

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

Tuesday, April 13, 2004

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

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

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

ABSENT: None.

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

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

John Anderson stated staff has invited the auditor here this evening and would like to request that the Council consider moving Agenda Item #6 to the beginning of the Agenda.

Mayor Thalhofer stated if there are no objections from the Council we will put Agenda Item #6 after public comment.

No objections stated.

2. CONSENT AGENDA:

2.1 Resolution: A Resolution designating the Mayor, City Council President and staff as signatory/cosignatory for banking transactions of the City of Troutdale, Oregon and rescinding Resolution No. 1681.

2.2 Resolution: A Resolution approving the evaluation form for the City Attorney.

Mayor Thalhofer read the consent agenda.

MOTION: Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Kyle. Motion Approved Unanimously.

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

None.

6. PRESENTATION: Presentation of the Comprehensive Annual Financial Report at June 30, 2003.

Bob Gazewood stated, our audit manager Ray Barlow of Grant Thornton will present the audit report this evening. The city did receive extensions from the State for late filing of the Audit Report, which was due on December 31st. We also received extensions from the Government Finance Officers Association, which is where the City sends its financial report for the certificate of achievement for excellence in financial reporting.

Ray Barlow of Grant Thornton reviewed the audit process and the changes and highlights in the financial statements, which are included in the Comprehensive Annual Financial Report.

Councilor Kight asked how much cash carryover do we need to have before it triggers a problem with having a lower bond rating resulting in higher costs that are incurred by the general fund budget?

Ray Barlow replied I don't know what that amount is that affects your bond rating. As a general rule they like to see a fund balance, particularly in the general fund, sufficient to carry you through the months of July, August, September and October because you don't really start receiving any tax revenue until November.

Councilor Kyle asked on page 7 under debt administration, there is \$70,000 for parks and \$508,000 for a lease purchase, could you explain those to me?

Bob Gazewood replied the \$70,000 was two bond issues that were taken out in 1993 and in 1994. This fiscal year those bonds will be completely paid off. They were approved by the voters and were for the purchase of parkland and or improvements. The \$508,000 was for the purchase of land for the future city hall site. Details on the debt service can be found on page 37 and the debt schedule is located on page 94.

Councilor Daoust stated when you look at the revenues that we budgeted for on page 19, and you look at what we actually received, you mentioned that there was a \$531,000 difference. In other words we over estimated the amount of revenue we would receive. It appears most of that is in the licenses and permits. Is there a good way to make these estimates so we get closer?

Bob Gazewood replied in the license and permit area it is really tough because there are so many dynamics that you are dealing with. These are your growth oriented, building permit related revenues and since this is the general fund you are talking about the building activity that occurred in Wood Village and Fairview. In this particular year the monies that came from the Troutdale portion of building activity went into the Code Specialties Fund. What you see

in the general fund for building and permits are those revenues that came in from the contracts that the City of Troutdale has with Wood Village and Fairview to provide building, electrical and plumbing inspections and plan check reviews. The significant loss in the revenue projection here would be related to the over projection of those revenues that Fairview and Wood Village thought their building activity was going to come in and it didn't.

4. PUBLIC HEARING / ORDINANCE (Introduced 3/23/04): An Ordinance amending Chapter 7 of the Troutdale Development Code relating to land divisions (Text Amendment No. 35)

Mayor Thalhofer read the ordinance title and opened the public hearing at 8:10pm.

Rich Faith, Community Development Director stated the changes being proposed are primarily housekeeping issues. However, there are three areas that I think are more substantive changes. The first of those is in subsection 7.180(D) pertaining to our street tree provision. This change is merely intended to bring our Development Code inline with the practices and procedures that are found in the Municipal Code specific to street trees. The other area of change is in subsection 7.180(E)(8) which pertains to private drives. This particular subsection we are reducing the requirement for a private drive from the current 24 feet for two-way traffic down to 20 feet and from 15 feet for one-way traffic down to 10 feet because these are consistent with the standards for the access by emergency vehicles. The third area of significant change is in section 7.350, which deals with the types of financial assurances that a subdivider is required to provide. These are financial guarantees that are done during the construction phase to assure that if the developer of the subdivision defaults or goes into bankruptcy that the City would have the financial needs to complete that subdivision rather than having it sit there incomplete for years. At the last Council meeting I did introduce some minor wording changes to Section 7.410(A) for some clarification that we felt was necessary dealing with certificate of completion, which is the certificate that the public works department issues to indicate that the public infrastructure and other improvements that go with the subdivision have been completed satisfactorily. That certificate of completion then authorizes the issuance of building permits for the building construction to occur within that subdivision. The minor change was simply to put some qualifiers to clearly spell out what we meant by "other improvements" and that was to include things such as street lighting and underground utilities. That change has been incorporated into the ordinance language. These changes were all reviewed by the Citizens Advisory Committee and went to the Planning Commission for a public hearing, which was held on February 18, 2004 and is being forwarded to the City Council with a recommendation for adoption.

Mayor Thalhofer asked are there standards for street trees when they are planted so that they don't block a persons view? There are some instances in the city where street trees have grown so high that they block the views that people had before the trees were planted.

Rich Faith replied we only have a standard with respect to what size the tree should be when it is planted. There are no standards in terms of limiting how high it can grow or what size it can get. The trees that are selected as street trees are intended to be smaller in size or a dwarf variety or something that isn't intended to get large.

Mayor Thalhofler asked where would we start that process for getting some standards?

Rich Faith replied the whole issue of street trees is one that we are beginning to see a number of problem areas with. This is a matter that both the Citizens Advisory Committee and the Parks Advisory Committee will be discussing when they meet jointly next week.

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

No testimony received.

Mayor Thalhofler closed the public hearing at 8:18pm.

MOTION: Councilor Thomas moved to adopt the ordinance amending Chapter 7 of the Troutdale Development Code relating to land divisions. Seconded by Councilor Gorsek.

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

Motion passed 7 – 0.

Mayor Thalhofler called for a break at 8:20pm and reconvened the meeting at 8:30pm.

5. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Section 8.28.075 of the Troutdale Municipal Code relating to vehicle parking in residential neighborhoods and declaring an emergency.

Mayor Thalhofler read the ordinance title and opened the public hearing at 8:30pm.

Jack Hanna, Code Enforcement Officer, stated in April of 2003 the City Council adopted amendments to Chapter 8.28 of the Municipal Code, which regulates nuisances and Section 8.28.075 pertains to vehicle storage and repair. Changes were made to that section regarding oversized commercial vehicles. That change prohibited those vehicles from parking on the street within a residential neighborhood. However, it did allow those vehicles to be parked in the driveway or elsewhere on personal or private property with a hard surface or gravel surface according to the standards in the code. The Council also discussed at that time parking semis in residential neighborhoods. The Council concluded that because of their bulk and other negative impacts, they should not be allowed to park in residential neighborhoods and therefore they added the following language to this section, "Semi-trailers are prohibited." By adding that language they were not allowed to be parked on either private property or public right-of-way. Since the adoption of that provision we have had commercial truckers in the City of Troutdale that have been parking the semi-tractor portion of the vehicle on the streets and have been doing this under this ordinance as it was written to prohibit semis from parking in a residential neighborhood. The City Attorney rendered an

interpretation in September of last year that the Councils use of the term semi-trailer was intended to mean either the tractor or the trailer. What is before you this evening is merely a housekeeping item to make the language more specific to the fact that trailers and tractors were prohibited or intended to be prohibited by the Council. At the same time we are proposing a revision to this section to limit the number of those oversized vehicles which can be parked on residential property to one vehicle only. There have been a number of complaints throughout the city that commercial vehicles are being parked in yards and in driveways. In some cases there are two or three commercial vehicles within one residential property. The complaints I am receiving from the residents is that their neighborhoods are becoming commercial neighborhoods by having these vehicles parked in numbers on the same piece of property. Staff is recommending adoption of this ordinance tonight under the emergency clause.

Mayor Thalhofer stated we had a long hearing on this issue and at the time we thought we solved the problem. Semi-trailers, there is a tractor and a trailer and as I recall we okayed the tractors but not the trailer. I think most of us know the difference between a tractor and a trailer, at least I do because I used to drive one. In the current language semi-trailers are prohibited but tractors aren't, but in the proposed language semi-tractors in addition to trailers will be prohibited. We had a long debate about that last time and I think we looked at all aspects of the issue but I guess we are going to revisit the issue.

Jack Hanna stated the only thing that staff is asking for is rather than operating off of the legal opinion that was issued by the City Attorney, which I believe is on target that says the intent was to regulate semi-trucks, both parts. We are trying to clean up the ordinance to make it more specific and state both of those parts will be prohibited.

Mayor Thalhofer stated I respectfully disagree, I don't think that was the intent, at least not as I recall it.

Councilor Kight stated it seems pretty clear to me from the opinion from our City Attorney. She reviewed the minutes and from what she read it was clear that the intent was that we did not want semi-tractor/trailers in residential areas. As our Code Enforcement Officer, you could perhaps provide antidotal stories as to why we are sitting here tonight talking about this. Could you give us an example of the impact that the tractor has had in the community.

Jack Hanna replied I have with me five case files involving semi-tractors parked in residential neighborhoods and those complaints were all generated by neighbors stating everything from: obstructing traffic; obstruction of vision from driveways; starting the engines up during the night and allowing them to run until the driver leaves; and just neighborhood discomfort. I have a number of different types of things that I get complaints on all resulting from semi-tractors in neighborhoods.

Councilor Kight asked how do other communities handle this issue? As I drive through Portland I don't see semi-tractors/trailers in residential communities.

Jack Hanna replied I did an inquiry with the Oregon State Code Enforcement association and asked what are other communities doing about oversized vehicles and semis. I received probably as many different opinions as I got answers. The consensus is that most cities do not allow commercial vehicles to be stored in a designated residential area. Their ordinances all say it a little different with everything from regulating time, to the fact that they can't be stored more than 24-hours to they are prohibited outright. Pretty much across the state, from the responses I received, they are prohibited.

Councilor Kight asked you spoke to the issue of blocking vision from people pulling out of their driveways, and you mentioned the noise factor from the truck running and some of them have refrigeration units. Is there a financial component to the residential area as well?

Jack Hanna replied it has never been brought to me as a financial issue. I have received complaints from people who said they were trying to sell their property and there is a truck lot across the street with two or three trucks parked on the street or on the property. I would assume that they are considering that to be a financial burden but whether the house ever sold or not I can't tell you. As far as costs otherwise, I haven't heard anything. But property value has come up more than once with these larger vehicles parking in residential neighborhoods.

Councilor Kight asked have you seen an instance where the semi-tractor or trailer have been used in cul-de-sacs, which have very small parking areas so they are forced to park a tractor between the houses?

Jack Hanna replied I can't really recall a case of a semi-tractor or trailer in a cul-de-sac. We have had oversized commercial vehicles on cul-de-sacs.

Councilor Kyle stated I don't have any questions.

Councilor Daoust stated why are we proposing to declare this an emergency tonight?

Jack Hanna replied I think it was basically introduced as a housekeeping issue to clarify the ordinance that was adopted, which based on the legal opinion this is how the ordinance was intended to be applied.

Marnie Allen, City Attorney stated to further clarify there are situations where people are parking semi-trucks on the street or on private property in violation of what we believe was the Council's intent. In order to enforce that we want to clarify what your intent is before we cite someone into court. Rather than going through two public hearings and waiting thirty days for this to take effect, giving people another sixty days to maybe park in violation or to end up arguing in municipal court about what the intent of this ordinance was and how it is applied, if we have the Council's intent correctly and you want to go forward with amending the ordinance the thought was it would be best to do that immediately and have it take effect immediately. If the intent isn't correctly portrayed in the memorandum or you want to make a different policy decision, you certainly could do that and you could adopt the ordinance at two meetings with a thirty-day waiting period.

Councilor Daoust stated your interpretation Marnie of what we discussed last time is totally accurate. Since I was the one that made the motion last time it was my intent, and I think the majority of the Council would agree, that the lose term of semi-trailer was meant to mean both the tractor and the trailer and that was the intent. So I would agree with Marnie's interpretation going back through the minutes. A lot of our discussion was about the noise. Trailers don't make noise so we obviously intended to talk about the tractors and the trailers.

Councilor Gorsek stated that is my recollection as well. Do we have current pending issues regarding this right now?

Jack Hanna replied yes.

Councilor Ripma asked Jack, your application of this ordinance, both in the language of semi-trailers are prohibited together with the City Attorney's opinion, are you enforcing it as, at least I agree it was intended, to prohibit trailers or tractors?

Jack Hanna replied yes, I am enforcing it on the basis of the Attorney's recommendation to my department.

Councilor Ripma stated so the whole purpose here is to make it clear what we meant, assuming that we want to go that direction, because that night we weren't dealing with semi tractors or trailers we were dealing with big trucks and that is probably why we ended up with this poor wording.

Mayor Thalhofer asked is there anyone here who would like to testify on this issue?

Dick Wright stated I am retired and I just bought a trailer and I have a diesel truck to pull it with and that means the noise is going to be there too. Am I going to be able to store it on my property?

Mayor Thalhofer replied it doesn't look like it.

Dick Wright asked the RV?

Mayor Thalhofer stated not the RV.

Dick Wright stated I am not talking about a semi, just a diesel pick-up which will make just as much noise as a semi-tractor. Am I allowed to do that?

Mayor Thalhofer stated I would refer that to the City Attorney.

Marnie Allen stated if it is just a regular pick-up truck that has a diesel engine, the ordinance doesn't impose the restriction just based on the noise, so it is not an oversized commercial vehicle. It would be allowed under this ordinance.

Dick Wright stated it makes just as much noise as a semi-tractor.

Marnie Allen stated that is a policy for the Council to consider.

Mayor Thalhoffer stated I guess that is not the issue. I guess the thinking is that the tractor would be sometimes running for a long period of time.

Gary Cochran stated I just learned of this today. I own one tractor. I have been in this business now since 1992 and as time progresses everyone wants the product that I have but they don't want me and the inconvenience of my tractor. This is real upsetting to me. It is difficult to park just the tractor and find a safe haven for that investment that I have that brings you and everyone else the product that you need to have. Maybe we should look to the manufacturer to make these tractors quieter. Myself, I do not bring my tractor home but maybe once every forty-five days. I park my tractor down at Jubitz Truck Stop and the tractor is not safe. I tried parking it at the Flying J one time and another tractor/trailer came in and took out the front end of my tractor causing \$6,000 or \$7,000 worth of damage. As I drive through a city, no matter where I am in the United States, you see "no parking" signs everywhere, yet the law says we must take a ten-hour break. We don't even know where to park anymore to take the ten-hour break. Some of us in this room bring our tractor home as our personal vehicle and leave our trailer at another location. The other issue that I feel violated in is the amount of money that I pay in taxes in this state. I feel that for the amount of money that I send to the State of Oregon I should have the right to park my tractor in front of my home for a 24-hour period. I don't think that someone should be able to park their tractor there day in and day out. To me that is not right, I do have neighbors and I know the tractor is loud. I also know the kid across the street has a boom box and I also know that diesel pickups are loud when they start up. If the people down the street have a party it is loud. The positive side to my tractor is that I am going to produce and provide a service for this community and I am going to pay taxes. I don't believe that the party down the street that kept my wife and I up all night is going to pay taxes. I am really frustrated. I think that if all of the truckers in this room and across the nation would simply shut down, in about a week or less people would be begging us to get going again. We provide this country a service that is so thankless and no one cares about us. They just simply want to pass an ordinance and say no more tractors. What is frustrating to me is that there is a perfectly good spot for my tractor to park on Troutdale Road and I would park it up there, and it is not in a residential neighborhood and somebody complained and now it is a two-hour parking zone. I know what happened there, a lot of people were parking their cars there trying to sell them, I understand that. But they put a two-hour limit and that doesn't even allow me the common courtesy to drive my tractor and put it in a safe place off the road. Everybody wants what is inside of my tractor but they don't want any part of me or my equipment.

Wendell Harms stated I live in Troutdale, I enjoy the community and I have great neighbors. I have a positive note on this. I like my neighbors, we interact, we talk to each other and if he was running his truck too long I would tell him but he doesn't do that. He parks his truck off of the street and he has no trailer. If you limit trailers they would all leave them at the truck stop, there is no need for them in the residential areas. Trying to lump them all together, don't do that please. These men have to make a living.

Dwight Montgomery stated I am here this evening with my attorney Bob Rindfusz. The reason I got an attorney was to be clear on the written law. I have had police come to my house and tell me that I can't park my tractor on my property due to the fact that it was in violation of city ordinance. I read the city ordinance and the ordinance just said that I couldn't park in the street and semi-trailers were prohibited. I didn't bring my semi-trailer home unless I was just swinging by to pick up my cell phone before I headed over the mountain. I was an owner/operator for seventeen years and I have lived in Troutdale for thirteen years. They built the house next to my house three years later and the women that bought the house owned a diesel car that they had for several years. I can't imagine them complaining about the smell or noise of a diesel when they owned one. It is no louder than a diesel pickup especially the newer ones. The point I am trying to make is I moved to Troutdale, bought a house in Troutdale because it was at the time, a truck friendly neighborhood and town. It is close to the interstate and it has two of the biggest truck stops in the nation. Troutdale, per capita, is the largest trucking neighborhood. There are a tremendous number of truckers that live here that couldn't be here tonight because they are on the road, which I should be myself. I turned down a run to Idaho Falls, which is a huge cut in my revenue to be here tonight. The fact is I think this is important. The two neighbors that have cause me this grief have turned me in for a cracked sidewalk, storage shed that was six inches too close to the property line. I believe that they have been harassing me over small things. I have taken care of every problem. I have engaged in some pretty good conversations with the police and Mr. Hanna and I respect them and truly think the police have a tremendous amount of important things to do and dealing with a semi-truck parked on my property is not one of them. I don't think that they need to be concerned with that, although they have been brought in. I do feel that my rights have been violated by the fact that I was following the written law, whether the intent was there or not. I don't know what the Council's intent is because most of my life is spent on the road away from my home and family. I am not sure why the City Council is so prejudice against my industry and specifically seem to be picking on me in general. My two neighbors spent a lot of time concerned about my activity when all I am trying to do is raise a family and be a good citizen. I comply with every law. During 9/11, SARS and the 10-day long-shore lockout I didn't work for several weeks at a time and I had no place to park my truck, I don't have a home for my truck. Troutdale is my home. The truck stops decided not to let us drop trailers there during certain high alerts. They also won't let us park personal cars there. I have no way to get myself home without driving my tractor. I don't own a truck now, I drive for somebody so I only bring the truck home a few times a month and it's when I am going east or over Mt. Hood. I also bring it home so I can do my laundry, empty my sleeper out, and take out the old food and replace it. I just don't see how the City should prevent me from doing what I have to do in life, it is just part of my industry. Parking is a nationwide problem. The Federal Government is trying to get states to adopt more rest areas and parking areas.

Bob Rindfusz, Attorney for Dwight Montgomery stated the best thing that I can do for my client is remind you that you are passing an ordinance, not designed to fit the four or five complaints that Mr. Hanna has received, it is a general application for the entire City of Troutdale which says that semi-tractors are going to be prohibited. The change that you are making tonight is you are going say they are going to be prohibited on private property also.

As I was driving in here tonight a big brown UPS truck passed me. To think that big brown UPS truck could park in his driveway under this ordinance and be in compliance with this ordinance, yet Mr. Montgomery can't park his tractor there if the ordinance is adopted. I think that is an important significant point. The other thing is that he thought that the ordinance said originally what was meant that semi-trailers were prohibited whereas semi-tractors were not. It occurred to me as I listened to you tonight that most of you don't realize the difference in a tractor and how significant that is to a trucker, you just see this big thing sitting there. I think you have seen some of the emotion here tonight. That is their home, they are living in there. What you are planning to do tonight is to say to these guys you can't put that truck on your private property next to your house, period. Semi-tractors are prohibited, private property or not. You can't park it there to clean it out, it is prohibited period. I think that is a little bit of over reaching to solve a couple of problems. You have noise; there is a lot of noise out there. Some of the gas rigs that these folks drive are quieter than a car. Certainly diesel rigs are going to make noise, but so are other diesel cars and trucks. The truck drivers really need to have the ability to park their tractors on their private property next to their houses. I want to remind you that this is a general ordinance, if you pass this as written you are telling them to take their tractors off of their private property also. You can't put them on the street, you have already said that and now you are telling them to take them off of their private property. I don't think you ought to be doing that.

Cate Connell stated I have a couple of pictures that I would like to show you (these pictures were not submitted into the record).

Cate Connell stated we have talked about a lot of issues in dealing with trucks and livability in Troutdale. I am the first one to say that I agree with the truck drivers as far as the truck drivers being the backbone and they make things happen. Tanks are the backbone of the army, but I don't want them parked in my neighborhood. I have some issues waking up at 4am when the truck fires up, my house shakes and the truck sits and idles for one half hour. I have an issue when I am having a dinner party and I have guests over and we are sitting outside and the truck fires up and the house shakes and I get snickers from my guests and it continues to idle and we have to talk over the idle. That happens on a regular basis. I have had a truck parked by my house almost everyday. It has been very frustrating. We started the issue with the trucks when Sue Barker was here. At that time there wasn't an ordinance and we finally gave up. What brought this to a head for us is what you see in the pictures, that is what our realtor saw. We were about to give up and move out of Troutdale because of what you see in those pictures and that is a shame because I really like Troutdale. I have served on the Citizens Advisory Committee. I thought I couldn't fight it anymore except now the realtor was telling me that I was going to lose money. No one is going to buy our house. Councilor Kyle I really do appreciate your website, but you say the exact same thing that our realtor has said to us, that we are going to take a significant loss. There are economic damages when you try to sell a house with semi-tractors parked next to it. We have several issues; there is the livability, noise, smell and the shaking of the house. A few will say that it is the same as a diesel truck. I have heard diesel trucks, as a matter of fact there is a diesel truck parked next to me and they don't make the same amount of noise as a semi-tractor. Semi-tractors shake the house. Part of it is the size of lots now. Most of the newer neighborhoods are starting to have homeowners associations and they prohibit semi-tractors.

I think the newest subdivision is the Horton Homes Subdivision, they prohibit everything but they have 3,000 and 5,000 square foot lots. The lot sizes in our neighborhood are 7,500 square feet and as you can see in the picture there is not a whole lot of room between the houses. When you bring a semi-tractor home, I can reach out and touch that truck practically and so you can understand why it shakes our house and why it would be very difficult to sell our home. I appreciate the words from the Council at the last meeting and your intent seemed to honor what is the intent and what the citizens of Troutdale want. There are many citizens that I have talked to who are very interested in this issue. If you take a look at what the people of Troutdale want, I believe you are going to find that overall they do want to prohibit semi-tractors in residential neighborhoods. They belong somewhere but not in residential areas, they are clearly commercial vehicles.

Laurie McMahon stated I have lived in Troutdale for 11 years. If I were to buy a house in Troutdale would I buy it with a view of the Columbia Gorge or with a view of my neighbors semi-truck? I can answer that question. I bought my first home in Troutdale with a view of the scenic gorge and I never thought it would be replaced with a view of a semi-truck. I do feel really emotional about this.

Jim McDaniels stated I live in Troutdale and I am a friend of one of the truckers that is here today. I live across the street from another one of the truckers that is here today. I appreciate the fact that they need a place to park their tractors. As for my experience, I haven't had any problems with them as far as the noise goes. Pickups are just as loud, the garbage truck is just as loud, there are many things that are just as loud. RV's are just as big. I don't see that by a heavy handed ordinance banning semi-trucks in the neighborhoods that you are really going to alleviate the problems that you are looking to alleviate, they are still going to exist just in a different form. The other thing that I wanted to say is that the trucking industry brings a lot of revenue into this town and I think by passing this ordinance the way it is worded right now is just thumbing your nose at them. I think you need to give them some respect.

Mayor Thalhoffer closed the public hearing at 9:24pm.

Mayor Thalhoffer stated I would like us to discuss the issue to see whether or not there is unanimous support for this ordinance to be adopted tonight.

Councilor Thomas stated coming from a family of truckers I understand the life that they are in. About 50% of all commerce is moved by truck. Based on the way this ordinance is written I just simply cannot support it. This takes away a persons livelihood and ability to bring his rig home on a periodic basis to clean it. When I was a kid I enjoyed climbing around in the truck and riding around with my dad and I really never noticed the noise. It was never a problem as most of the drivers that I have known were always very respectful to the areas they were in. I cannot in good conscious put a blanket restriction as it is written.

Mayor Thalhoffer stated I am from a blue-collar town called Prineville and there are a lot of diesel trucks there, mostly logging trucks and Les Schwab trucks. I come from a background of cowboys and loggers. I have sympathy for the truckers. I speak against this ordinance as

written. However, I would like to seek some kind of middle ground here where we could provide some regulations that would help the people in the neighborhood from excessive idling of the tractors and from blocking the views people have. The pictures that we saw showed two tractors right next to each other in a neighborhood and I am trying to figure out how that happened. There shouldn't be two tractors right next to each other I wouldn't think. I would think you could have one tractor per house but not more than that. I am trying to seek a reasonable compromise here because these people work hard for their living and work long hours on the road and as they indicated this is there only way home. I would like to see us have an ordinance that would give these people the opportunity to come home with their tractor and have some regulations about how long they can idle and that addresses blocking the views of people who have a nice view that gets blocked by the semi-tractor. It seems to me like well-intended people can work out some sort of reasonable regulation to make it possible for the drivers to bring their tractors home. Drivers have a huge investment in those tractors. In other words I am trying to create something that will serve both parties. It may not make either party happy but a true compromise is one in which no one is happy but everyone can live with.

Councilor Kight stated one of the most difficult parts of being up here, as your city council and as your neighbors, is making these kinds of tough decisions. There is a lot of pressure on each one of us to make the right decision and to come up with the right words and to anticipate, once we make that decision or choice how it is going to flush out. Some people will follow it to the letter of the law and there are others that will ignore it. That is probably why you are here tonight because obviously some people have pushed this thing to the limit. As a little indicator Cate showed us pictures of two tractor rigs parked next to one another. Having said that, in Troutdale as in other cities and other communities, you strive to have livability within your community. That means different things to different people. For the most part we have zoning ordinances and we separate out our commercial from our residential. We have done that because that is what the people want for the most part. They want to come home and have the tranquility of living in their home without the noise and the issue of having semi-trucks parked between their houses or in front of their home idling for a half hour. They want to have livability and peace and quiet. They want to be able to go out in their backyard and have a picnic or a gathering of friends and not have the noise and smell of a semi-truck idling. The truckers made very compelling, impassioned arguments to bring their rigs home and I understand it and I understand the difficulty of parking someplace else. What is missing here tonight in this room are the people that would be affected most and that is your neighbors that live next door to you. One man here indicated he is a neighbor, but the other lady gave a very compelling argument. She said she is in the process of selling her home and because of the negative visual impact of having those semi-trucks, there is a financial component to that. She probably in all reality will have to reduce the price of her home in order to sell it because not everybody wants to live next door to where a semi-truck is parking on a regular basis. I would support this ordinance. I think what is going to happen, maybe not now but in the future, someone is going to find a way to make money on this and there will be a place to park the rigs that is not in a residential neighborhood. There is a good reason why other communities, City of Portland, Gresham and others have adopted this type of an ordinance not allowing semi-tractors/trailers to be in their community.

Councilor Kyle stated I remember when we discussed this last year it was also a heated discussion at that time. I can't adopt what is before us but I do think we do need to sit down and construct something that everybody can live with. I am concerned about the long-term idling. I would find that offensive. I am offended when my husband idles his diesel pickup and I have to breathe it. I think we do need to construct something that is livable for everybody. I see that we do have some empty holes in our ordinance.

Councilor Daoust stated last year when we addressed this very same issue it passed unanimously with all of the Council. We had a lot of citizen input a year ago and we all agreed that we should restrict, we used the wrong words that were to ambiguous, but we all agreed a year ago that we were going to restrict semis. We are holding another public hearing and we have more truckers here tonight then we do neighbors and they are making some good arguments. So now we are going to revisit the whole thing rather than fine tune it which was our original intent. I am a reasonable person and I have listened to those who have testified tonight and it makes sense, but then I back up and think of how we are going to incorporate into the wording idling restrictions. You start getting real messy when you start adding or tagging on other types of restrictions like saying they can't be there for longer than 24-hours. Then you open up another door that says well, within how many days. If you say they can't idle for longer than 30 minutes, is that going to satisfy the people that show up at the next public hearing who don't like idling for more than 10 minutes? It gets real complicated when you start structuring an ordinance that tries to please everybody. We all know that you can't do that but it seems to me that is the path we are going down. Again, I am a reasonable person and I don't mind going down that path and we can come up with a compromise. I am saying it is going to be difficult to try and have idling restrictions, view restrictions, and 24-hour restrictions. It is going to get to the point where it is going to be real difficult. We tend to react to how many citizens show up and who we are trying to please that night. I was ready to adopt this the way it was written to keep it simple because I felt that resourceful truck drivers would find another place to put their truck. I truly believe that truck drivers are resourceful enough that they will find another place. I am willing to go down that path with the rest of the Council but I just have envision that we are going to try to please everybody and it is going to get rather complicated and then there will be another issue that is going to pop up that we haven't addressed in the newly rewritten ordinance. The bottom line is I was ready to adopt this ordinance tonight. Obviously the Council is not unanimous on this so we will put it over for another hearing.

Councilor Gorsek stated what Councilor Daoust says is true. It's hard to sit up here. I have never served on a jury but sitting up here for the last year and a half you get really use to feeling like that. I listen to everyone on one side of the issue and I say that sounds good and then the other side starts talking and you go wait a minute. Everybody here tonight has some marvelous arguments. It is not easy. I think the Council tries to make people happy, that is what we want to do. We don't like people to go away from here with a bad feeling about their local government. I agree that truck drivers are resourceful and I agree that they may be able to find another place for their truck. The question of course is always the expense of what you have to go through to find another place. I know that in some way some of our arguments against the tractor are a little hollow because we talk about the RV and that is okay and some of those are huge and yet the tractor is not. I have a real problem with that

because if we are basing it on noise, I think we have a noise ordinance so we could enforce that. If we are basing it on size, then we aren't really basing it on size because we are saying the RV is okay but the tractor is not okay. To me I don't think we are being as consistent as maybe we need to be. In the end, there was the attorney's argument about private property, so there is the issue of what do you regulate in terms of private property. What we should always try to do, and I think everybody on this council tries to do, is to do the least amount of harm to anybody in terms of the economic status. I think as Councilor Kyle, the Mayor and Councilor Thomas have indicated, we need to look at this again. I also know, having been in law enforcement myself that it is also frustrating for the people that try to enforce the law and then have to wait while the policy makers decide. I would recommend that we not adopt this ordinance as it is written.

Councilor Ripma stated the last time we dealt with this it was a compromise. It was a very similar evening and I thought we resolved it. To tell you the truth I think we ought to consider leaving it right where it is. Take the ordinance together with the legal opinion, it prohibits semis both tractor and trailer. I think that is a very defensible position. We are trying to clarify it and that is what brought it up. That is where it stands right now and is where we ended up last time prohibiting tractors and trailers. In an attempt to clarify it we are reopening it. If all of the truckers were the neighborly people that I am sure the ones who are here tonight are and their neighbors who came are, we wouldn't even be discussing this. But that unfortunately is not the case. We are required by Metro to continue to make our lots smaller and the city more crowded. We are powerless to stop that. I would rather see a little more space between the houses and a little more green, but we can't do anything about that. The City is filling up with houses and to have livable neighborhoods, unfortunately people begin to bother each other and you end up having to pass laws that we didn't use to need and it is usually just because a few people aren't neighborly. I am sure that most of the truckers are probably very responsible and they probably do park in neighborhoods all over the city once in a while to clean them out and the neighbors don't care so there are no complaints filed. Unfortunately we are dealing with a situation where people whose homes are close to other homes are being victimized by irresponsible neighbors. This doesn't fix all of the problems and we probably can't solve them all. This is a truck friendly town and we are known for it. There are places to park outside of residential zones, I don't know much about what you have to do so I endorse the idea of resourcefulness. This is a truck friendly town, it obviously isn't friendly enough in some places. We are trying to prohibit them from residential areas where they really truly don't belong. If they were just there for a short time, quietly, neighborly, we wouldn't have an issue. Obviously there is a majority of us that want to revisit this issue and try to come up with a compromise. I am worried about going down that path but if the majority of us want to we have to try. I am perfectly willing to try. I would have passed it the way it is, simply because I think it codifies what we did the last time.

Councilor Thomas stated I agree with limiting the number of trucks on a private piece of property, that makes a lot of sense. I don't remember how long it takes to warm up a truck before you can move it. Trying to put time restraints may not work in that they need time to warm up before they can go. The other thing we need to look at is the security issue. These people have a lot of money invested in their rigs. You can buy semis to pull fifth wheels, which would fall under I guess the RV rules. The security issue, we all look at that ourselves,

why do we park our RV's at our house? Because we don't want to put them in a lot and take the security risk because no one is really protecting them. The same thing when we park our cars in our garage. I think we need to take that into consideration. That is one of the reasons that I can't buy into this because we are not taking that persons livelihood into consideration as to what does it take for that person to be able to make money. The trucking industry, especially in the independent market, is very competitive. Every dollar that they save is a dollar that they can use to put back into the rig in most cases. When this was passed originally I know it was a unanimous vote by the Council, but unfortunately I was in New York on vacation at the time. If we look at the way the ordinance was written, maybe it is because of my trucking background, but I would say semi-trailers did not include the tractor.

Mayor Thalsofer stated I didn't drive a tractor/trailer I drove a lumber truck but I have been around a lot of trucks. I know that a semi-trailer is not a tractor. You have a tractor and a trailer, they are two different things. So I can't imagine that when it said semi-trailers are prohibited that it meant the tractor was included as well. I can't imagine that I would have ever consciously done that because I know the difference. What I would like us to do is have a work session with the people involved and get some advice from them on how to construct something where both sides can make some reasonable concessions. In other words have some truckers and some residents come and help us draft something that makes sense to everybody. None of us are truckers we are residents, we need to try to accommodate the people who make their living in this community and who have huge investments in their rigs. We don't allow trailers, that would be stupid to allow a semi-trailer in a neighborhood but a semi-tractor is a whole different deal. So that is what I am suggesting that we have a work session and that we get truck drivers and residents involved. During this process we could ask the Code Enforcement Officer to forestall any further enforcement and ask the parties involved to try and do whatever they could to keep from having any additional problems.

Councilor Daoust stated I think the way I see a municipal code ordinance is they are complaint driven. What we are going to try and do is make a certain section of our municipal code bullet proof and we are not going to get there because there will still be complaints. What I would rather do is keep it simple because we are getting citizen complaints; that is why we are here tonight. We are not hearing complaints about RV's that I know of, maybe we are but I haven't heard of any. But I would rather keep this complaint driven. The good truckers will behave well and the bad truckers will behave badly even if we try and bullet proof this by having idling restrictions and hours of parking restrictions, we are still going to get complaints.

Councilor Gorsek stated Councilor Daoust is absolutely right. You are never going to find a solution for everybody. A lot of times in government we want a one size fits all approach because it is streamlined, it is basic, it is a standard. But it doesn't necessarily hurt us to at least do some accommodation. I don't think that you will ever find that you can make everybody happy. There are so many things that irritate us in life. I could be complaining all the time about the kids outside on their skateboards until all hours, and I don't because it is just part of living. I think that a lot of times there are things that bother people and there are issues like this that are out there but they don't necessarily bring them to us. I think you are

right, we will never find something that makes everybody happy, but we can take the extra step to at least try to mitigate some of this.

Councilor Ripma stated there are three of us ready to adopt this. A very minor change might bring around another councilor. As appealing as it might be to have truckers and neighbors in the room all gathering together for a work session, we spend long evenings in work sessions and there are probably some who would be willing to come and do that. We could consider a minor change something like a truck can't be there more than 24-hours within a two-week period. Something that would be enforceable rather than noise or idling time that would be difficult to enforce, but not impossible. I would propose that we let this come back for a second hearing and we might be able to pass something. A minor change that would allow the truckers to come home clean their clothes and restock their truck which is reasonable and might be possible without having to hold a work session.

Councilor Daoust stated that is an excellent idea.

Councilor Ripma stated just to give an idea, semi-trucks and tractors are prohibited in residential neighborhoods except that the tractor could be parked for 24-hours no more than once every two weeks or something along those lines.

Councilor Kight stated before we craft something that may or may not be enforceable, could we ask our Code Enforcement Officer to give us some input.

Mayor Thalhofer stated Councilor Kight we can give staff direction to come up with an ordinance that is enforceable. We don't have to have testimony on that tonight.

Councilor Kight stated I am merely asking his opinion.

Jack Hanna stated if we had personnel that had the time to go monitor how long the vehicle sits there, when it first appeared and when it is actually moved, and it wasn't moved in between those times and they could testify in court that the vehicle was parked there continuously for 24-hours or longer, it is a workable solution. I think your going to increase staff by about four.

Councilor Kight asked so all they have to do is move that truck once to another spot and essentially you wouldn't be able to enforce that ordinance?

Jack Hanna stated if you want me to appear before the Troutdale Municipal Judge and testify that the truck was not moved within a 24-hour period, I need to know it was not moved within a 24-hour period or I will not testify.

Councilor Kight asked how would you be able to do that?

Jack Hanna replied sit there an watch it for 24-hours.

Marnie Allen stated I think you need to clarify whether or not you are meaning if it is moved within a 24-hour time period that the restriction starts over versus it can be parked for 24-hours during a two week period.

Councilor Ripma stated I don't care, however it is enforceable.

Mayor Thalhoffer stated we are not going to be able to craft some language tonight. Why don't we give direction to staff, they have heard the testimony and I think they know what some of the issues are, to craft an amendment that would address some of the issues that came up here and bring it back for the second hearing.

Councilor Gorsek asked isn't it possible to simply say they drive in at 10pm tonight and the 24-hour clock begins to run for 24-hours and at that point the 24-hours is up and that vehicle can not be there again for two weeks. That is much easier to enforce.

Marnie Allen stated we can look at those options.

Councilor Thomas stated what I would like to do is scratch all of the changes that were proposed with the exception of limiting it to one vehicle on private property. The reason I say that is in talking about timeframes, being an independent operator they don't always know when the next load is going and they may be there for a couple of weeks.

Councilor Kight stated are you saying store the tractor on private property for two weeks?

Councilor Thomas stated it is private property.

Councilor Kight stated I understand that. But we are also talking about residential areas not commercial areas.

Councilor Thomas stated you are talking about a tractor that stands 14 to 15 feet tall, if you look at some RV's they stand that tall.

John Anderson stated listening to the conversation I think that staff could draft a range of alternatives and we can talk about where the pitfalls are with enforcement and then you can vote.

Councilor Kyle asked could we include that the tractors have to be owned by the property owner or some kind of reference that is should be the property owners.

John Anderson replied we could look at that as an option.

Councilor Kight asked how is that going to work for someone who is driving for a company?

John Anderson replied we can explore that and we will tell you whether it works or not.

6A. COUNCIL CONCERNS AND INITIATIVES:

Councilor Thomas stated I was informed that a County Sheriff's vehicle came flying through the city, down Columbia River Highway, on Saturday, April 2nd at around 3:45pm traveling at excessive speeds, they guessed around 70-80mph.

Councilor Gorsek stated next week is Earth Day on Thursday, April 22nd. Mt. Hood Community College is having an Earth Day fair from 11am to 1pm in front of the bookstore.

Councilor Ripma stated on Sunday April 18th the Historical Society will be holding a meeting at 2pm at City Hall where Sharon Nesbit will be interviewing Mayor Thalhofer.

7. ADJOURNMENT:

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

Meeting adjourned at 10:19pm.

Paul Thalhofer, Mayor

Approved May 25, 2004

ATTEST:

Debbie Stickney, City Recorder