

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

**Tuesday, April 27, 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 Thomas, Councilor Ripma, Councilor Kight, Councilor Kyle, and Councilor Daoust (participated by phone).

**ABSENT:** None.

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

**GUESTS:** See Attached List.

Mayor Thalhofer asked are there any agenda updates?

John Anderson replied we are asking that Agenda Item #7 be postponed until the May 11<sup>th</sup> meeting. We would also like to request that we add an additional item to the end of the agenda, Review of Tube Specialties Permit.

**2. CONSENT AGENDA:**

**2.1 Accept Minutes:** February 24, 2004 Regular Meeting, March 2, 2004 Work Session and March 9, 2004 Regular Meeting.

Mayor Thalhofer read the consent agenda.

**MOTION:** Councilor Kight moved to accept the consent agenda. Seconded by Councilor Kyle. Motion approved unanimously.

**3. PROCLAMATION: Mental Health Awareness Month – May 2004**

Mayor Thalhofer read the proclamation.

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

Marsha DeJesus stated I have concerns regarding the way Waste Management is contributing to the trash and yard debris that is being scattered around my neighborhood. The trash is not there when I leave in the morning and when I come home from work on trash days there is yard debris and trash in the street. Waste Management also just heaves the trashcans everywhere. I come home on days that it is not windy and my trashcan is in my neighbors yard.

Mayor Thalhofer asked John Anderson, City Administrator look into this issue.

Marsh DeJesus stated I just read the Troutdale Champion article regarding street trees and I see that the City of Troutdale will be looking into the street tree situation again and setting up a committee. I have some concerns about that. This all started when the city decided to plant trees at the curbs and the citizens had no say in the matter. You install the trees and it is then up to the property owner to own the tree, not at their request, but at the City's request. Now 13 or 14 years later, sidewalks are buckling. It is distressing to learn that it is the property owners problem when you, the city, have placed the trees there that the property owner did not want. Concrete is expensive. I don't know how to pour concrete so I would have to hire someone. One of my neighbors has been forced to fix his sidewalk at a considerable expense to him. He demanded that the city take the tree out, I don't think that is unjustified. I think the city should look at some type of reimbursement to the property owners. They didn't ask for the trees. Don't get me wrong I love trees; I have trees in my yard. What type of ramification does a property owner have for these types of situations, which is an added expense? What brings this to the attention of the city when someone does have a buckled sidewalk? I understand it is complaint driven. That can be very vindictive and detrimental to the neighborhood and I would like someone to address that issue.

Mayor Thalhofer asked Rich Faith, Community Development Director to check into this and see what we can do to correct this problem and get in touch with Ms. DeJesus.

**5. PUBLIC HEARING / ORDINANCE (Introduced 4/13/04):** An Ordinance amending Section 8.28.075 of the Troutdale Municipal Code relating to vehicle parking in residential neighborhoods.

Mayor Thalhofer read the ordinance title and opened the public hearing at 7:18pm.

Rich Faith, Community Development Director stated this ordinance was introduced to you at your April 13<sup>th</sup> meeting. It was staff's intent to clarify Councils actions a year ago when you adopted amendments to the nuisance code. As part of those amendments you prohibited oversized vehicles in general from being parked on the streets within residential neighborhoods but allowed those oversized vehicles to be parked on private property. As part of those amendments you also included language that prohibits semi-trailers from being parked in residential neighborhoods. At our last meeting when we brought this up for clarification and to add additional language to try to capture what we felt the intent of the Council was, the Council did affirm their position that semi-trailers are prohibited in residential

areas. However there were different opinions amongst the Council in terms of whether that was also intended to apply to semi-tractors, the distinction being a semi-tractor pulls the trailer and the trailer follows the tractor. At the conclusion of the testimony at the last meeting the majority of the Council seemed to seek a compromise position on this matter. You expressed ideas about perhaps allowing the tractors to be parked in residential neighborhoods for a period of 24-hours but no more frequently than every two weeks. The Council also had some concerns about some of the negative impacts associated with parking these tractors units in residential neighborhoods, most particularly noise associated with the diesel engine and also problems with clear vision when they are parked adjacent to driveways. Council was hopeful that we might also be able to address those issues. Staff was instructed to come back to this meeting with a series of optional language that might capture that compromise objective that you had in mind. Before I discuss the various options I want to first address the two major negative impacts that were mentioned at the last meeting. The first being the engine noise. I think that everyone understands these semi-tractors run on diesel engines and they customarily make more noise than a gasoline powered engine that most passenger vehicles would use. There is certainly a potential for irritation to a neighbor if these tractors are parked in a residential neighborhood and running at night when other people would be sleeping. I think it is important to point out that the city already has a nuisance control ordinance that regulates unreasonable noise. Under that ordinance a neighbor residing next to someone that has parked one of these rigs would have grounds to notify the police of an unreasonable noise if the following two conditions apply: 1) if the noise is made between the hours of 10:00pm and 7:00am and, 2) the noise is plainly audible within that person's house. So if those two conditions apply then they would have grounds to call the police and say we have an unreasonable noise in our neighborhood. Therefore, the fact that we do have this already on the books in the Municipal Code we don't feel that it is necessary to duplicate that in this particular section of the nuisance code. A second impact that was mentioned has to do with obstructing the driveway clear vision area. The Troutdale Development Code does regulate a clear vision area for residential driveways. The idea is that it leaves an area unobstructed so when a person is backing out of their driveway they have a means of looking up and down their street to make sure they are not going to be running over someone. Generally that clear vision triangle is defined as a line running 20 feet from the center of the driveway in each direction parallel to the street and then the triangle is closed off by joining at the top of the triangle to what is referred to the setback line, which is in most cases is 20 feet. So you have a triangle that has a base of 40 feet and then it is 20 feet in length to its peak. In that clear vision triangle the code prohibits any structure like a fence or building or anything of that nature that is more than 3 feet in height, therefore to allow for a clear vision in that area. The code doesn't regulate vehicle parking in that area, it only applies to permanent structures. So it seemed inappropriate to single out semi-tractors to not be allowed to park in this area because they might obstruct vision. The same could be true of many other types of vehicles that would be parked there. I have provided three options for your consideration tonight. Each of these options includes the addition of a new subsection, which was not presented to you at the last meeting. That new subsection is 8.28.075(F) which pertains to abatement procedures. The normal abatement procedure that is outlined in the nuisance code allows up to ten days for a person to abate a nuisance violation. That would be very unworkable if we were talking about a vehicle that was parked in violation of this code to allow them ten days in order to abate that.

It would be particularly unworkable if the Council should choose to go with a 24-hour parking limitation for semi-tractors. The new language that is being introduced in the ordinance tonight would require immediate abatement of the illegally parked oversized vehicle, whether it is a semi-tractor or otherwise rather than the ten days that the code currently allows for. Failure to immediately abate that violation would result in a citation or summons to appear in court. We feel this is the best way to try and get at abatement of an illegally parked vehicle. That language will appear in each of the three options. The first option is what I call status quo but limited to one parked vehicle. This is shown as Exhibit A to my staff report. This is essentially the same language that is currently in the nuisance code with the understanding that semi-trailers are distinct from semi-tractors and that only semi-trailers are prohibited. Under this option semi-tractors are treated the same as other oversized vehicles and the only change then would be the addition of language that limits the number of oversized vehicles, which would include a semi-tractor, that can be parked on residential property to one. I have also tried to provide some pros and cons for each of these options. For this option the pro is it is simple to administer and enforce. Semi-tractors are treated the same as other oversized vehicles with off-street parking permitted in residential neighborhoods but not on the street. The con for this option is it would not achieve the compromise position that the City Council was seeking that was mentioned at the last meeting and would not limit or provide some flexibility in parking those on the property. The second option is what I am calling semi-tractors prohibited in residential neighborhoods, which is Exhibit B to my staff report. This is the language that was proposed at the first hearing. This option would clarify or implement the Council's intent as it was interpreted by our City Attorney. This would prohibit semi-trailers and tractors in residential neighborhoods. Once again we have the same qualifying language that would limit any oversized vehicle to one, but it would not include semi-tractors because they would be prohibited. The pro to this option is it would be simple to administer and enforce. The con is that it does not achieve the compromise that the City Council wanted to achieve as expressed at the last meeting. The third Option I refer to as semi-tractor allowed for one 24-hour period over a two week time period, which is Exhibit C to my staff report. This is trying to capture the ideas that the Council expressed at the last meeting as a compromise position. Under this option semi-trailers are prohibited in residential neighborhoods however, only one semi-tractor can be parked on a residential property at a time. The tractor can only be parked on the private residential property during a 24-hour period. That 24-hour clock begins the first moment that the tractor unit is parked there, that tractor unit might actually come and go during that time period but at the conclusion of that 24-hour period the tractor would have to be moved and no other tractor unit can then be parked on the property for at least two weeks. The pros to this option is it does achieve the compromise that the Council was seeking allowing the semi-tractors to be parked in residential neighborhoods for a limited time period. On the negative side this compromise position would be extremely difficult to administer and enforce. The City in effect would have to depend on the complainant to track when that semi-tractor is first parked on the property and when the 24-hour clock expires. If we ever get to the point of having to cite someone into court for violating this provision we may have difficulty proving our case in court. The ordinance that is currently before you tonight is the Option 2, Exhibit B, which is the ordinance language that was introduced two weeks ago except that the emergency provision has been removed and if adopted this evening it would take effect in thirty days.

Mayor Thalhofer asked option 3 would be difficult to enforce wouldn't it?

Rich Faith replied yes. The difficulty is that these tractor units could be driven and parked in the middle of the night. Generally our Code Compliance Officer is who would be dealing with these as a nuisance and he would not be available to substantiate the exact time the vehicle was parked there and when the 24-hours is up. So it really would put that burden on the neighbor or the complainant to some how document when that 24-hours started.

Mayor Thalhofer asked the Code Enforcement Officer works eight hours a day five days a week?

Rich Faith replied yes.

Mayor Thalhofer stated we have more detailed transcript from the meeting last year which gave a clearer indication of what the intent of the Council was and it appears that the way the ordinance reads now, semi-trailers prohibited, is what the Council actually intended to pass at that time.

Councilor Kight asked have we had citizens within our community that have been contacting your department in overwhelming support for having a semi-tractor parked in front of their house or in their neighborhood?

Rich Faith replied I don't recall anyone calling or notifying ...

Councilor Kight asked have you had any contact whatsoever, by phone or letter or any form of communication indicating that this is something that they want in their community?

Rich Faith replied no, I haven't heard from anybody other than the testimony that took place at the last meeting.

Councilor Kight asked if they had contacted your office one of your staff would have informed you of that, would they not?

Rich Faith replied I am sure they would, yes.

Councilor Kight stated Option 3, the 24-hour limit. I spoke with Jack Hanna tonight before the meeting and I asked him about the 24-hour issue and he said for all intensive purposes it couldn't be enforced. He gave me an example, if the driver parks the truck on a Friday evening Jack goes home at 5:00pm. Essentially the truck could be parked all weekend and he wouldn't have any control over that and there would be no way to enforce it, is that correct?

Rich Faith replied that is correct.

Councilor Kight stated it pits one neighbor against the other and I don't think that is what we necessarily want in our community. Do you think that parking semi-tractors in residential neighborhoods would increase the livability of our community?

Rich Faith replied I don't know that I am here to make judgement on that, I am here to present information.

Councilor Kight asked do you think it would increase the property values?

Rich Faith replied once again I think there are many people here that can attest to that question.

Councilor Kight asked well then let me ask you in another way, do you think it would affect property values?

Mayor Thalhofer stated I am not sure those are fair questions to ask Mr. Faith. What I think you are trying to do is comment and there is a time for comments and right now is not it.

Councilor Kyle had no questions.

Councilor Daoust stated I don't have any questions. I just want it to be known that I do have the council packet in front of me, Debbie Stickney made sure that I received all of the information, I just don't have any questions at this time.

Councilor Gorsek stated I don't have any questions but I think that this has been laid out nicely and I appreciate the pros and cons and the thorough analysis of each option.

Councilor Ripma asked Option 1 is really no relief for neighbors from the semi-tractor/trailers.

Rich Faith replied the trailers would still be prohibited, tractors would be permitted.

Councilor Ripma asked Option 2 would be the maximum relief for the neighbors in that tractors would be prohibited as well as the trailers?

Rich Faith replied yes.

Councilor Ripma asked Option 3 is a compromise that I guess I floated at the last meeting in order to try and do something for the neighbors and I appreciate that the staff came forward with that.

Councilor Thomas asked the compromise for the 24-hours, would that essentially be a rolling two weeks?

Rich Faith replied from the time that the tractor unit is parked and then removed at the conclusion of the 24-hour period that starts the two week clock before another tractor unit could be parked there.

Councilor Thomas stated I was thinking that you were talking about 24-hours within a two week period.

Rich Faith replied no.

Councilor Thomas stated so you are talking 24-hours straight time.

Rich Faith replied it is 24-hours straight time and at the conclusion of that there is a two-week period before the tractor could be parked there again.

Councilor Thomas asked about the code abatement penalties that are referred to in 8.28.090?

Rich Faith replied 8.28.090 lays out the procedure that we follow in terms of giving notification, what must be in the notification and that notification must let them know that they have ten days in which to abate. The code does allow ten days for a nuisance to be abated before we take it to the next level and cite them into court or abate it on our own if we chose to do that and charge them for that.

Councilor Thomas asked so what you are asking us to do is to remove that ten-day requirement?

Rich Faith replied in this particular instance in dealing with parking of oversized vehicles and semi-trailers, yes. In this particular instance we are asking to go with a different timeframe than the ten-day abatement period because it is totally unworkable in terms of trying to abate an illegally parked vehicle.

Councilor Kight asked your working background as our community development director gives you working knowledge of the zoning laws, is that correct?

Rich Faith replied that is correct, I administer the City's zoning laws.

Councilor Kight asked how long have you worked in that profession?

Rich Faith replied about twenty-four years.

Councilor Kight asked you are more than well aware, as most of the people in this city and in this room tonight, that we have different zoning laws, right?

Rich Faith replied yes.

Councilor Kight stated some are specific to commercial and some are specific to residential. In your opinion why is it you separate out commercial from residential? In other words, lets take Stuart Ridge or Cherry Park, why don't we allow commercial development within those subdivisions?

Rich Faith replied the standard reason behind doing that is to avoid conflicting uses that may have a negative impact on each other and result in the possibility of having an affect on property values as well. Those are sort of the textbook reasons we have different zoning classifications set up.

Councilor Kight stated so essentially what you are saying is we do separate out the residential from the commercial, at least in Oregon and other communities throughout the United States.

Rich Faith replied for the most part, however it is not exclusive, we do have some mixed developments.

Councilor Kight stated but on the main we do separate out those two zoning districts and it has to do with livability, financial impact on the community and so on. This is a comment but since the Mayor opened up with his comments I also want to make it clear that my understanding was when we said semi-trailer that it also included the tractor as well, not just the trailer but the tractor, the entire truck.

Councilor Gorsek stated Councilor Kight initially asked you how people would feel about parking semi-tractors in front of their house, this ordinance doesn't suggest that does it?

Rich Faith replied none of the options would permit them to be parked in the street.

Councilor Gorsek asked they would have to be on private property?

Rich Faith replied yes.

Councilor Gorsek asked you are aware of other cities around here, the City of Portland for instance, and some of the things they do?

Rich Faith replied I am aware of some of the things that they do but if you are asking if I know specifically how they address semi parking, I don't know the answer.

Councilor Gorsek replied no, my comment is Councilor Kight was making it sound like every city prohibits the mixing of land uses, is that true?

Rich Faith replied no, and as I said even in Troutdale we have some mixed use zoning where commercial and residential can occur side by side. It is not a universal true fit to separate commercial and residential but that is normally how it is done.

Councilor Ripma asked in Option 3, I realize given the earlier questions I was worried about its fate because my interest in the third option is that it provides some relief to the neighborhoods. The 24-hour clock within a two-week period is complex to enforce. That doesn't mean that it is impossible to enforce. Wouldn't it be possible for a group of neighbors

to somehow establish through their own resources perhaps and bring it to court? It doesn't require Jack Hanna to sit there for twenty-four hours necessarily?

Rich Faith replied no it wouldn't.

Councilor Ripma stated while difficult to enforce it would be possible to be enforceable. Homeowners could get together and establish credible evidence of violation of this in order to seek regress, is that right?

Rich Faith replied I think if it got to the point where it was a chronic violator and it appeared that we were going to have to cite this person into court, I think at that point the neighbors would probably assist in every manner they could to help us make that case.

Councilor Ripma asked and that would be allowed?

Rich Faith replied certainly they would be able to contribute evidence towards that.

Councilor Thomas asked I know we are specifically calling out semi-tractors, however there are several types of vehicles that ride on the same chassis. What happens with those? You can have a truck combination that actually sits on the same chassis as a semi-tractor. Dump trucks, cement trucks all sit on the same chassis and make the same noises, what happens in those particular cases?

Councilor Ripma stated those are oversized vehicles.

Rich Faith replied if we don't consider them to be a semi-tractor then they would just be considered an oversized vehicle.

Dave Salesky stated I reside in Troutdale. You have three options before you this evening it sounds like and I would like to suggest a fourth option, leave well enough alone. I think if you go into this you are getting into an area in which you are going to have to continually update the code. It sounds like listening to Mr. Faith this evening that he is only recommending that. I don't want to put words in your mouth, but it sounds like if you go into this and you try to go back into the code you are going to wind up with more problems than you have right now. Just listening to the questions this evening among the councilors, what is a semi-truck? Is it a dump truck, is it a logging truck, is it a semi-tractor, I don't know. How do you define that? Is it rated on gross vehicle weight? Could I bring out one of my company cars and park it at our location for 24-hours? It is a large vehicle, would that be a violation. Is it a diesel? My neighbor's diesel truck makes a lot of noise. He starts it up to go fishing at about 4am. When I go to work at 3am, if I had a diesel car, would that be in violation of the code? It sounds like what you have going on here is a dispute between two neighbors. We formerly were the neighbors of Dwight and Terry Montgomery for several years and Dwight parked his semi-tractor, not the trailer, on his property at that location. He started it up, sure I heard it, I hear my current neighbors Dodge diesel pickup truck when he starts it up to go fishing. I hear my current neighbors dump truck when he fires it up to go to work in the morning. Is it a noise violation, I don't know. It sounds like what you have is two neighbors that need to come to

some resolution and it has come to this point. I think maybe you need to back off and it needs to be resolved between the two neighbors here and not among the council members. As far as the property value goes, we sold our house, which was very close to where Dwight and Terry Montgomery live and we did not see any deterioration in our property value. We got the full asking price of the house when we sold it in 2000. The realtor did not make any mention that there would be a discount or we would lose money because there was a semi-tractor parked across the street. If you look at the RV down my current street, Sweetbriar Lane, is that an oversized vehicle? Can that person park his vehicle on his property for only 24-hours and then be required to move it? What about the fifth-wheel vehicle across the street from me, is that going to be in violation because it is an oversized vehicle? Those are questions you need to ask and answer this evening. I think what you basically have is a dispute between two neighbors that needs to be resolved between the two parties. There is a letter that my wife and I provided to the Council members this evening (copy is included in the packet), hopefully you have read it. It addresses much more elegantly the concerns here before the Council.

Marsha deJesus stated I have lived in Troutdale for twenty-five years. I have approached this issue from several different angles and I need to tell you that I am very irate. I agree with Dave Salesky. I think this is a neighborhood issue gone astray and the people are using the City of Troutdale to their benefit. I resented the fact that I received this flyer at my door. I need to let you know that I have no interest in the trucking industry and I have no connection with the trucking industry. I have been a neighbor of Dwight Montgomery from they day he moved into his house. We refinanced our house a year ago. Councilor Kight, our neighborhood is very livable and it has not lost any value. We received the full value for our home. I resent the implication. Maybe in some neighborhoods that is a problem. I would advise you to drive by Dwight Montgomery's home if you haven't done so.

Councilor Kight stated I have done so.

Marsha deJesus stated his home is much nicer than 50% of the homes in our neighborhood. He takes excellent care of his yard and home. He makes it a point to park his rig where it is not visible. It is not parked in his driveway. I admire the fact that the man can park his vehicle the way he does. I drive by there and I am in awe of him as a truck driver. My situation as far as the ordinance goes, I was a little bothered to learn through the newspaper article that this ordinance was changed in April of 2003. I think it might have come as a surprise to Dwight Montgomery that this ordinance was a problem until his vindictive neighbor decided to contact the nuisance officer and voice a complaint. I think there approach was wrong. I think the city has put out numerous issues saying neighbors talk to your neighbor. There is mitigation available. One of the questions I have for the City is, were these issues investigated? Did you ask these individuals before they voiced their complaints? Did they seek this alternative instead of trying to run around the town posing flyers on peoples doors and cars and hoping we would be in support of them. One of the things that I see is that obviously the city enforcement officer and council can not come to terms with what is a semi-trailer. I grew up knowing that the tractor was the front end and the trailer was the back end and you hook them together and you have a semi-trailer rig. I thought everybody knew that but obviously you don't. I think that the City Council needs to take a step back and really look

at that. The City of Troutdale gets a lot of tax base from the trucking industry. These people are doing their job. They are not the only people that have oversized vehicles. Mr. Mayor, down the street from you there is a construction worker that has an oversized vehicle parked on the side of his house. There is another gentleman down from the post office that drives a farmers van that he parks in front of his home. If you are going to pick on one individual you better darn well get out there and enthusiastically enforce this. You better cite everybody in the City of Troutdale that is breaking this law because you know what, you are going to find yourself in court. It is going to be a very sad day for the City of Troutdale because we are going to spend a lot of money defending ourselves. I value this city. I enjoy this city. I appreciate being able to come before you and speak my mind. Diesel vehicles, Dave said it, they are loud. I have neighbors in my cul-de-sac and my bedroom window faces the front of the cul-de-sac, and when they start up their diesel vehicles I hear them. I say to myself that is so and so and they are going to work, no big deal. Someone in your city approves site planning and house layouts and neighborhood layouts. The people that own the house next door to Dwight Montgomery, that is a very poorly planned lot. I have toured that house during an open house, I would never own that house. It doesn't have a view. Their view from the living room is of a retaining wall of their uphill neighbor. The view from their front door is Dwight Montgomery's side yard. Maybe those neighbors made a poor choice in selecting their home. Dwight was in the trucking business before they ever moved there and his rig has been there all this time. Those people have lived there from the day that house was built and so I would like to know why it has taken them this long to all of a sudden have a problem. Sometimes you can't please everyone Councilor Ripma, I know you would like to be nice and let all neighbors have a lovely ideal neighborhood but sometimes you can't have that. I would like to see the City of Troutdale look at this ordinance, and not chop the knees out from underneath hard working people because someone has had a vindictive cause. If I personally get a flyer like this on my door again, number one I broke my own rule, I didn't march up to their house and stuff it up their nose, I wish I had. The other thing on enforcing these noises and something I think the city needs to look at is I did call Jack Hanna about six months ago and I had a conversation with him about a totally different noise issue. We happened to have a neighbor that has a Harley Chopper and I asked Jack what I can do about the noise and he asked does he use it for his transportation and I replied yes. Jack then said well he has every right to start that vehicle up and drive it away and he has every right to drive it home. Under those terms, I guess Dwight has every right to drive his vehicle home and drive it out of there. Jack Hanna at that time told me that there is a guy up the street that has a diesel rig, and I said yes that is Dwight. Jack said to me that he is not breaking any of our code enforcement rules. Now that was six months ago, that was when the new 2003 law was in effect. So you own employees don't understand the ordinance, which is obviously why we are all here. I would like you to seriously take a look at all of that.

Lois Payne stated I live in Troutdale. I just happen to catch your meeting on television and it caught my attention mainly because I live in Troutdale and my husband is a truck driver and I know the Montgomerys. As I watched the meeting it became clear to me that this is a dispute between two neighbors. There must be some mediation that they could go to. I don't think that it is right for somebody to make an ordinance because of two neighbors disputing that is going to affect a lot of people in Troutdale. I think that is wrong. How many calls do you get from people with this problem? How many people are calling saying my neighbors tractor is

causing a disturbance or complained about this. It surprised me that when I watched this on television that there are two women that live next door to this person complaining but I didn't see anybody else that had the same problem as they did and if they do they probably don't complain about it. My sister and her husband team drive and they live in Gresham and they are only home two days a week and they park their tractor in their driveway. A trailer has their life in there, they drive it all week long and they are home two days a week so their life is in that trailer. If they leave that trailer, which is over on Airport Way it could get broke into and everything they have is in that. They have to bring it home to do their laundry and clean it to get ready to go back out on the road. To say that they can't park in their driveway that would be wrong because that is how they get home. If they leave their car where they pick up their tractor then they have the risk of having their car get broken into. I just don't think that is right. People need to consider some of these issues that people have. Their livelihood, this is their truck and transportation and I just don't think it is fair that you would make a ruling on something like that when it is only two people that are complaining about this. I think it is a problem with these two neighbors that needs to be worked out. I think it is really sad that these people bring this to the City Council and that we have to waste all of this time on something like this when there are probably some really good and big issues that we need to work on.

John Woelfle stated I have only two comments to make. One is, I put it to the Council which do you think is worse, having a nice clean semi-truck parked next to a house or somebody with a 54 Winnebago with a blue tarp stretched over the roof and a flat tire. The other comment that I would make is that until they sold it and they eventually moved away, my neighbor had a 1969 GPO with twin pipes and when he went to work every morning at 5:30am, guess what time I got up? I can't stress this more, I have had some dealings with the noise ordinance in Troutdale and I can tell you right now that the police department in Troutdale has no idea what it means. They have no idea of all of the little things that it takes to make a violation and they have no idea on how to enforce it.

Walt Postalwait stated I live in the City. The thing that brought me here tonight was this notice that was attached to my beater pickup truck in my driveway, which obviously is misleading. I have been listening to the people testifying tonight and it does sound like you have a neighbor conflict. Those who complained about motor homes should look at their deed restrictions. As far as the ordinance goes, if it isn't broken don't fix it. I do agree with the immediate abatement if it is parked on the street because I think that is a safety issue.

Mike Kelley stated I am a local area resident and I am also a real estate broker. I think what we have here is basically a feud between two neighbors. It is my opinion that Troutdale is a very nice very livable city. I also believe that Troutdale based on size and location probably has every ordinance and code consistent with most of the other cities of its size. I don't see why we need more ordinances, legislation, and codes. I believe that the three options are going to cross over a lot of lines. Part of it is noise ordinances and rights to use the public roadways. About the number of vehicles you can park on your private land, I personally take offense to that. I have done a lot of different things and my hobbies revolve around motorized vehicles. I wouldn't like the government to tell me that I can only have one sand toy. I think there are already all of the things in place that any city would need. I think this is

a dispute between two neighbors. They are confusing and complex the issues that they brought up and how you enforce them. I just think it is unnecessary.

Martha Anderson stated I live in the Strawberry Meadows subdivision and I have been there for seven years. On the next street over, which is an older residential area there was a neighbor who had a semi-truck, he worked for a trucking company. For a period of time over the winter about three years ago he was parking the semi-truck on the street and I would hear him in the morning when he started it up around 5am and that is when I would wake up. It was distressing me to be awakened that early. I didn't appreciate it. I didn't realize that he was not allowed to park on the street. I don't know why he quit after a three or four-month period but I found it very annoying. He would run that in the winter for about forty-five minutes to an hour before he would move it. I understand that semi-tractors need to run for a long time to reach a certain temperature in order to be driven safely. I think that there is a reason for commercial and residential to be separated. I think part of the reason has to do with noise and fumes and property values. I don't know exactly how these issues overlap with semi-tractors but it seems to me the people that own semi-tractors are engaged in a for profit business, or at least they hope it is, and consequently when they have costs they need to assume those costs on their own. Some of those costs are costs that are actually being worn by their neighbors with inconvenience and noise issues when they have tractors like this on their property. In my mind it is the difference between commercial and residential that needs to remain separate. I don't believe that these types of vehicles belong in residential neighborhoods.

Ron Eldredge stated I live in the Strawberry Meadows subdivision and I am the President of the Home Owners Association and having these flyers passed around caused and created some people to talk among our neighborhood. It seems like the general consensus of everyone that I have spoke to in regards to this issue and with regards to having a semi-tractor parked next to them is it wasn't so much the fact that someone did this for a living or that it is an inconvenience, but it was the fact that it was commercial versus residential. We do have restrictions within our neighborhood. We have CC&R's which say no commercial vehicles can be parked in the driveway. We do have people that put motorhomes in their driveway and of course we are reasonable. I have to pose a different question, how would it be to have one of those parked in between a house behind a six foot fence, which is what they are suppose to be behind if you follow our restrictions. That is certainly not going to hide one of these big rigs at all. I don't believe that the majority of the people that I have talked to are in favor of it. I do believe that it could be detrimental to the property value. I can't say that for sure because I am not a realtor, I am a banker. I do see concerns from people. I have been involved in disputes with neighbors. I was involved with a dispute with someone who had a truck that was parked out on the street that ended up being disputed with the city and I was subpoenaed to come here and it was the same type of situation. The neighbor did not like seeing the truck and the Judge said that the neighbors shouldn't have to look at that and be subjected to it. That would be my opinion. I don't think that there is any way to enforce Option 3 and really make it effective. I would throw out the question, I don't know if there are any alternatives that are zoned commercial property around here where they could park their vehicles. I don't know if that is a possibility or not or if it is something that has been talked about.

Pat Zdan stated I live in Troutdale on Spence. I received a flyer in front of my house. If I were to look for a home to buy in Troutdale and if it looked like this photo on this flyer I would not consider buying that house. If in the future my neighborhood starts looking like this I will move.

Gene Kauffenstein stated I live in Troutdale and I am not personally offended at all that I received this flyer. You get flyers all the time. I have not been to any previous meetings so I am going to have to plea ignorance to what exactly is the issue here. Apparently there are some disputes going on with neighbors and big rigs in the neighborhood. I don't know who this Mr. Montgomery is. He is probably some one who owns a good size piece of land apparently and he takes his rig and puts it along side of his house or behind his house. That being the case and the noise not being an issue that might be one thing. In todays world we live in an area where every time you see a subdivision the square footage is going down and you don't have half acres like you use to. The world is losing all of its common sense in how to be a good neighbor and then the government has to get involved in these things and make decisions for people who otherwise, fifty years ago maybe, knew how to solve between themselves, but then things were different. I don't want to look out my window and see a tractor in front of my house. I don't care if someone drives a truck for a living, that is a choice. But I don't want to see the rig in front of my house. That can be construed a lot of different ways but that is my opinion and I have a right to my opinion. It is my neighborhood and I want to keep it livable. We already have too many problems with neighbors and dogs. This business of trucks coming and going, I don't think it is good for neighborhoods. Maybe the tractor is only the small part of the whole rig but it is the thing that makes the noise. You could just carry this to extremes to the point where you have a guy who wants to raise alligators, in fact it is his constitutional right and it is his living to sale alligators, well I don't care I don't want them living next to me. That is my position.

Sandy Hiusman stated I live in Troutdale and evidentially I am the only one in the neighborhood that didn't realize that there was a real dispute going on between two neighbors. I am opposed to having commercial vehicles in our neighborhood. I don't appreciate that. I don't want it to be something that takes precedent in our neighborhood. My husband is a truck driver and I wouldn't want him to bring home his tractor at night. My son is a Multnomah County Sheriff and he tells me there are a lot more things to worry about than that. I think we have to think of our neighborhoods and what I don't want going on in my neighborhood so I am here to testify to that. I think that it is really sad what I have heard so far. From what I am hearing tonight I think it is more than just those two neighbors. I think it is a lot of people. I hate to see the whole area so divided. I do wish that we would keep commercial vehicles out of our neighborhood.

Steve Wright stated I live in Troutdale and I have parked commercial vehicles on my property. Dwight is a good friend of mine. I know this is a dispute between the next door neighbor and him. My neighbors have known that I have trucks parked there for the last ten years and they have never complained. I feel that trucks do move everything in the United States. Laws are changing that people don't realize. Insurance has doubled or tripled since 9/11. The laws have changed for duty and off-duty hours and people don't realize that either.

Trucks move everything and if they don't like it that is too bad. If you can park a truck off of the street and on your property you have that right to have it parked there. Nobody has the right to tell you what you can do with your property. We are going to end up changing all of the laws. We could bring a motorhome in and park it and the neighbor could complain that we are blocking their view, what are you going to do change that law too? Are you going to change the law because a kid makes a lot of noise riding his bicycle? This is ridiculous what we have been going through here because of two ladies. This is absolutely ridiculous. I think that a dispute between two people should not change the laws that have been in place. I have lived in Troutdale all of my life and now we are changing the law, that is ridiculous.

Cate Connell stated I am a Troutdale resident. It is unfortunate that this is starting to be characterized as an issue between a couple of people. As you hear from the various neighbors from a variety of communities in Troutdale, it goes well beyond one or two people. It really is an issue for Troutdale. I want us to keep the focus on that issue. It is an issue that encompasses how we are going to develop, where we are headed, and what we are going to look like in the next ten to fifteen years. While sometimes the decisions we make today don't seem perhaps as critical or as important, they really do shape our town and will continue to shape our town for the next ten years. I appreciate your consideration and taking a little more time on this issue. There are some points that I would like to make right now. One is the economic impact. We have heard some people say that their home sold at full price. I think the person who said that it took them almost a year to sale their home in a market when homes sold in about sixty to ninety days. If you wait long enough in deed your home will sell, perhaps for full price but you have lost an additional ten months of interest on your home. When we were trying to sell our home we were told by the realtors that we would be looking at about a 20% property reduction with the trucks parked next door. You saw the pictures at the last meeting and that is what our realtor saw. What I did was I pulled the property tax rolls for Troutdale and took a look at what the 20% loss would mean for the City.

Cate Connell provided the Council with a handout (a copy is included in the packet).

Cate Connell stated what this shows is the total property value of the homes in Troutdale is around \$18 million dollars. With the loss of 20% you are looking at approximately a \$3.6 million dollar loss in property value. If you look at the property tax revenue, the property tax revenue for Troutdale is slightly over \$1,053,405. A reduction of 20% represents about \$210,681 annually. It is a significant reduction. We hear it back and forth, is there or is there not. I suggest that there is and I have been told by a realtor that there is. I think that very few of us could argue that having semi-trucks parked next to homes in residential areas wouldn't result in a property value reduction. I think the Mayor had requested citizen involvement at our last meeting. He said that we had a lopsided argument last time and could we hear from some of the neighbors. I guess I took that as you wanted to go out and let folks know. I called Rich Faith immediately and asked are you going to let folks know, and he said there is really not an avenue to let people know that we have a meeting coming up on an issue that might be very important to you. So I took it upon myself and went door to door to let people know that there is a meeting coming up please come. It doesn't matter what your opinion is on it we just want you here. I was totally prepared when I began this quest to hear opposite of my view. When you are out soliciting input you have to be prepared to hear input that is

other than your own. What we found almost immediately was we hear there is a meeting but we don't have time to go to it. So we drew petitions up and in that short period we presented petitions to people.

Cate Connell read the language on the top of the petitions that we circulated (the petitions are included in the packet), which reads, "We, the undersigned request that Troutdale City Council pass the amendment to Ordinance 8.28.075 prohibiting the parking of semi-tractors and semi-trailers in residential neighborhoods as proposed below." The language below is what was presented at the last meeting and I believe is Option B tonight. We have 115 signatures representing a variety of neighborhoods. When you look at the petitions I wouldn't be surprised if you don't recognize your neighbors, I certainly recognize a lot of my neighbors. We tried to hit a lot of the neighborhoods but we didn't get them all. We had only one week and a few days so that wasn't a lot of time to gather signatures. Approximately 90% of the people that we were able to contact and talk to are on the petition. To me that is overwhelming. It is hard to say that the citizens of Troutdale want anything other than to prohibit semi-tractors in residential neighborhoods. The third issue that I would like to raise is the visibility impact. A lot of people have said what is the matter with one truck. What is the matter with one truck? It is not that unsightly is it? I think one of the earlier people that testified that truck driver is our hero the way he parks his truck. Once again I will show you what one truck looks like.

Cate Connell submitted photos (copies are included in the packet)

Cate Connell stated what I would like to call your attention to in these pictures is the first picture is the one truck. We talk about having the limitation of oversized vehicles to one, including semi-tractors in that, that is what you are looking at. The second picture, and what I have heard people say is I hardly ever bring a truck home, perhaps we are talking about the good neighbor who might never bring a truck home. The second picture is the second truck that had been brought home. Picture three is his son's truck that actually hasn't come home for awhile. Picture four is the other company truck that now comes home. Within less than a year we have had four different trucks being brought home to that house. When we talk about livability in the neighborhood, is this the neighborhood that you want? You have talked about the residential zoning impact. My concern is that when you start mixing your commercial areas with your residential areas when do you stop it? These semi-trucks are commercial vehicles being allowed to work in a residential neighborhood by parking and storing their vehicles. The question I have is if I were to open up a coffee drive through stand in my neighborhood, or perhaps a McDonalds or a fantasy video, what would prohibit that? Why would you discriminate against these other businesses? Don't they need to make a living also? There is a reason for separating commercial ventures and residential ventures. What you are potentially considering is to mix and allow commercial ventures in residential neighborhoods. I encourage you not to do that. People talk about what are other cities doing, what I brought to offer you is what the City of Beaverton is doing. (Cate provided the Council with a handout of the text from Beaverton's code; a copy is included in the packet). You have to applaud the City of Beaverton for having the courage to stand up and say what a lot of us are already thinking. They state, "The existence of a truck with three or more axles or a truck with a gross weight exceeding 20,000 pounds in an area zoned residential, or

adjacent to a residence, is hereby found to create a condition tending to reduce the value of private property, premature deterioration of residential roadways, noise problems, visibility problems for motorists and attractive nuisance and an appearance inconsistent with a residential atmosphere. Therefore the existence of such a truck, if not at the location for the immediate purpose of picking up or delivering goods, is hereby declared to be a public nuisance.” What they are saying are the arguments that you have already heard. They are willing to actually state that the appearance of this vehicle is inconsistent with the atmosphere of residential neighborhood. They address the visibility problem for motorists. You have young children playing in the neighborhoods and the visibility of pulling out and perhaps running over a child. The noise problems; the roadway problems. You talk about sidewalks being torn up by trucks, absolutely. I would like to challenge you in the face of taking a look at the hundred households that have made a very clear statement to you, we don’t want semi-trucks in residential neighborhoods. The people you are hearing from tonight represent a variety of neighborhoods. This is not just about one neighbor and one neighborhood, this is about the City of Troutdale and that is who you are hearing from. I challenge you to say how on earth could you ever consider voting for residential neighborhoods to house semi-trucks.

Dwight Montgomery stated this picture here I need to explain. I went bankrupt last year after seventeen years as an owner operator.

Mayor Thalhoffer asked which picture?

Dwight Montgomery responded the picture that they were handing out on the flyer. The black truck, I was ordered by the Federal Bankruptcy Court to not move or touch. I explained to the Judge that that truck isn’t licensed or insured anymore and that the City of Troutdale has an ordinance requiring it to be moved within ten-days. The Judge told me, let me worry about the City of Troutdale, you just worry about yourself. Basically what he told my attorney at the time was that we will have the people that own the truck remove it. This picture that they passed out was me transferring my personal goods from one truck to another truck. I pulled this truck up so that I could get to the sleeper door, normally this truck is parked back. The pictures that she is showing you were just moments of me moving my truck forward. It is not something that I permanently did, I never brought two trucks home except one time. My son stopped by legally, by your own ordinance, to repair something because I have the tools. The City ordinance on parking and standing allows the loading and unloading of trucks, it also allows repairs. You have eight consecutive hours to do minor repairs like brakes or oil changes. Large repairs such as transmission, rear end and things like that are prohibited. I told my son not to bring his truck over but I was gone on the road when he did. The time that there was three trucks I wasn’t home. My truck was there but I wasn’t home to yell at him, which I did later. Another fact is that I went over to the neighbors house last Sunday, my wife and I both tried to mediate so that we wouldn’t involve the whole city and they wouldn’t answer the door. We waited and watched for them to come home and they had a gentleman friend with them. We knocked on the door and we rang the doorbell, we took a bottle of wine and tried to mediate this. I want to get along with all of my neighbors. I even want to get along with the neighbors that don’t like me. I want the city to be livable but I also want the right to be able to bring my piece of equipment, or the one I am driving, home periodically. Sometimes it has to sit there for a couple of days because there is no work. One night my

wife and I were getting ready to go to bed and I get a knock on the door, I opened the door and it was a police officer and he hands me the nuisance ordinance and says the city attorney handed this to the Chief of Police who handed it to my boss who gave it to me to give to you. I read it and I said yes, I can't park in the street and semi-trailers are prohibited, I understand that. He said okay you know not to do it right? I said I don't bring a semi-truck home and there is not a semi-truck in my yard. So we walked outside and I asked him there is not a semi-truck in sight why are you bothering me and why didn't you use the postal service if you want to remind me of something instead of intimidating me. The next time I legally parked my truck on my RV pad on the side of my house. Their house faces the side of my house. All the houses face the street except their house, it faces the side of my RV pad. For three years I had a truck parked there and all of a sudden this house was built and someone bought the house and there was a truck there when they bought it. To me this is similar to people who buy a house next to the airport and then complain about airplanes. (Dwight submitted four photos into the record) When I bought my house this is what it looked like, I didn't have any house next to me, I had a beautiful view of the gorge from both north and south. Now I have views of two story houses. When I parked my truck that I drive there I had Jack Hanna and Officer Bevens come to my house in the afternoon. My truck was parked past the front of my house, probably 35' away from the street and it was on the new concrete pad that I just had poured. They knocked on the door and rang the doorbell several times, I got up and went to the door and I asked what can I do for you. Jack Hanna said get your truck off of the property now. I asked for what reason, I haven't violated any law. They said that the city attorney said that her interpretation of this is that you can't park anywhere near here, you can't even bring your truck into the property and we want it moved now. I said, well then I guess we need a day in court, give me a ticket. Since I have filed bankruptcy I have only brought the truck home a few times. This photo they are showing in their flyer only happened one time and that was only because I brought this other truck home to move my personal belongings from one truck to the other. It was there less than two hours. I feel that we need mediation. I have called East Metro Mediation and have applied for mediation; I am even paying for it myself. But even the mediator told me it sounds like you are going to have a tough time with this neighbor and her neighbors. I am willing to mediate this because I do want to get along with everybody, it doesn't mean we are going to hug and love each other but I still want to be friendly with everybody. The things that go on between them and us, I have never fought with them, I have never argued with them or called them names. The first time I ever met them they came to my house and they said we want you to paint your truck and I said alright I will, it will cost \$3,000. They responded, well we aren't paying for it. I can't paint the truck just to satisfy them. Remember truck drivers are working seventy hours a week and we are not home that much. The owner operators, I don't think there are that many in Troutdale that bring their rigs home. I know truck drivers who bring them home in Gresham and park them on their property and it is legal. The police have told them it is legal on their property, but you can't have them in the street. I agree with that, I don't like them in the street. Although, there is a city ordinance parking and standing that allows them in the street and the semi-trailer, you can load and unload. In that language they specifically talk about semi-tractors they are called truck-tractor. The ambiguous language that the attorney is talking about doesn't seem to be all that ambiguous, they do know the difference between a truck-tractor and a semi-trailer, even in the City's own language. My point is I would like to get along. I am really upset that the rest of the City is involved. I would like to get this taken

care of between the two neighbors and leave the ordinance the same. As I promised the City Attorney and the Mayor, I was willing to not bring my tractor home again if this would save the rest of the City of Troutdale from all of this that is going on right now. I like this town and I like all of my neighbors and I do truly think that the neighbors that are disputing and I can be neighborly and friendly and get along.

John Ortiz stated I am a resident of Troutdale. I just wanted to bring back the focus. I know that the dispute originally was between Mr. Montgomery and his neighbor but since it has come to the City is certainly is a broader issue and affects everybody in the city. I think that should be the focus, you are not just deciding this case but a larger issue. I would throw my support behind you that says you should separate commercial and residential areas. I can appreciate the costs involved for the people who work in the trucking industry, but when they mix it into the residential neighborhood they essentially cause the rest of the community to have to share a part of their cost of the trucking business. I don't think that is fair.

Bill Hoffmann stated I live in Troutdale and all my neighbors received the same flyer last night and we do have a semi-tractor parked in our cul-de-sac. I would like to apologize to him for my diesel making too much noise because if you compared rig to rig, my truck makes more noise than his semi-truck when you start it up.

Cheryl Kinney stated I am proud to live in Troutdale. Everybody cares so much about this city and I care a lot about it too. I recognize people here tonight and I realized that this is affecting a lot of people. I hope that nobody holds any grudges against anybody and we can live in the neighborhood safely and proud. I don't know what is worse having that truck to look at or someone who doesn't landscape their yard or keep it up. It is all about living together in a community and being there for each other. This is Troutdale; we need to be proud that we live here.

Flask Robins stated I live in Troutdale. My argument is to urge for Option A, which is to be able to park a semi-tractor on your property. Troutdale is a truckers town. That fact is self-evident by the shrewd and strategic planning of the entrance to our city. They make it very convenient, it is very accommodating for truckers to pull in rest, eat and refuel their vehicles. I am not a trucker but I benefit from what they do as well as everyone around. I would like to see Troutdale continue to make it convenient, accommodating and inviting for truckers to also reside here in Troutdale.

Dave Munson stated I live in Troutdale however I live in Sweetbriar so I am not immediately affected. We have CC&R's there that limits commercial vehicles. As such I am happy that I am there and not associated with this problem. However, as a citizen of this community if there is a problem there, there is a problem everywhere. I hope you folks can face this issue and I hope that in your deliberations you think somewhat of the next agenda item and perhaps that will alleviate some of these problems.

Lynden Johansen stated I live in Troutdale and I am in the Cherry Park Association. We received the flyer and found out about the issue. I called our president to see what our CC&R's said about this. There is nothing specific about the tractor-trailer issue other than

oversized issue but the consensus was that they were opposed to that type of vehicle being parked in the driveway. My question is, do truckers have a place to park in the vicinity of Troutdale because that cost them money? So if they are not parking in their driveway, are there other places to park their rigs that are close by?

Dwight Montgomery stated the truck stops will let us park our tractor and trailer there but they will not let us park our car there. During a high alert we can't even drop a trailer and bobtail. The only place really that you can drop a trailer in Troutdale is down by the industrial area and by Waste Management on Marine Drive. You use to be able to park all the way around the airport. But that is not secure. It is about equivalent to a car payment a month to park it in a lot that might be fenced but that is not secure at all. The trucks are very expensive, about \$100,000 plus all the personal items in them like televisions, VCR, refrigerators, beds and clothing. There are not a lot of places in Troutdale to park a semi-truck. Normally what I did is if I was heading east to go over the mountain that is when I brought the truck home. I would drop the trailer down by Waste Management and I would bobtail home eat, shower and take a nap and then I would take off. The one thing I would like to add is the economic aspect. When I was an owner/operator I would average \$17,000 a year at Flying J for fuel. I spent \$14,000 to \$17,000 a year on Oregon road taxes, that is not counting Washington, Idaho or any of the fuel I bought there, that is just right here in this community. Since I haven't been bringing a truck home, in trying to obey Jack Hanna's orders and wait until this issue is resolved before I brought the truck home, I haven't bought one dime of fuel in Troutdale. There is an economic impact and I am only one truck. People think we make a ton of money and we don't. We see a lot of money go right by us, but we don't keep very much of it. Trucking is a bad economic business. It is cutthroat and it is hard to make a living. Every dime counts and to pay for parking, another \$300 a month, Councilor Kight was talking about that being a money making venture for someone to have a parking lot somewhere, but that is the typical attitude that government has, not just the city, but the federal and state government. Just a permit for me in just a couple of years went from an \$8 permit the same permit is now \$300.

Terry Montgomery stated I live in Troutdale and my husband is a truck driver. I just want to comment on the importance of him being able to bring home his semi-truck when he does. Our intentions are not to disturb our neighbors and if there is a problem we really would like to talk it out. I hardly get to see my husband as it is and if he is unable to bring home that tractor when he can or needs to I will get to see him even less. I hope that we can work this out so that he can bring it home on occasion when he needs to and try to have something that we can all live with.

Marsha deJesus stated I would like to pose to the Council that whatever solution you make if it is a solution that is detrimental to the trucking industry that there is some type of grandfather clause. We have a number of people, such as Mr. Montgomery who have purchased a home and lived here for a long time and have been in this business for a very long time. I think that the trucking industry and those truck drivers within the City of Troutdale that are living here now should be grandfathered so they can continue to bring home their semi-tractors as long as they do not park on the streets. If you do pass an ordinance that does not allow any trucks to be parked on private property the city probably had better send

out notices to every realtor in the area that they need to make a disclaimer on any sale of property within the City of Troutdale so that perspective truck drivers or commercial drivers that have the intent, because there is a nice pad on the lot they are going to buy, that they know upfront that it is against the law in the City of Troutdale. Most people buying a home do not realize that there are those types of ordinances that they have to follow. A lot of subdivisions have CC&R's, I would like to challenge you, how many of you have bought a home and actually read the CC&R's? People don't.

Ken Kneads stated I live in Troutdale and I am a truck driver. I don't park my truck at home but I would just like to say that this is America and we are free. We own our property and we pay taxes on our property. What we choose to do on our property and what we park there should be up to us and not up to the city. If they didn't want to have neighbors that have things that don't appeal to them then they need to live in the country. Everybody came from everywhere to be here and to be free, you need to be free and be able to turn your eye to things that don't appeal to you or live somewhere else. You don't move onto a dirt road if you don't like dust on your house. If you want to live in the city you will have neighbors and you need to deal with that.

Mayor Thalhofer called for a break at 9:07pm and reconvened the meeting at 9:20pm.

Ron Kremsor stated I live in Troutdale about four or five houses down from the Montgomerys. This does impact the whole city. If you looked at all of the neighborhoods you would find trucks parked in all of the neighborhoods in the city. I keep hearing commercial, does that include my neighbor that has a paint truck with ladders hanging on it? How about the electric or plumbing trucks? Or how about the one-ton Dodge that is louder than his truck which has a trailer with a backhoe on it. Where do we draw the limits? We have motorcycles in the neighborhood that make more noise. They come home at 2am and I don't complain. I bought my property in 94, so Dwight was already there and I remember seeing his truck parked there. If that meant that the property was at a less value than I got a great deal. We just refinanced and according to my wife we did real good and the value of the house is up. So I guess I came out ahead on that. Basically where do you draw the line? We could keep going, RVs, 18-foot boat, yacht. We have teenagers in the neighborhood with their loud cars and to me that is annoying. I will take a diesel any day. We do have to get along. There are a whole lot of people being affected by this. A neighbor that doesn't take care of their yard depreciates the value of the neighborhood or the house. It is a lot to think about. There is one truck in one neighborhood and two trucks in another neighborhood. If you add them all up there isn't that many in the city and they are all just working. I don't drive truck but the company I work for I can borrow their trucks and bring them home to haul something or move furniture, so now I can't do that either. I would bring it home, use it, park it overnight and take it back to work, now I can't do that. We are putting limits on all kinds of stuff.

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

**MOTION: Councilor Kight moved to adopt the Ordinance outlined as Option B, amending Section 8.28.075 of the Troutdale Municipal Code relating to parking in residential neighborhoods. Seconded by Councilor Ripma.**

Councilor Kight stated we have had a very lengthy discussion tonight. There have been good points brought up on both sides. It has turned out to be a very emotional issue. Peoples livelihoods are going to be affected by this decision. Some folks have come forward and said it is an issue between two neighbors. As other people have pointed out it is at a broader level and it is affecting the entire city. One of the things that happens when you move into a community where you have five and seven thousand foot lots is you have to be considerate of other people. What that means is that unfortunately the city has to set certain regulations and restrictions so that it doesn't affect the livability. Some people like semi-trucks parked next to them, but clearly from the petition that has been submitted to the City Council, the majority of people do not want to have a semi-tractor parked next to their house. In addition there is the Cherry Park Home Owners Association and other associations that have spoken up and said that they have spoke to their members and they would not like to have a semi-tractor parked between the houses on private property or on the street. One of the reasons that we have CC&R's, which are called covenant codes and restrictions, is to protect the livability as well as the price of the homes. One person indicated that their home wasn't affected by the price, then we found out later that it took over twelve months to market that piece of property. We also found out that home is twelve lots from where those trailer tractors were parked. As I indicated we are on smaller lots and we have to consider the other neighbors not just the visual of having a truck parked next to your house but also the noise factor and that is why I am supporting this motion.

Councilor Ripma stated I wish there was some way to make everybody happy on this but I am afraid there isn't going to be a way to do that so we have to use our judgement. The very first speaker mentioned why don't we just leave it alone and just leave it as it is. I am not sure that he meant that because the way it is right now, semis are prohibited, as interpreted by our legal counsel. Although there has been some effort through a strained reading of the transcript at the time, in the end at the time we adopted that ordinance we chose a very poor term, semi-trailers. By our City Attorney's interpretation and the way Jack Hanna, our Code Enforcement Officer was trying to interpret and enforce it; semis are prohibited. So I don't think that is what was meant by the first speaker. I would be happy to just leave it alone. I wish we could have just left it alone frankly. One reason is I think there are trucks parked all over the city that the neighbors don't complain about for one reason or another so no enforcement action is taken. Troutdale has a hands-off policy on bringing city authority in if the neighbors can work it out themselves. That is what we have always wanted, and is the way we all feel up here and the way we think all of our citizens feel. If you can work it out yourself that is what we want. We don't have someone going around checking every little thing to see if you are violating an ordinance, it has to be a complaint. For that it takes something to drive that complaint. Unfortunately when it came to enforcing this complaint that came up after what seems like, if I am interpreting this right, years of people living next to each other and finally something happened and the neighbor complained and when it came down to enforcing it the issue of what does the law actually say and mean came up. So we just can't leave it

alone, we have to take a stand one way or another unless everyone wants to agree that the way it is interpreted by the City Attorney is the way it is, which I would be happy to do but I don't think that is the way it is going to go. Unfortunately there are lots of factors here. I said last time that I wish we could zone the city with bigger lots and have more green space and more space between homes. I am sorry that we can't do that; we are prohibited by State and Metro rules from doing that. The neighbors get more and more crowded. Houses that use to sit next to vacant lots now have a house next to them. It happens all the time and for that, unfortunately we do need to have some rules. You can't just do everything you want on your own property. You have to take your neighbors into consideration. The attempt here is to try to have a rule that is reasonable. If trucks are prohibited, for instance, and people didn't abuse it there wouldn't be complaints filed and that in my estimation is why most of the semis that are parked around town are there because the neighbors get along and there are no complaints filed so the city doesn't get involved. I would like it to be that way in this case. I am sorry it isn't. It is distressing that we have come to this. But in the end I have to consider the best interest of all of the citizens and the city. While the friends of the Montgomerys are saying that the property values are not affected, I believe that there is an affect based on just my experience and talking to my neighbors. I have to use my judgement on that and property values can be affected adversely. I wish people could get along. I think the current law, certainly what I intended was that they were not allowed and that based on complaints there would be enforcement action taken if it got to be a problem in a neighborhood. I would be very distressed if we were to lift what I can see is a current ban in favor of just allowing them. I think Mr. Montgomery has been very responsible since he received the summons and is trying to work with the neighbors to mediate this; I appreciate all of that. If there was no question about whether he could continue to leave the semi there that might not have happened. Why should he change from parking his truck there if it isn't prohibited? In the end there is not a way to fix it so that even days you could park and on odd days you can't or something like that. I floated a compromise that would allow what we heard last time from the truckers and to try to accommodate them, which was to allow overnight visits every couple of weeks. I heard once a month, but I didn't hear anybody mention that again. It sounds like a few days at a time would be reasonable is about all I heard about it so I don't know. Absent that compromise I still favor the way it is, the way I think it has been all along which is that the parking of semis in residential neighborhoods is prohibited. They should be parked in commercial areas. The ordinance does not change the current law having to do with parking of oversized vehicles, they are allowed to be parked on private property. There is no perfect way to define these things and in the end you put out the fires as they come up. I think Option B is the only one that I can support right now unless it is the pleasure of the Council to go with some other compromise. I certainly do not want to allow semi-tractors outright in the city in residential neighborhoods. For that reason I support the motion.

Mayor Thalsofer stated I speak in opposition to the motion for the following reasons. First of all I would like to clear up something about the minutes from the last meeting. Most of us got a short form of the minutes and it is clear what this Council did in April

of last year. Not that it is going to make a difference on how we feel today, but that was a year ago. Let me read a portion of the minutes, (a copy is included in the packet) "Councilor Ripma stated so semis are okay. Councilor Daoust replied to that well we need to clarify that, that is the part that I am willing to leave for later. I don't want to leave for later the fact that we are not allowing our small business people to park their trucks along the side of their house. If there is a problem with semi-trucks in Troutdale then we can deal with that part later. Councilor Kight then asked a semi-truck can be, with that motion, parked next to the house? Councilor Daoust replied yes, we can see how many semi-trucks move into Troutdale and if it becomes a problem I know we will deal with it later." That is what occurred. The vote on that motion was six to nothing. The motion read, "Councilor Daoust made a friendly amendment changing section 8.28.075(D) to read within residential neighborhoods no commercial vehicle which exceeds 8,000 pounds gross weight, 21 feet in length or 8 feet in height shall be parked in the street unless it is a vehicle that is routinely on standby and necessary to use under emergency circumstances. Semi-trailers are prohibited." Therefore, by that motion semi-tractors were allowed. Now lets move on to this issue because now perhaps some people feel differently about this on the Council. It is a year later and maybe they have changed their minds. This is not just a neighbor to neighbor thing as it started out being or we thought it was. It is more than that. There are many people in Troutdale who object to these tractors being in their neighborhood, I understand that and that is fair. There are a lot of people that object to that. I can tell you that this picture being sent around with the petitions would probably cause almost anybody who didn't give this issue a lot of thought to sign the petition when they see two trucks side by side in a neighborhood. This is not what normally occurs. What normally occurs is there is one truck, one tractor in a driveway by the side of the house. Had that been the picture with the truck back away from the street on private property where it isn't sticking out like it is here, which I think in most cases they try to do, had that been the picture perhaps not as many people would have signed the petition. I don't know. Certainly this would cause almost anybody to say we don't want that. I am not sure that is a fair representation of how the tractor looks along side of the house on private property. Now, going on to a tractor. These are diesel tractors and the semi-trailer has been dropped somewhere and they bring the diesel tractor home, it is a way of transportation home for a lot of truckers, it is called bobtailing. They bobtail the tractor home and when they go out again they bobtail to where the trailer is and they hook up the trailer and take off for parts unknown. Most of the truckers that I know, and I know a lot of them not just in Troutdale but around the state, they go out and they are gone for two weeks at a time and sometimes three weeks. They are home maybe a couple of days and then they are out on a trip again. A couple of days every two or three weeks couldn't be much of a nuisance for people I wouldn't think because they are not there that much unless they are out of work. For the most part truckers are out on the road driving to make money. That is something that I consider very seriously. The diesel tractor doesn't make any more noise than a diesel car for the most part or a Harley Davidson motorcycle. I've got a Harley in my neighborhood and trust me when it goes off at 6am it virtually knocks me out of the bed, but I don't complain about it because everyday it is that way. He is gone and then I try to go back to sleep. We have so many distractions by the way of noise that when

you live in a city you have to get use to it. You have to learn to live in a neighborhood where different people are doing different things, different hobbies and different work. We have to learn to live with each other and to accommodate each other in our pursuit of this life here on earth. We have allowed other commercial vehicles to exist in Troutdale on a persons own property. It comes to mind that we had a hearing in April of last year and these people are now allowed to bring their commercial vehicles home, we are talking about real commercial vehicles here, the trucks that hauls paint or carpeting or different things like that. A Mac tool truck would be allowed under our existing ordinance. These are commercial vehicles and we allow that. So when you say don't mix commercial and residential, these people use those trucks to make a living. We debated this last April in some detail and decided that was okay for them to bring those home. So that is legal and they are more commercial, I suggest, than a tractor being in the driveway because the tractor is there to take the trucker to his commercial business, which is pulling the trailer. We allowed commercial vehicles and we did it for a good reason because these people had tools in their vehicles, they have paint, carpeting and you name it. There are a lot of them in Troutdale and they are parked unobtrusively, for the most part, in their driveways and off of the street and they are not that noticeable. We allow commercial vehicles. The tractor, I submit again, is probably not as commercial in nature as those commercial vehicles because the trucker is driving home from work and then he is going back to work when he goes back to pick up his trailer and take off. The idea that the tractor is more obtrusive than a motorhome, diesel motorhomes especially, a big boat or any other big thing that people put in their driveway. It is not bigger in some cases than a motorhome or a big boat or whatever kind of toy a person has. The property value thing is very interesting. We had testimony that someone's realtor said that their property value dropped 20%. The sad part about that is we don't have the realtor here to test his expertise in evaluating property values. We had Dave Saleskey say that his property value didn't drop any when he sold his house. There was some mention, I don't know whether he is the one that took twelve months to sell his house or not, I don't know. I don't think that really came out from anybody, I heard it from the back of the room. Until somebody tells me that it took him twelve months to sale his house then I don't know if it did or not, but apparently he got full value for his house. To say that property values, because of a tractor in a neighborhood, costs us all this money, I think is very deceptive. I don't know that it is necessarily true. I would like to have an expert come and tell me that it drops the property value 20% and that the City of Troutdale and Multnomah County would be hurt by that. I don't trust these figures unless I am faced with an expert who can testify to those figures. View, this gets back to the tractor. The views, I suppose in some cases views are distorted by the tractor being in the driveway but they are usually setback flush with the front of the house so that it would be difficult to spoil somebody's view. There could be cases where it does, I am not saying that, but I'll bet they are rare. It wouldn't spoil a persons view anymore than a motorhome or a boat would. The noise, the diesel is noisy. Sure they are noisy. Diesel cars are noisy, diesel tractors are noisy, diesel pickups are noisy. We had people testify that their diesel pickup is noisier than the diesel tractor. Anyway, they are noisy. Now we have the nighttime hours and I am going to suggest that we hold the truckers to these nighttime hours that we have in Troutdale. It starts at 10pm and

goes until 7am, and in those hours there won't be any diesel tractors taking off from Troutdale. I don't know whether truckers can live with that or not but I am sure they can try and do everything they can to abide by those kind of hours. I am not proposing that we put this in the form of a regulation yet, but if the truckers don't abide by that and we get many complaints that they are leaving after 10pm and before 7am we could put that in the form of a regulation. Right now I am suggesting that we do a good neighbor policy where both the truckers and the residents work together on this and try to be good neighbors and help each other out here. That is what I am proposing. I think most truckers and neighbors are well intended and what we need to do is try to get along with each other. We have the most beautiful little city in the world and we need to try and live together here and try to understand each other and give and take a little bit. We have to; we are elbow to elbow. For the most part we get along great in this town. We don't hear many complaints. I don't know if we have had hardly any complaints about tractors, maybe three, four or five over a long period of time. Some of the testimony has been that we have a tractor in our neighborhood but it is not any more of a problem than someones Dodge diesel pickup. So, I am suggesting that from 7am to 10pm that a tractor only run for 15 minutes maximum and then move out of the neighborhood and if it needs to run longer, get it out of the neighborhood to do that. Again, this is part of my good neighbor policy that I am proposing, the honor system. I think that the neighbors and truckers can work together on this and that is what we want in this town. We want to all work together to make this the greatest town in the world. It is the most beautiful town in the world, I would like to see us make it the greatest town in the world by respecting each other, having fun with each other and respecting each others rights. That is my good neighbor policy that I would like to see us do. Troutdale is a city that is unique. We have two major truck stops here in Troutdale. We have truckers coming through here one right after the other. They contribute to the economy of this city something of a magnitude that I can't even comprehend. The fuel they buy at our truck stops and the parking and so on, the revenue that they generate for the truck stops is something that we probably don't have a good enough handle on, at least I don't. The truck stops pay property taxes and these truckers feed them constantly. If you've ever been down on South Frontage Road you will see how many tractors pulling trailers we have. To me that is not bad because we are a truck stop city. I am kind of proud of that in a way because we have the truckers who are very busy going from one place to another, they are stopping here in Troutdale and making Troutdale a vital transportation hub in the state and in this nation. We are one of the major truck stop cites in Oregon and in the northwest. I kind of like to see it busy. We have some traffic problems down there that we need to address and I think we will because I have some ideas about that. We are going to have to quit backing up traffic because there is cheap gas at Flying J. That is the biggest traffic problem, its not the truckers so much. We are going to have to address all of that and we will. So to say that the truckers with their tractors in the neighborhoods are bringing a commercial venture into the residential areas, I don't think so. They are coming home from work and when they leave they are going to work. The other commercial vehicles who work out of their trucks, we have allowed and for good reason. They are more commercial than the diesel tractor in my opinion. I think they both need to be served by our community and allowed to operate. So, in

summary I just think this is a case like we did in April of last year where we essentially prohibited trailers, and we just need to read it as prohibiting trailers period. That would be Option 1 Exhibit A. Institute the good neighbor policy among neighbors and truckers and see how we do with that. Don't wake people up between 10pm and 7am by starting your diesel tractor and don't have it running for 30 minutes even before 10pm and after 7am. If you are going to run it take it out of the neighborhood as soon as you can. I am told 15 minutes by a diesel mechanic is a good timeframe. I am just saying lets just leave it where it is and prohibit trailers like we intended to do last time according to the minutes and see how it works with the good neighbor policy and caring for each other and trying to work together and try to enjoy this beautiful little city of ours. I think we can do it.

Councilor Kyle stated I can't support the motion. This matter came before us last year because of citizen complaints about oversized vehicles parked in the street blocking driveways and creating safety hazards and annoyances. The intent of our ordinance was clearly not clear in the way that it was written and I apologize for that because it is causing a lot of stress. I have a hard time singling out tractors because I hear a lot of other noisy things and I see a lot of other big ugly things that I also wouldn't like parked next to my house, so I have a hard time singling out any one thing. Part of my decision last year not only had to do with getting vehicles off of the street, but it also had to do with issues of private property rights. I would encourage you to check your CC&R's to see if they prohibit parking of certain vehicles. I would support Option 1.

Councilor Daoust stated I want everybody to know that I have sat here and heard everything that everyone has said the last three hours. The bottom line is I am going to support the motion. I think we cannot maintain the status quo, or Option 1. Obviously, given the public support against it, that is something that we cannot maintain. To me Option 2 is a clear option that the Council should choose. It clarifies and implements the Council's intent a year ago. Since I was the one that made the motion, it was clearly my intent to restrict semi-tractors and trailers. There is no doubt in my mind that when the rest of the Council voted on that they were thinking the same way. Option 2 is simple to administer and enforce. It is my personal opinion that property values are impacted, maybe it would be in terms of the number of buyers interested in a particular house more so than the value, but I think there is an impact there. We have defined what an oversized vehicle is; it is more than 8,000 pounds gross weight, 21 feet in length or 8 feet in height. Any other examples that have been brought up about other commercial vehicles or recreational vehicles only unduly complicates the issue. I think that all truckers do not read or are aware of city ordinances and I guess I wouldn't expect them to be. If semi-trailers are seen in the city, some may assume it is okay to park in residential areas. In regards to Option 3, the compromise, the one 24-hour period over a two-week time is rather arbitrary and may not work or fit a truckers schedule. If he or she came home after one week we could still get complaints. It is impossible to enforce, especially over the weekend since Jack Hanna doesn't work on the weekend. Going back to Option 2, since this is complaint driven and it is not city law driven, if a trucker needs to bring his or her semi-tractor home then work it out with your neighbors first. We can have a good

neighbor policy with Option 2. A good neighbor policy is not synonymous with Option 1. Truckers, if they work it out with their neighbors even under Option 2, could bring their tractors home to clean them out and refurnish them and take off again. I agree with other folks that this is more of an issue than one neighbor against another. It is an issue of livability and an issue of community. We have had more complaints than just the Montgomery case. We heard quite a few a year ago when we made a unanimous decision to ban semis. It is a coincidence that I am in Denver. I ate breakfast this morning at a local restaurant and coincidentally two Denver City Councilors came in and sat at the table next to me. I overheard them talking and I introduced myself and we starting talking and I broached the subject of semi-trucks and trailers in their neighborhoods. Denver is just as much a truck town, if not more so than Troutdale given its location in the country. I asked them about semi-tractors and trailers in residential neighborhoods and their response to me was the same response that the one woman brought up that the Beaverton City Council said. There words were the same as Beaverton and that is that "it is inconsistent with neighborhood values". As a Troutdale City Councilor I would encourage this Council to think about that. That really is the essence of the issue here that we are dealing with. That is the essence in that semi-tractors and trailers are "inconsistent with neighborhood values" the same way that the Denver City Council agrees to and the same way that the Beaverton City Council agreed to and I am sure other City Councils have had the nerve to make that statement. I admire Mr. and Mrs. Montgomery's neighborly comments. I wish we had more neighbors like the Montgomerys. Personally I think they are good people from what I have heard tonight. I think that the 115 signatures on the petition is certainly admirable. I did my own random survey of ten households on ten different streets and found that nine out of ten people oppose the idea of semis parking on residential property. The question I posed to them is, is it okay with you if semi-trailers and semi-tractors are allowed to be parked on residential property? I didn't show them any photos and I didn't try to sway them one way or the other. The answers that I got were nine out of ten opposed that idea. I am speaking to Councilor Gorsek and Councilor Thomas now, and I am posing the question to you guys, if this went out for a public vote how do you think the majority of our constituents would vote? I guess I am telling you from my perspective I think you know how they would vote and I think any Councilor who thinks the majority of our constituents, who we are representing here, favor semi-tractors and trailers in their neighborhoods, you are playing with a different deck of cards then what I am playing with. I would encourage the Council to vote for Option 2, Exhibit B.

Councilor Gorsek stated this is not an easy decision. You would think it would be when you read the agenda item and look at the material before the meeting. One thing that I think is really good is that people care and came down here and were willing to take the time to sit here, listen and participate. There are many nights when we all sit here and it is just us, so in that respect, no matter how this goes I think it is great to see people come down and actually be involved. I don't know if it is unique to us but it is something that you do see here a lot and it is a good thing. Councilor Daoust said something that is very interesting, he said he asked people about the tractors and the trailers, well that biases the sample because we are only talking about tractors.

Secondly, while I to applaud the survey, I have to say that it is not systematic and scientific so I would have a hard time, just from a statistical information gathering point of view, taking that as gospel as to how the people feel. We would need a pollster to go out and really do that. So it is really somewhat unfair for us throw around numbers like that. It is not what we do in this society and it really wouldn't be considered evidence in the court of law either. Not neighborhood values. I think that is interesting. What exactly do we mean by neighborhood values. If we are talking about neighborhood values as performing work and raising a family and living in a community as best we can, it sounds to me like everybody is talking about neighborhood values. That is another term that I have had some problem with. Although some people have said nice things about Mr. Montgomery and his family, there is almost an implication that he is not considerate. We don't know what is going on between the two neighbors and I wish that situation could be resolved in a different way. However, the Mayor points out something really important also in that to do a survey using the photographs that were used probably also biases that particular sample. It is admirable to go forward and try to do something like that but it doesn't prove convincing to me. What about private property? Well the idea about private property is that it is private and that the only time we should interfere is if there is a serious impact on other people. We do this with conservation laws, environmental laws and all sorts of things. The noise ordinance is the same sort of thing. So the question of limiting what someone can do is really, as one person talked about, a question of basic freedoms and basic constitutional guarantees. I don't think anyone up here is trying to take away freedom. I don't think that when Councilor Kight and Councilor Ripma suggested this particular option, that they are doing that either. They are picking what they think is the clear and best way to go. That is what we are supposed to do. Private property, I think we need to be really careful with that. If these trucks were driving around making deliveries and racing around in cul-de-sacs, I haven't seen any evidence that there has been a bunch of reckless truck drivers driving like crazy. It sounds to me like they come home from work and park their vehicle and then they leave. The noise, that is a problem. I totally understand that and I like the Mayor's suggestions in terms of that. In the end the important thing is if we allow big giant RV's, which are recreational vehicles and so it is a different category, but lets just talk about the question of visibility, which has been a big question tonight. In terms of visibility, my parents have one of those giant monsters and it takes up half of the backyard. I don't like looking at it and I wouldn't want one next door but if it was there, oh well that is life. If someone has a truck, okay. Down the street people have their vehicles for work parked, people have to make a living. I like the intentions but I don't support the current motion.

Councilor Thomas stated I really can't support Option 2 based on these primary reasons. What we are dealing with here is primarily independent business people. The State of Oregon has done a lot to distract business and keep business out of here. We need to help encourage business. Secondly, the last I checked we don't live in a police state. I don't think we should step on somebody's rights to use their property for storage of a single vehicle. It is not a hazard and it is not creating a hazard to anybody. I think we need to be reasonable on how we approach things. I don't believe

that a City Council or any legislative body can legislate good neighbors. Good neighbors are made. I do like the Mayor's concept of the good neighbor policy. During the week I might choose a different hour than 7am mainly because they want to get out before the traffic hits. I can understand where the truckers are coming from. I understand that their family needs them there and the more time they can spend with the family is valuable to their children and it is also of value to them because they need that support. Having those types of needs met and not being slapped in the face by the city or by any legislative body I think is a very admirable position to be in.

**VOTE: Mayor Thalhoffer – No; Councilor Kight – Yes; Councilor Kyle – No; Councilor Daoust – Yes; Councilor Gorsek – No; Councilor Ripma – Yes; Councilor Thomas – No.**

**Motion failed by a vote of 3 – 4.**

Councilor Ripma asked your good neighbor policy, are you proposing that be in a rule that is enforced?

Mayor Thalhoffer replied not at this time. I am proposing that the truckers abide by the quiet hours from 10pm to 7am. I know they have different schedules and sometimes they need to leave at certain times, but I think they can be flexible enough to where they can leave before 10pm or after 7am. I think they can do that in most cases. As part of the good neighbor policy when they do start their diesel engines that they let them run 15 minutes and then move out of the neighborhood. If they need to idle longer they can move the tractor out of the neighborhood to a parking lot like Thriftway or Albertsons where they won't be bothering neighbors. I am not proposing that it be regulated at this point. I think having Option 1, Exhibit A with a good neighbor policy, we can try that and if we have too many complaints then I think we will need to put it in the form of a regulation.

Councilor Ripma stated if the trucks that are parking in neighborhoods were adhering to that good neighbor policy, I don't think we would be here. I am just wondering, if we adopt what you want to adopt, completely opening up all residential neighborhoods to parking semis, what is going to cause a change in behavior? What is your plan to encourage the good neighbor behavior?

Mayor Thalhoffer replied the incentives are pretty apparent to me after sitting here for three hours and hearing testimony. I think the truckers know that they need to try and be better neighbors if they haven't been. They need to adhere to these hours if they haven't been...

Councilor Ripma asked or else what?

Mayor Thalhoffer replied the incentive is so that we don't come back and put more restrictive regulations on them. The incentive is to be good neighbors. I think most of them want to be good neighbors anyway. I think most of the residents want to be good neighbors. I have this feeling that people want to be good for the most part. They want to be good to each other

and be cooperative and help each other. To prove it, anytime we have an emergency in this country look what people do? They come to help each other. I think we can try this and see the goodness in people come out using this good neighbor policy.

Councilor Thomas stated if we approve Option 1, we have also added language in there that brings the nuisance ordinance, as far as the noise, into the process. So there is some teeth behind this. I think it is much better if it is handled voluntarily. If someone needs to leave at 4am or 5am, I am sure if they talk to their neighbors and it only happened occasionally they probably could deal with it. By approving Option 1 with adding paragraph "F" we have given it some teeth and we basically allow the semi-truck itself, not the trailer, and put some noise restrictions in place that will help alleviate some of the noise issues. I can understand the one persons complaint given where her house sits and with the truck sitting between two houses, it is quite an echo chamber. Maybe there is something that could be done to help avoid that so the noise isn't amplified.

Councilor Ripma stated keep in mind that under our current code, the way is has been interpreted by our City Attorney, they are prohibited...

Councilor Thomas stated that is about to change.

Councilor Ripma stated you are saying that Option 1 doesn't make a change. Option 1 does make a big change it now openly states that semi-tractors are allowed. That is okay if the majority of us want to do that and that is obviously what I am hearing. Just realize it is a big change.

Mayor Thalsofer stated it really is not a change at all.

**MOTION: Councilor Gorsek moved to adopt Option 1, Exhibit A. Seconded by Councilor Thomas.**

**Councilor Thomas stated I think this is the right thing to do.**

**Mayor Thalsofer stated I support this motion.**

**Councilor Kight stated I am not going to support this motion. As Councilor Ripma pointed out this is a major change. It opens up the entire city, all of our neighborhoods, except for those that have protection in the form of a homeowners association where they have CC&R's, to having semi-tractors parked between the homes in the driveways. Again I remind the people, I am sorry we can't make everybody happy but that is why we are elected. We are here to provide support for those people in our community. I personally feel, and we have heard testimony that property values are going to be affected. Dave Salesky's house was several houses removed from where the semi-truck was parked. I am sure it would have been a different story if he had lived next door. I feel for the truck drivers. We heard testimony from a lady whose husband is a truck driver and she herself said she would**

not want a tractor parked in front of her house or between homes. We just simply live too close together.

Councilor Kyle asked the City Attorney in the case of CCR's versus city ordinances, does the city ordinance take precedence? For instance if the CCR's restrict property of certain vehicles and the city might allow it, who gets precedence there?

Marnie Allen replied the CC&R's still govern what can occur on the property that is subject to the CC&R's.

Councilor Daoust stated I would vote against the motion. I think what it is going to result in is more complaints.

Councilor Ripma stated please don't take my opposition to the motion as a reflection that I somehow think that most truckers aren't good people. I think they are all good people and any implication otherwise is wrong. One or two bad apples, the Montgomerys are not bad apples, they are not the ones I am talking about. Sometimes an ordinance is needed to encourage good behavior. I wish we weren't doing this. I heartedly endorse the Mayor's efforts to encourage truck drivers in the neighborhoods to abide by some reasonable neighborliness and I hope and trust that they will but I can not support the motion.

**VOTE: Mayor Thalsofer – Yes; Councilor Kight – No; Councilor Kyle – Yes; Councilor Daoust – No; Councilor Gorsek – Yes; Councilor Ripma – No; Councilor Thomas – Yes.**

**Motion Passed by a vote of 4 – 3.**

Councilor Daoust left the meeting at 10:30pm.

**6. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance adopting a new Chapter 2.22 of the Troutdale Municipal Code regarding Neighborhood Associations.

Council agreed to set this item over until the May 11<sup>th</sup> Council meeting due to the late hour.

**7. PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance amending Title 8 of the Troutdale Municipal Code. (Chapter 8.04 adult care homes; Chapter 8.08 emergency medical services; Chapter 8.12 burglary and robbery alarms; Chapter 8.16 solid waste sites; Chapter 8.24 noise control; Chapter 8.28 nuisances; and Chapter 8.32 explosives.)

Mayor Thalsofer stated this item was pulled from the agenda and will be heard at the May 11<sup>th</sup> meeting.

## **7A - Review of Tube Specialties Permit**

John Anderson, City Administrator stated yesterday I received a call from Gary at Tube Specialties asking to meet with myself and any other city staff that might have information about the permit that they are going to be required to have for pretreatment of sewer. Jim and I met with the folks from Tube Specialties and their attorney. We had a conversation about the dilemma with regard to the permit and we thought we needed to inform the Council because there is a deadline approaching.

Jim Galloway, Public Works Director stated what is being distributed is a copy of the staff report that was provided to you two weeks ago when we brought this matter to your attention. EPA has determined that one of our local businesses, Tube Specialties, is engaged in a practice which causes them to be classified as a categorical user of our treatment system. Being classified as such requires a fairly costly and lengthy process to go through a federal program to establish a pretreatment program. When we talked to you two weeks ago we mentioned that there were probably three options to pursue. One would be for Tube Specialties to develop a closed loop system and no longer discharge the offending materials to the City's system. A second option would be for the City to develop the federal mandated program and the third would be to ignore DEQ's mandate. My recommendation was to not take option three. In the meeting that Mr. Anderson mentioned that we had this afternoon with representatives from Tube Specialties, they indicated that they felt that it was in their business interest, as well as perhaps the best interest of the community, to go ahead and develop a pretreatment program as oppose to them ceasing that particular discharge to the City. In discussing that particular option, they made a suggestion or proposal indicating a willingness to pay the upfront cost for the City's development of such a program, which we guess will be in the neighborhood of \$100,000 but would appreciate some cost sharing between the City and Tube Specialties for the annual maintenance costs that would be associated with that program. Those costs are obviously somewhat problematic at this point. We have heard estimates as low as \$10,000 a year and as high as \$50,000 for the ongoing implementation of the program. We think that is a viable option to pursue given their willingness to come forward with the large one-time cost and we would recommend to Council that we have further discussion with them with the idea of accepting the proposal, perhaps couched with the annual cost being shared equally between the two entities and perhaps a cap of \$15,000 to \$20,000 on the City's share on an annual basis could be put in place.

John Anderson stated there may be a small window of opportunity for other industries to use the same permitting once we get it set up. That may help us with future industrial development. The other piece is that our sewer fund is one of our tighter enterprise funds in terms of its current financial situation. So what we do maybe only partially can be absorbed with current staff and may be reflected in the rate structure. We will be introducing an increase in the rate with this years budget, so that would get passed on in that fashion if we picked up a portion of this and shared it.

Mayor Thalhofer asked could you restate your recommendation.

Jim Galloway stated my recommendation would be to proceed with Tube Specialties offer, which as I understand it would be that they would pay the upfront costs to the City for the development of a pre-treatment program, which is estimated at \$100,000 but they would like some cost sharing between the City and Tube Specialties for the annual maintenance costs associated with that program. Staff recommends the cost sharing on the annual maintenance be a 50-50 split with a cap on the City's costs at \$20,000.

Mayor Thalhofer asked what if some other industries or companies were able to use this, as you indicated Mr. Anderson? It kind of reminds me of a latecomer fee. Wouldn't that have to be factored in to relieve or to pay back Tube Specialties if that were to be the case? It seems to me that it wouldn't be fair to charge Tube Specialties \$100,000 and then you have some latecomers that use it for free.

John Anderson stated we have had a preliminary conversation about that. We haven't thought of a good way to implement the mechanics of that necessarily. We understand the concept and we have had a conversation about it among staff, not with Tube Specialties, but we don't know whether there is a good way to make that work.

Mayor Thalhofer stated I would think, with Council's permission, I would like to direct you to make that work.

Councilor Ripma stated Mr. Mayor they are not even asking for that.

Mayor Thalhofer stated I know that. What I am trying to do is be fair to Tube Specialties if in fact these latecomers come on. We ought to be able to figure out a way to make it work so that Tube Specialties receives some reimbursement for the \$100,000.

Mark Weyhrich of Tube Specialties, stated what we would really be concerned with is cost mitigation on the ongoing costs, the annual cost for maintaining the program. We are looking at this as a win win. If we can do something for the community that is going to help the community of Troutdale businesses, it is going to help defray our costs down the road hopefully. We are more than willing to upfront that cost. We were very clear with our intentions when we moved here in 1996 that we had a lead paint system in place that is related to our powder coating system. We went through a significant expense, we spent \$750,000 on this one piece of equipment because the City of Troutdale told us it was okay and now they are going back and saying I guess we didn't check with all of the right people and now it is not okay. So what we are faced with is a \$200,000 capital expenditure for the necessary equipment in order to go with a closed loop system at our location and then a \$30,000 to \$50,000 annual maintenance on that equipment and having to haul the waste, which by the way there is absolutely no detrimental environmental effect in what we are doing. What we are hoping is that in twelve months this will all be repealed and we will no longer be considered a categorical discharge. If that happens then we have basically spent all of this money and it would all go for not. If we make an investment in our community of \$100,000 for the pretreatment program, at least the community will still have something and that is good business for us.

John Anderson stated in terms of the specific action that we would be looking for is for Council to authorize staff to draft the appropriate letter to DEQ selecting an option. Later on when we are working on this product there is an ordinance that will need to come forward to you. Basically you would be allowing us to write this letter and then we would have an agreement with Tube Specialties about how we would pay for the operating costs.

Mayor Thalsofer asked do you need any official direction? Is this just an information item?

Marnie Allen stated to clarify for the record the legal basis for adding an item to the agenda after it has already been published, under our code the Mayor, with the approval of two-thirds of the Council can add an item to an agenda that is already been published. At the beginning of the meeting it was my understanding that the Mayor and at least four of the Councilors wanted to consider and discuss this item. Under state law, you can bring up an item that wasn't on the agenda that was previously published when you couldn't anticipate the need to discuss it. There was a meeting that occurred today and you have a deadline on Friday, so it was unanticipated and isn't something that can wait until the next regular meeting, which is why it is being discussed tonight and in that regard you can take a formal vote on this item.

**MOTION: Councilor Gorsek moved to accept the staff's recommendation as discussed with the terms between Tube Specialties and the City. Seconded by Councilor Thomas.**

**Councilor Gorsek stated this is a great opportunity for us and it is a extra benefit for us because now somebody else who comes to the city looking for industrial development doesn't have that upfront cost so that will make it much easier to market industrial property in Troutdale. In addition we will be doing the environmental monitoring that we should do.**

**Councilor Thomas stated I believe this is a win win. I think it is great that Tube Specialties came forward with this offer.**

**Councilor Kight stated I will support the motion. Thank you for coming forward and making this offer, we appreciate it.**

**Mayor Thalsofer stated kudos to Tube Specialties. We appreciate you being a good business neighbor.**

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

**Motion Passed Unanimously.**

## **8. COUNCIL CONCERNS AND INITIATIVES:**

Mayor Thalhofer reminded the Council that there is a budget committee meeting tomorrow at the CCB starting at 6:30pm.

**9. ADJOURNMENT:**

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

Meeting adjourned at 10:54pm.

**Paul Thalhofer, Mayor**

**Approved June 8, 2004**

**ATTEST:**

**Debbie Stickney, City Recorder**