 \times 8 \times 150 = \$10,800$

Upper bound: $13 \times 8 \times 150 = \$15,600$

Minor expenses (phone, computer, paper, Portland-area travel etc.) ignored.

“Distant” travel, e.g., to/from Salem billed at City-approved mileage.

Significant expenses to be billed if they occur, e.g., reproduction costs for reports and data.

I will bill actual hours worked, which could well be less than anticipated, but not more than \$50,000.00 without prior approval.

Time frame:

To be negotiated with City, but I anticipate an elapsed time requirement of three months because of previously mentioned anticipated delays in obtaining information, setting up meetings with people, and my inability to work continuously in my part-time status.

It appears that FEMA’s consultant expects to publish its draft flood insurance rate map (DFIRM) and flood insurance study report (FIS) in “Winter of 2015.” That date is sufficiently vague such that my prearranged travel for the month of September may prevent me from undertaking this work should FEMA publish its material during my trip, or too soon afterward for me to apply myself to the significant work which will stem from those documents.

As a result, attorney Trompke and I have agreed that this scope of work is dependent upon FEMA’s publishing its DFIRM and FIS on a date that leaves sufficient time for me to return from my travels, prepare for undertaking the work, and for the City and me to devise a calendar for this project under which we both can agree to undertake this work.

Caveats on my expertise:

My background is engineering hydrology and hydraulics. I do not have familiarity with most “legalities” of City-FEMA or City-State Agency interaction and will rely on Jordan Ramis for such help. I may suggest hiring additional expertise, e.g., engineers who commonly perform FEMA floodplain definition studies; sedimentation experts.

If the City wishes to devise new regulations arising out of my work, or wishes to determine options other than passing new regulations, the city will have to rely on the additional experts that I may suggest. Such guidance is beyond the scope of work that I will provide for the City. However, it is possible I could be available on an “on call”, time and materials basis, to answer questions posed by such city staff or other consultant. I recommend we save that conversation for a future date, if any, on which it is needed.