

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

**April 8, 2003**

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

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

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

**ABSENT:** None

**STAFF:** Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Kyra Williams, Finance Director; Marnie Allen, City Attorney; Jack Hanna, Code Enforcement Officer; Debbie Stickney, City Recorder.

**GUESTS:** See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Galloway replied we have no changes to the agenda this evening.

**2. CONSENT AGENDA:**

**2.1 Accept Minutes:** February 11, 2003 Regular Meeting, March 11, 2003 Regular Meeting and March 25, 2003 Regular Meeting.

**2.2 Resolution:** A Resolution adding certain parcels of City property to street right-of-way for road purposes.

**2.3 Resolution:** A Resolution providing for budget transfers and making appropriation changes for Fiscal-Year 2002-2003.

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

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

Dave Munson updated the Council on the street light problems in Sandee Palisades and Sweetbriar and reported that Mid County Lighting will be replacing 19 of the light standards. Mr. Munson stated he recently submitted to Jim Galloway a list of sidewalks that he thought

needed repair and voiced concerns regarding his name being given to a homeowner if they ask who filed the complaint.

Council asked Jim Galloway to research this policy and report back to the Council.

**4. UPDATE: Update on Port of Portland Citizen Noise Advisory Committee.**

This item was postponed.

**5. PUBLIC HEARING / ORDINANCE (Introduced 3/25/03):** An Ordinance naming a stubbed street in Fleur-De-Lis Subdivision as SW Laura Avenue.

Mayor Thalhofer read the ordinance title and opened the public hearing at 7:12pm.

Rich Faith, Community Development Director reviewed the staff report, which is contained in the packet.

Council had no questions.

Mayor Thalhofer asked is there anyone here that would like to speak to us on this matter?

No testimony received.

Mayor Thalhofer closed the public hearing at 7:15pm.

**MOTION: Councilor Ripma moved to adopt the ordinance. Seconded by Councilor Kight.**

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

**Motion passed 7-0**

**6. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisances.

Mayor Thalhofer read the Ordinance Title and opened the Public Hearing at 7:17pm.

Jack Hanna, Code Enforcement Officer, stated Chapter 8.28 of the Municipal Code regulates nuisances. It regulates the activity that is allowed and prohibited as well as the places that those activities are allowed. We are proposing to change the definition of a nuisance. Currently a nuisance is defined as any annoying, unpleasant or obnoxious condition or practice causing or capable of causing an unreasonable threat to the public. One of the things that it does not address is an unsafe condition. We are recommending that the words

“unsafe” be added to the definition. Section 8.28.070 defines specific nuisances prohibited as, “practices or conditions on any property or within public road rights-of-way adjacent to that property”. We have abated, in the last few years, a total of about four nuisances. For the most part we get voluntary compliance or compliance through the citation process. With a couple of the abatements there have been structures involved like storage sheds. We don’t have total authority to go into a structure because the warrant that we receive to enter the property is for outside areas and not within a structure. The change in this section would add the language “including unoccupied structures”. Section 8.28.070 Subsection 6, deals with vector control. The ordinance currently reads, “which is infested by vectors or rodents”. The burden is on the city to know that there are rats on the property before we can send a notice of violation. There is no way to really establish that; we don’t have the authority to go onto the property and inspect it without a warrant from the court. What ends up happening is we have to stand on the sidewalk and look at the trash and wait to see a rat. The language that we are proposing would read, “which may attract or harbor vectors or rodents”. If the condition is conducive to attracting rats or rodents, we should be able to send a notification saying that this condition needs to be alleviated. Section 8.28.070, Subsection 20, reads, “Vehicle storage and repair in residential neighborhoods is in violation of Section 8.28.075”. We are suggesting to deleting the words “in residential neighborhoods”. We need to restrict this type of work to an area where it is allowed by the development code. Section 8.28.075, Vehicle storage and repair in residential neighborhoods. We are suggesting that the words “in residential neighborhoods” be deleted. There are numerous changes in this section. Subsection A changes the definition of driveway. There are some changes to the development code that will be coming forward that will allow for some more earth friendly material such as paving blocks which are porous and they filter the run-off before it goes into the soil. Section 8.28.075, Subsection C currently reads, “No motor vehicle shall be parked upon any grass or exposed soil surface.” The proposed language would continue on to read, “except that this restriction shall not apply to motor vehicles parked on parcels over one acre in size if the motor vehicle is parked more than 100 feet from a public street and more than 100 feet from the property line of an abutting parcel zoned residential.” In the staff report there is a comment in the recommendation that states that staff has reservations about some of these recommended changes. This change is one of those reservations. This change is addressing very specific areas within the city of one-acre lots. It also says that it will only be allowed if they are 100 feet from the street or from the setback, which means you are taking 100 feet off of the backside, 100 feet off of the front and then the vehicles would have to be parked anywhere between that area. The problem is I can’t go on the property and tell you whether that is 80 feet from the street or 105 feet from the street or adjoining property. This forces us to have to make a judgment call and there is just no way to know. From the enforcement point of view it is going to be more judgmental then problematic and the burden of proof is going to be on the city. Subsection D, is a change to restrict commercial vehicle parking in residential neighborhoods. Subsection E (1), is adding recreational repair of vehicle and adds the use of air-driven power tools. Regarding the suggested change of minor or recreational repair, we have a definition of minor repair, which does not include body, fender repair and replacement, painting, engine or transmission removal or replacement; painting engine or transmission removal or replacement; or any work using welders or torches. New language added for recreational repair reads, “However, recreational service and repair could involve these activities.” I have a problem with

enforcing this language because you can't do it if you are working on your car but you can do it if you are doing it recreationally. I don't see how we can enforce this language because anyone could claim that the repair is recreational. This needs to be tightened up or clarified. Subsection E (2) is being proposed to read, "All work not classified as minor in nature must occur inside a completely enclosed building". If they are going to be removing fenders or engines it has to be completely on the inside but if they classify it as recreational then it is not a prohibited activity. The last change is in the penalty section. We are proposing to add the following language, "Any person convicted two times for the same violation of this chapter shall be considered on the third violation a "habitual offender" and shall be fined no less than one thousand dollars on the third and every subsequent conviction." Staff is recommending that Council make suggestions to clarify some areas of the proposed changes.

Mayor Thalhoffer asked are you referring to unoccupied structures as just being sheds and similar structures?

Hanna replied we are referring to a structure that is not occupied or inhabited. This would also cover a house that is full of trash and debris and attracting rats and rodents that is sitting unoccupied.

Mayor Thalhoffer asked on repair of vehicles in the residential neighborhood, minor repairs can be made in the driveway but not major repairs, is that correct?

Hanna replied yes.

Mayor Thalhoffer asked can recreational vehicle repairs be made in the driveway?

Hanna replied that is one of the unclear areas. There is a list of activities that are prohibited and then the new language turns around and says, however recreational service and repair could involve these activities. First it says you cannot, and then it says if it is recreational in nature you can.

Mayor Thalhoffer stated I think that should be consistent. The repair of vehicles interests me because my vehicles often need repair. Just recently there was a vehicle in my driveway that needed a new starter, that is a major repair. I think we need to be more specific as to what repairs are minor and major. Pulling an engine in the driveway probably is not something that I would seek to do but I can see where that would be a major repair. Is there any more clarification on that anywhere in the code?

Hanna replied I think if you have a vehicle that doesn't run, you will end up receiving an abandon vehicle notice, which requires you to fix the vehicle within ten days. I think that would be considered an emergency repair not a scheduled or routine repair. Even if the repair is in violation, no matter what we adopt here there is a ten-day notice given. So if the repair is completed within the ten days it is a mute point.

Mayor Thalhoffer stated we don't want to make everyday repairs illegal. If it is a quick repair, whether it is major or minor I wouldn't see a problem with it.

Councilor Kight asked could you give me the reason for the one-acre exclusion?

Hanna replied I wasn't involved in that discussion.

Councilor Kight asked did that take place in the Citizen Advisory Committee meetings?

Hanna replied yes.

Councilor Kight asked what this says is it would apply everywhere in the city except for those folks that have one-acre parcels, is that correct?

Hanna replied yes.

Councilor Kight stated that would be very specific to certain parcels of property, but 90% of the property in Troutdale wouldn't fall within that category. In order to be consistent, which is one of the goals of this council and why we are cleaning up a lot of this language, we would need to pull that exclusion of the one-acre parcel out of this language. Is that the direction you would like to see this go?

Hanna replied I think if it is within a residentially zoned neighborhood it is consistent.

Councilor Kight asked with recreational vehicle repairs, fender work, body work and transmission work can be done outside of the garage area, is that correct?

Hanna replied there is a section that has some revised language that says all work not classified as minor in nature must occur inside a completely enclosed building.

Councilor Kight stated so why don't we just stop there and leave the exclusion of recreational vehicles out of the language. Then all vehicles would fall into that category. Would that make it consistent?

Hanna replied then it would allow major automobile repair in a residential neighborhood if you do it inside an enclosed building.

Councilor Kight stated and that is what you are trying to stop.

Hanna replied that opens the door for home repair.

Councilor Kight asked so the way you would like to see it is to just allow minor repairs within the confines of the garage, is that correct?

Hanna replied minor repairs could be done outside of the garage.

Councilor Kight asked regarding the additional penalty language, upon the third offense there would be a maximum penalty of one thousand dollars and there is no discretion on the part of the judge?

Hanna replied unfortunately the judge does have that discretion because it is his court. We would be citing an ordinance that says the city is requiring that you impose this fine. The judge could impose a one-thousand dollar fine and suspend nine-hundred of it.

Councilor Kight asked could we set a minimum fine that the judge has to impose and he would not be able to suspend any of that amount?

Marnie Allen, City Attorney stated the ordinance reads that it shall be the minimum fine that shall be imposed on the third conviction. The judge should be imposing the one-thousand dollar fine. This doesn't build in discretion for the judge to waive a portion of that minimum mandatory fine.

Hanna asked can he suspend a portion of that one-thousand dollar fine once he has imposed that fine amount?

Allen replied he probably could. If you don't want him to have the authority to suspend any portion of that fine we should probably specify that in the language.

Councilor Kight asked how many times has it come up where someone has been cited on the same offense three or more times?

Hanna replied I have about five of them.

Councilor Kight asked regarding rodents, would that be complaint driven?

Hanna replied yes. I usually receive a call that says they have actually observed rats going in and out.

Councilor Kight stated I want to be clear on this process. Lets say there is a call and the neighbor says they have observed rats coming in and out of the house and there is no one living in the house, could you tell me what your process is for handling that call?

Hanna replied there are two things I can do. Number one is I notify the property owner, which I would do even if it was occupied. The violation that would more than likely be used is accumulation of trash and debris. If that clears it up and they clean up the property, that should take care of the rats. If it is actually a rat complaint and it falls under the section of rats and rodents, then the burden is much harder. So my initial approach has always been the section on trash and debris. The property owner is sent a ten-day notice to correct the problem. If it is not corrected they will have a final notice and I will post the property for abatement. If they don't take care of the problem we will get an order from the court to go onto the property to clean it up.

Councilor Kyle asked how do you recover the fees if the city has to abate the nuisance?

Hanna replied if the city abates the nuisance, we are allowed by ordinance to bill the property owner for all city costs incurred. The property owner has ten days to pay the bill, if they do not pay within ten days we file a lien on the property.

Councilor Kyle asked are dogs addressed as a nuisance?

Hanna replied that is covered by Multnomah County Animal Control.

Councilor Daoust stated a lot of this is complaint driven. If there are trees, bushes or natural growth growing over a sidewalk which blocks the sidewalk and they complain to the city, would you issue a notice to the adjacent homeowner to trim the tree or brush?

Hanna replied once I have gone out and verified that it is a violation, yes.

Councilor Daoust stated determining whether a repair is recreational or minor, it seems to me that under 8.28.075 we have tried to add too much language and we have complicated the facts. On line 66 where it talks about the service and repair is minor, it talks about what can be done and then what can't be done and then we say what can be done. By inserting recreational repair and service just seems to complicate the whole paragraph. I would recommend removing all of the recreational reference in the paragraph. In Subsection 2 where we talk about all work not classified as minor in nature must occur inside an enclosed building, I would address what is recreational repair in that section. Are we assuming that all recreational repair should be inside of a building, is that the intent?

Hanna replied I think that we are assuming that removing automobile engines and power chiseling fenders off of vehicles probably has no place in a residential neighborhood.

Councilor Daoust stated but it can occur inside of a garage?

Hanna replied not currently.

Councilor Daoust stated I think what we are trying to do is say that recreational repair is okay, is that correct?

Hanna stated staff is not trying to say that.

Councilor Daoust stated but the CAC has forwarded this to the Council and they are trying to say that recreational repair is okay. Is it your interpretation that what the CAC is recommending is that recreational repair is okay only if it is inside of an enclosed building? If that is the case that is why I recommended putting the recreational language under Subsection 2 of Section 8.28.075.

Hanna replied that is my interpretation of their intent.

Councilor Gorsek stated regarding the CAC's recommendation, one of the issues that we are worried about is if the repair is contained within a building it is still possible to be a nuisance because of the noise, right?

Hanna replied yes, it would become a nuisance if the neighbor complained.

Councilor Gorsek stated under the new Subsection C, where it says no motor vehicles shall be parked upon any grass or exposed soil surface. At the present time do we say that for the whole city?

Hanna replied no, residential neighborhoods only.

Councilor Gorsek stated we have wells under everything. Wouldn't one of the things that might be important to include in Subsection C is to say that we shouldn't allow this anywhere in the city if we are worried about the ground water?

Hanna replied yes. There could probably be some minor exceptions made on a case-by-case basis that the city could authorize to happen within a certain time period.

Councilor Gorsek stated my suggestion would be to remove that section and say it is applicable to the whole city.

Councilor Ripma asked since this proposal is being brought forward from the CAC, has the City Attorney reviewed it?

Allen replied no.

Councilor Ripma stated it doesn't look like it was. I am wondering if staff would welcome the chance if we were to refer this back to staff and have you work with the City Attorney to put together an alternative recommendation that captures what you want?

Hanna replied I think it is an excellent recommendation to refer it to the City Attorney. Since I have to enforce this ordinance I would be more comfortable if I do not author the ordinance.

Rich Faith, Community Development Director stated I think it is important for the Council to understand the process that we have went through. The proposed amendments originated from staff. Jack and I worked on a set of amendments that were referred to the City Attorney for review and comment. Based on the Attorneys review some additional changes were made. We then presented staff's proposed amendments to the CAC. That is when we started getting into debate and modification of staffs proposed ordinance. What you have here is not what we started with; it has been modified by the CAC. The City Attorney has not reviewed the language that was modified by the CAC. Perhaps that is a step we need to put in our process.

Councilor Ripma asked regarding parking on grass, I can't tell exactly where you stand on that issue. I understand that you are not in favor of the additional language regarding the 100



feet for reasons of enforcement. Were you saying that it should be changed or should that section be left alone and applied citywide?

Hanna replied the original recommendation from staff was that it should be applied citywide.

Councilor Ripma stated repair of vehicles, the CAC is recommending this recreational exception, which you don't favor for enforcement reasons?

Hanna replied correct.

Councilor Ripma asked and that isn't a current exception?

Hanna replied correct.

Councilor Ripma asked do you recommend putting in the air-driven power tools or is that a CAC recommendation?

Hanna replied that is a CAC recommendation.

Councilor Ripma stated what they have done is allowed as a minor repair the use of air-driven power tools, is that correct?

Hanna replied that is what they are suggesting.

Councilor Ripma asked do you have any comments on that?

Hanna replied no.

Councilor Ripma stated this change will allow minor repairs outside. That is not currently allowed, correct?

Hanna replied minor repairs were allowed outside.

Councilor Ripma stated so there is no change to that. This seems to allow major repairs inside in residential neighborhoods. Is that a change?

Hanna replied yes.

Councilor Ripma asked do you have any comments on that change?

Hanna replied I am not in favor of the change.

Councilor Thomas asked regarding recreational repair, are you trying to avoid people from performing businesses in their garages?

Hanna replied that was the intent of the original ordinance.

Councilor Thomas stated so in the case where my engine blew and I had to pull it in the garage and send it off to be repaired, I would have to do that someplace else?

Hanna replied yes.

Councilor Thomas stated that kind of puts a hardship on the owner of the car if you can't afford that. I have to agree with Councilor Daoust with regards to Subsection E (1) and (2), it seems to set a double standard.

Mayor Thalhofer stated the way this is written now in Section 8.28.075 Subsection E (2), does that mean that a major engine overhaul could occur inside a completely enclosed building?

Hanna replied yes.

Mayor Thalhofer asked is there some way that we could specify that the owner of a residence would have the ability to repair their own cars inside of their own garage?

Hanna replied the ordinance currently states that minor repairs are allowed if the vehicle is registered to a resident at that location.

Mayor Thalhofer asked what about the major repairs?

Hanna replied major repairs are not allowed in a residential neighborhood.

Mayor Thalhofer asked even in an enclosed garage?

Hanna replied not as proposed, but as the current language reads.

Allen stated the language is very ambiguous because Section 8.28.075E specifically says that a vehicle may be serviced and repaired under these conditions and then it says the service is minor and it lists what is minor and what is major. Reading that language says that major repairs are not allowed at all. The only thing that seems to suggest that major repairs might be allowed is in 8.28.075E(2) where it says all work not classified as minor in nature. Reading that, since major is prohibited above, would really only leave recreational. I think a decision needs to be made whether you want to allow major and/or minor repairs.

Councilor Kight asked under 8.28.075C where it reads no motor vehicles shall be parked upon any grass. Should there be an exclusion added for recreational events?

Hanna stated that is what I meant when I said there could be exceptions as determined by the city.

Councilor Kight asked would that be left up to the discretion of staff or would they have to come to Council?

Hanna replied there would have to be language added that would allow staff that discretion.

Councilor Thomas stated on page 1, line 78, I am concerned that a twelve inch wide hole is too big and we may want to tighten that up. Twelve inches is fairly large and it wouldn't take much for a baby to slip down into that hole. I would like to see that a lot smaller.

Councilor Kight agreed.

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

Dave Munson stated I am a member of the CAC and we started out with just wanting to change from residential to include the whole city and somehow this just ballooned out of shape as far as I am concerned. The 100-foot setback was basically to just accommodate one of the members. As far as recreational repairs, I use to be a mechanic so I have a lot of power tools, but I don't use them at home. The way this is written regarding recreational vehicles wouldn't just mean racecars. What if I were to acquire an old bus or motor home, that would become quite an eyesore. I appreciate what Jack Hanna brings to the city. He has worked with other municipalities and he knows what he is doing. You also have to understand that a lot of the work that he does is complaint driven. If no one complains about the repairs that you are doing on your vehicles, nothing is going to happen. I would recommend that you give Jack Hanna the tools that he needs to do his job. I have attended a class that Metro puts on regarding Naturescaping and according to those folks, one drop of oil can contaminate 50-gallons of water.

Richard Allen stated I am a new resident in Troutdale and an engineer by profession. It makes me nervous because I have one newer vehicle and one older vehicle. That older vehicle is going to need work in which I would like to be able to pull it into the garage and work on it. It concerns me that this activity may be illegal. I don't have a business of auto repair. I don't do repair work for other people. I have friends who own antique vehicles and they perform all of the work themselves. I am not aware of a shop that would do the work on these vehicles. I believe that in my own home and in my own garage, if I am quiet about what I do, I shouldn't be restricted on what I do as long as it is not illegal. I would hope you would take that into consideration.

Male stated regarding work vehicles in neighborhoods, it seems like they need to put a number, like a GPW number. I know a lot of people who have a small van, even some that go up to 1800 GPW and they are not that big and they are quiet. My pickup truck is louder than most of them. I think if you went through the city you would fine that 1/3 of them are independent entrepreneurs and you are telling them that they have to park somewhere else. They would be parking \$100,000 worth of stuff in a storage lot, that is a pretty big risk. It is also a cost burden on a small business.

Councilor Daoust pointed out that the vehicle would have to exceed 8,000 pounds.

Male replied my pickup weighs more than that. DMV says that it has to be 20,000 pounds gross weight before you have to get a Commercial Drivers License. I think you might want to consider putting a length on the vehicle also.

Bob Ewald stated it appears to me that some new questions have arisen and I hear you discussing the effects of working, what you work with, what you work on and where you do it. I could very easily become concerned over basic liberties, but I am not going to talk about that. What I have not heard was any discussion about the possible ramifications of the presence of these various types of activities on property values. I hear a lot about safety and the environment, but I have not heard anything about endangering property values. I think that is something that should be taken into consideration as you amend this ordinance. Some tools can be very noisy and some are not. I think it is incumbent on the user to be sure that they are located in such a place that the noise is a minimum. I have a compressor and I know my neighbor is not offended by it. He also has one and I don't hear his compressor running and we certainly don't fall under the recreational mechanic. I would fear becoming too lenient and allowing a wide variety of different types of mechanical activities and using the term recreational to allow it. A serious collector of antique vehicles could work 24-hours a day on a vehicle that he loves and it would be considered recreational. I don't envy your task but I think that the best suggestion that I heard was for the amendment to be re-written to clarify the language. I appreciate that you are addressing this issue. I am happy to be a resident of Troutdale, we like it here.

Glenn White stated I am member of the CAC. Dave Munson was the only no vote on the recommended changes before you. First of all, work can only occur if you own the vehicle. We took this very seriously. If you live in an apartment complex there are going to be certain rules you have to follow. But if you own your own property you should be allowed to do pretty much whatever you want unless you are breaking the law or making enough noise to violate the noise ordinance. In this ordinance we are allowing recreational vehicles, RV's for example, to be parked in someone's yard. But if you use it for a commercial venture, such as a towing or plumbing vehicle that is over 8,000 pounds and over 21-feet in length it is no longer allowed to be parked in your own driveway. I feel that we should make a stipulation that these vehicles be screened so they are not in view. Most of the people that use these vehicles for a living use them on a daily basis and they are only parked there in the evening. I know this affects several people in Troutdale and with unemployment so high and the economy the way it is, I think it would be sending the wrong message to these people that are trying to make a living and have been living in our city for some time to all of a sudden have to find a different location to park their vehicles. None of these people were notified of this proposed change and I think that is wrong. The CAC felt that if you are working on a project vehicle or a car you own, you should be allowed to do whatever you want. If it is a major repair, we compromised by saying it has to be done inside a garage to limit the noise. Personally I paced off 15 yard from my house and I could not hear my air tools or my compressor being operated with a closed door. We allowed for minor repairs to occur in your driveway, which is something that has occurred forever, as long as Troutdale has been a city people have been allowed to do minor repairs in their driveway. I think it would be ridiculous if a person would have to pull a camper off of their vehicle just so they could pull the vehicle into their garage to change the oil. This is an attack on our civil liberties and freedom. On

the changes to the penalty section, I was the only no vote on that change. With all of the changes that are being proposed I felt that it was an inappropriate time to change the penalty because this is going to affect a lot of people.

TC Clark stated I favor folks doing hobbies in their homes, coin collecting, and woodworking. Each hobby has unique tools. What I am against is storing a half done project in their front yard until they have enough money, time, materials or space to complete it. Unfortunately antique car hobby project size is very large. You can't fold it up and put it in a drawer. So when the project is at a stopping point it will most likely sit out in the front yard. I think we have all seen some of these vehicles with the hoods removed and a naked spot where the engine used to be. This is not what I consider to be an attractive neighborhood. I also have concern about the fluids that come from vehicles. I do feel that most people that work on their vehicles are aware of the environment and will take care of the hazardous wastes correctly, however, some will not. It does not take a high volume of misdirected hazardous wastes to have an effect on our environment. I would ask that you consider some of the changes that you have talked about so that vehicles are not parked on the grass and major repairs are not done in residential areas.

Irene Ewald stated we moved here twelve years ago from another state. We looked around the Portland area and we frankly didn't like what we saw and so we looked elsewhere and we found Troutdale. Troutdale was the ideal clean city that we were looking for. Every time I go back into Portland I think about that. I look at the streets where you see cars up on jacks, cars partially dismantled and people that leave cars sitting with flat tires for ages, and unlicensed cars. I know what this leads to because my sister lives in Portland and she will call and complain about these vehicles that have been parked in front of her house for five years and no one has bothered to remove them. People and teenagers are living in the vehicles at night and no one will deal with this issue. I am thankful that we have a City Council in Troutdale that is concerned with the quality of life that we have in Troutdale.

Carolyn Hosmer stated my husband is in the helicopter repair business and we have a 20-foot van, which my husband uses to go to and from job sites to perform repairs. What I understand is that it is illegal to have our business van in front of our house. Would it be better if we put it behind our house? No one has complained about it but I guess they could. I had no idea that we were in violation.

Kevin Light stated I have been a mechanic for 25 to 30 years. I consider it a hobby or recreation to work on my own vehicles; I have my kids help me. I don't know why they want to single out working on your vehicles. The tools that I have aren't any louder than a weed eater, lawnmower, skill saw, power saws or chain saws. I think this amendment is infringing on my benefits to do what I like to do. It is restrictive.

Mayor Thalhoffer closed the public hearing at 8:56pm and stated that there will be a second public hearing on April 22<sup>nd</sup>.

Mayor Thalhoffer stated I would like to refer this to the City Attorney for a legal review.

Council discussed what direction they wanted to give staff and the city attorney.

Council directed the City Attorney to review the proposed ordinance for any legal issues and asked staff to bring back some information regarding gross vehicle weight and length.

Mayor Thalhoffer called for a ten-minute break at 9:21pm and reconvened the meeting at 9:33pm.

**7. RESOLUTION:** A Resolution of the City of Troutdale authorizing its Limited Tax Pension Pool Bond, Series 2003.

Kyra Williams, Finance Director, reviewed the staff report contained in the packet.

Williams stated by adopting this resolution it will allow the city to issue bonds to finance a debt to PERS. It allows the City Administrator to evaluate whether or not this is a good option for the city and make a decision on whether or not we should participate in this bond. Staff is recommending that you adopt this resolution so we can continue to evaluate whether or not this is a good opportunity for the city.

Councilor Kight asked we have a \$2.6 million dollar liability for the City of Troutdale, is that going to keep growing?

Williams replied the \$2.6 million is as of December 31, 2001, so it has been accruing 8% annually since then.

Councilor Kight stated what makes me nervous is there is no incentive on the part of PERS to work towards earning that 8% because they have a guarantee whether they lose money or make money. What would happen if we didn't opt into this program and we did something else? Is this the only program out there?

Williams replied as far as a different retirement plan, because that is the option.

Councilor Kight asked can we opt out of PERS?

Williams replied I don't know the answer to that.

Galloway stated if we were to stay with PERS but elected not to join with other agencies in a bond issue than I believe what Ms. Williams stated earlier is we would pay the higher percentage on payroll to PERS, which I believe for the next fiscal year is going to be nearly 14% of payroll.

Councilor Kight stated so plan A is the bond issue, plan B is we don't opt into the bond issue and we pay the 14% rate, is there a plan C? Plan C could be to check into opting out of PERS altogether?

Galloway stated I think there might be a couple of issues with that. One might be legal from a statute point of view and secondly there are contractual issues that we have with our bargaining units.

Councilor Kyle asked would we be making a final decision on this in June when we get the final figure from PERS?

Williams replied the City Administrator would make the final decision if you adopt this resolution.

Councilor Daoust stated to clarify, the vote on this resolution is a vote to continue to evaluate whether this is a good opportunity for the city. Will we need to pass another resolution to actually issue the bonds?

Williams replied no, this resolution authorizes us to participate if the City Administrator determines that it is in the city's best interest to do so.

Councilor Ripma asked what would be the approximate bond yield? We could actually be worse off if the bond yield was less; I just wondered how low that is right now?

Williams replied I think they are around 5½%.

Councilor Ripma stated so if we do this we are betting on the fact that long-term the market won't perform worse than 5½%. Are other cities doing this?

Williams replied I have talked to Terry McCall at the City of Gresham and initially they were not going to pursue this but the last thing I heard was they were going to do what we are doing tonight and have the opportunity to at least participate and not get excluded. I don't know at this time if other cities are planning on participating or not.

Galloway stated I think one of the attractive features of this resolution is right now bond rates are fairly low so there is an opportunity to capitalize on that. The other issue is the pooling of resources with other jurisdictions. If no one else were going to participate then it probably wouldn't make any sense for Troutdale to do it. If a number of jurisdictions come together so that we have an attractive bond package out there we could get a good rate and secondly we could share the overhead costs among the jurisdictions.

Councilor Thomas asked so the payoff amount would include what was accrued between now and after December 31, 2001?

Williams replied only the 8% on what was valued at December 31, 2001. Any losses that occurred during 2002 or to date in 2003 are not going to be included in that payoff because that has not been valued yet.

**MOTION:** Councilor Ripma moved to adopt the Resolution. Seconded by Councilor Gorsek.

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

**Motion passes 7-0**

**8. COUNCIL CONCERNS AND INITIATIVES:**

Due to the lateness of the hour and because we still have an executive session meeting to hold this evening, Mayor Thalhofer recommended that they forego any council concerns and initiatives this evening.

**9. ADJOURNMENT:**

**MOTION:** Councilor Ripma moved to adjourn the meeting. Seconded by Councilor Kight. Approved unanimously.

Meeting adjourned at 9:58pm.

**Paul Thalhofer, Mayor**

**Approved April 22, 2003**

**ATTEST:**

**Debbie Stickney, City Recorder**