

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024**

JULY 15, 1998 -- 7:30pm

**I. CALL TO ORDER/
ROLL CALL**

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr
Councilor Ken Quinby
Councilor Sherry Lillard
Councilor Dave McCutcheon
Councilor James Raze
Councilor Steve Owen

ABSENT: Councilor Len Edwards

STAFF PRESENT: Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
Roy Wall, Finance Director
John Pettis, City Planner
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Owen moved and Councilor Raze seconded the motion to remove Item II.E., Vehicle Purchase, from the Consent Agenda.

AYES: 6
NOES: 0
ABSTAINED: 0

Councilor Lillard moved and Councilor Raze seconded the motion to approve the revised Consent Agenda, consisting of: a Fire Contract Amendment with the City of Gresham; an Agreement for Confined Space Rescue Services with the City of Gresham; Resolution 17-1998, A RESOLUTION INITIATING AN AMENDMENT TO THE FAIRVIEW ZONING ORDINANCE, ORDINANCE NO. 9-1990, RELATING TO AIRPORT NOISE DISCLOSURE STATEMENTS; and, the Minutes of July 1, 1998.

AYES: 6
NOES: 0
ABSTAINED: 0

In regards to Item II.E. of the Consent Agenda, Councilor Owen stated that he was in favor of the vehicle purchase for the Police Department, but that his issue was that the Accounts Payable voucher indicated that the vehicle had already been purchased without the Council having made the purchasing decision. Gilbert Jackson, Chief of Police, responded that Councilor Owen was correct and that City Administrator Marilyn Holstrom had informed him that he had purchased the vehicle prematurely. Chief Jackson added that he does have a copy of the City's Purchasing Guidelines, but had just forgotten to bring the vehicle purchase before

Council prior to purchasing the vehicle. Councilor Lillard questioned if the price of the vehicle included the various equipment necessary. Chief Jackson responded no, and that the extra equipment would probably add an additional \$22,000 to the vehicle purchase total. Councilor Raze asked why the Council even reviews a Consent Agenda if items were already purchased, and that he was referring to other items besides the police vehicle.

Councilor Owen moved and Councilor Quinby seconded the motion to approve the police vehicle purchase.

AYES: 6
NOES: 0
ABSTAINED: 0

III. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS
IV. COUNCIL BUSINESS

Mayor Vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

A. ORDINANCE - Multnomah
County Animal Control

Hank Miggins of Multnomah County Animal Control thanked the Council for allowing him to make a presentation. Mr. Miggins stated that the proposed ordinance was an update of the County's current animal control ordinance with some amendments; upon passage by all jurisdictions in Multnomah County, all citizens would be operating under the same Level of Service. Mr. Miggins explained that there were really four issues in regards to the updated ordinance:

1) addition of an exotic animal section in which the County specifies certain prohibited animals and which were pointed out on page 2 of the proposed ordinance (the animals included are those that cause health or public safety problems); 2) search warrants as written on page 15 of the ordinance; 3) the requirement that all cats be inoculated and licensed; and, 4) animal fights and training of animals to fight as written on page 56 of the ordinance. Mr. Miggins commented that he was available for any questions and that he was requesting that the Council approve the ordinance amendments.

Councilor Quinby commented that he thought most of the cats which would be unlicensed and have rabies would probably be strays and asked who would pay for those licenses and inoculations. Mr. Miggins responded that if a cat was feral and picked up by animal control, that it would be euthanized.

Councilor Raze questioned if the revised ordinance would be publicized in any way to inform the public that they would need to license their cats. Mr. Miggins responded that licensing of cats has been the law for quite some time and was now being emphasized due to mandated inoculations.

Councilor Lillard asked how many species of pythons would be included in the ban and questioned how it would affect those people who want to own snakes. Mr. Miggins responded that there would be a 180-day grace period, and that he would be preparing a "grandfather clause" process for those people who currently have snakes.

Councilor McCutcheon stated that hybrid wolves could be potentially dangerous, but so could pit bulls, and he wondered why those dogs were not listed as a dangerous animal. Mr. Miggins responded that the Supreme Court has ruled that a government can not breed specify domestic dogs, that the shelter must take them all, but that is why the County included a potentially dangerous Level No. 5 in their

regulations. Councilor McCutcheon asked what the County will do with all the animals that will be turned in once the ordinance takes effect, and asked if there would be a charge to turn an animal in to the County. Mr. Miggins responded that those questions were considered in the beginning and that he proposed that the County begin by licensing animals in order to know where they are, but that they are lining up resources where the County may take the animals; there are reptile facilities in various parts of the United States, but the Washington Park Zoo does not want an animal that has been kept as a pet.

Councilor Quinby stated that he was unclear on the description of a wolf hybrid. Mr. Miggins responded that if an owner declares that their dog is a wolf hybrid, then it is a wolf hybrid per the County and also the Department of Agriculture, even though the dog may be only 1/32 wolf. Councilor Quinby questioned page 10, Article 6 of the ordinance regarding determination of violations. Mr. Miggins responded that the article simply clarifies what was originally written and that the nonrefundable appeal fee pays for the cost of the actual appeal and the work it entails. Councilor Quinby asked, in regards to page 7, Article 3, of the ordinance, if the County had thought about requiring a double fence for dangerous dogs. Mr. Miggins responded that the County wants protection, but they also want to control costs for homeowners, but they have recommended a second fence to owners of dangerous dogs. Councilor Quinby commented that he thought there were laws already in place to protect citizens from dangerous and exotic animals. Mr. Miggins responded that all guidelines are currently at the State level; the Department of Agriculture sets the guidelines for caging requirements and the County honors those guidelines. Councilor Quinby questioned how many wild animal attacks by exotic cats the County had responded to in the last five years and asked if there were laws in place to punish the pet owner. Mr. Miggins responded that one exotic cat attack had been responded to, and that there were no financial penalties assigned to the pet owner, but the animal is usually removed and euthanized. Mr. Quinby commented that it appeared to him as if the County was trying to legislate the rights of responsible pet owners and he questioned what started the exotic animal process. Mr. Miggins responded that the community as a whole provided input on the exotic animal ordinance, but it was the incident with a tiger in Southwest Portland which started the process and now elected officials are responding to the concerns of their communities. Councilor Quinby asked for clarification of Section D, Line 20, on page 12 of the ordinance as it pertains to reasonable effort of phone contact with a pet owner. Mr. Miggins responded that the County will only euthanize an animal if there is no other option, but after 72 hours the County is allowed to adopt the animal; the change was being made so that the County can actually hold an animal longer and make more attempts to contact the owner. Councilor Quinby questioned Line 18 on page 49 of the ordinance as it pertains to the \$300 additional fee for dogs classified as a Dangerous Animal and asked why the fee doubles and whether it was simply because the County wants a person to pay more simply because they want to have a dangerous dog. Mr. Miggins responded that history has confirmed that most of the cases involving dangerous dogs are due to irresponsible pet owners and the County needs to get their attention; it takes a lot of money to deal with those situations. Councilor Quinby suggested that the County should offer training sessions for those individuals who would like to own dangerous animals. Mr. Miggins responded that a committee was working on a Diversion Program, but there was nothing offered by the State which would certify a trainer for that type of training. Councilor Quinby commented that he felt the ordinance was simply a punishment for responsible pet owners.

Councilor Lillard questioned whether scorpions and tarantulas were covered by the exotic animal ordinance. Mr. Miggins responded that insects were not regulated by

Animal Control so the ordinance would not pertain to them. Councilor Lillard asked if small primates were regulated by Animal Control. Mr. Miggins responded yes, as they are disease carriers.

Councilor McCutcheon questioned what would happen if someone were to call and say that there was a vicious dog around their house. Mr. Miggins responded that if a caller identified an animal as vicious, that Animal Control would immediately respond; however, if the caller indicated that there was a "strange" dog, that if the dog was on a leash, Animal Control would ask them to grab it and tie the dog up, but not to risk their life.

Councilor Quinby asked if there were any research facilities in the County which would be affected by the primate clause of the ordinance. Mr. Miggins responded yes, and that those agencies were exempt from the ordinance.

Mayor Vonderharr stated that he appreciated all the services that Animal Control provided as they do have limited resources, and that he thought all on the Council were impressed by Mr. Miggins knowledge.

Councilor McCutcheon moved and Councilor Lillard seconded the motion to read Ordinance 15-1998, AN ORDINANCE ADOPTING REVISIONS TO THE MULTNOMAH COUNTY ANIMAL CONTROL ORDINANCE FOR ENFORCEMENT WITHIN THE CITY OF FAIRVIEW, a first time by title only.

AYES: 5
NOES: 1 (Quinby)
ABSTAINED: 0

Paul Elsner, City Attorney, read Ordinance 15-1998 a first time by title only. As the vote was not unanimous for a first reading, the Council must hold a second reading at their August 5, 1998 meeting.

B.RESOLUTION - Fees for Service

Jeffrey Sarvis, Director of Public Works, reported that it was his understanding that Council had questions related to fees on a 2" water meter. Director Sarvis stated that the fee has risen from \$400 to \$1600, as the \$400 fee was established in 1994, and that the City may only charge what it exactly costs for Public Works to install the meter. Director Sarvis explained that a customer would make a deposit of \$400 for the water meter, Public Works would install the meter, and then the customer would be charged the exact remainder of the cost of the meter.

Councilor Lillard questioned why there was such a jump in the price between a 1.5" meter and a 2" meter. Director Sarvis responded that cost is related to the size of the meter, the amount of water that goes through a meter, and whether or not the meter is a common model. Councilor Quinby asked why the 30% material cost was added on to the cost of a meter. Director Sarvis responded that the 30% fee was City policy and was an overhead administration fee; the City is allowed, by ordinance, to charge exactly what a job costs, and also is allowed to charge a 30% administrative fee which is charged on all City services.

Councilor McCutcheon moved and Councilor Quinby seconded the motion to approve Resolution 18-1998, A RESOLUTION AMENDING RESOLUTION 16-1998 SETTING FORTH AN UPDATED FEE SCHEDULE FOR SERVICES PROVIDED BY THE CITY OF FAIRVIEW.

AYES: 6
NOES: 0
ABSTAINED: 0

**C.DISCUSSION - Proposed
Parks Maintenance Levy**

Roy Wall, Finance Director, reported that when Measure 50 was passed by the voters, that it added a third constraint in property tax limitation to the City; we used to have a tax base that voters could modify, but now we have a tax rate and the rate can only be modified by the voters for a limited period of time (a levy) of 1-5 years and which would automatically sunset. Director Wall stated that one of the issues that has risen due to growth, is a shortfall in park maintenance funds; more parks have been acquired but the staff has not increased to maintain those parks. A levy would bring funds into the City to allow additional resources to be used to maintain the parks. Director Wall commented that staff was proposing a 45c per thousand dollar assessed value on the tax rate for a period of four years; if Council agrees to this proposal, staff would bring forward a resolution and hold a public hearing at the Council's August 19th meeting. Based on the outcome of that meeting, and with Council approval, a Measure would be sent to the County by September 3rd to place a levy on the November 1998 ballot.

Director Sarvis introduced Stephen Richards of the City's Public Works Department, stating that Mr. Richards has taken over the parks division of Public Works. Director Sarvis reported that the City currently has 10 acres of parks, and within the next couple of years, will obtain four additional parks (10 additional acres), a 70-acre wetland pond, and two mitigated areas of wetlands. Director Sarvis stated that the proposed levy would move a current City staff position to a supervisory role and add one more full-time parks employee, along with the addition of equipment. Director Sarvis commented that all the money received from the levy would be collected into a fund expressly for parks maintenance, with no administrative contributions.

Councilor McCutcheon asked what total amount of money would be raised by the levy. Director Wall responded that approximately \$80,000 would be obtained the first year, and maybe \$90,000 the second year. Councilor McCutcheon commented that he was against raising taxes for parks maintenance and that it would be a poor way of putting the burden off to someone four years down the road when they need to deal with park maintenance. Councilor McCutcheon questioned if, in the next four years of a levy, staff would come up with a way to fund park maintenance other than with a levy. Director Wall responded that that was the goal, and that the best possibility of permanent funding would be if growth moved faster than staff anticipated and funds could then be moved into the park maintenance program.

Councilor Raze questioned how the 45c per thousand dollar assessment was determined. Director Sarvis responded that staff could operate with \$80,000 the first year, and that was how the amount was determined. Councilor Raze commented that most of the parks have been donated and now the City must take care of them; the amount of revenue coming in with development should catch up in four years time, or at least be better than it is now. Mr. Elsner reminded the Council that they would have new demands on the General Fund along with the growth, and that Fairview would not have infinite growth potential.

Councilor Lillard questioned how supplies for new landscaping were purchased.

Director Sarvis responded that park development is taken out of SDC dollars, with maintenance costs being taken from the proposed levy. Councilor Lillard suggested that the City, when marketing the levy, incorporate the possibility of playground equipment for parks being purchased from the levy.

Councilor Owen asked how much money the City currently had in the parks fund to acquire parks. Director Wall responded that the fund contained over \$1 million, but that SDC's were excluded for any type of maintenance. Councilor Owen questioned if the proposed levy would cover the maintenance costs for City parks now, plus any that might be added. Director Sarvis responded that he did not know, but that \$15,000 has been itemized for maintenance and supplies, \$10,000 for equipment, and \$55,000 for labor.

Councilor Raze stated that funds are needed for parks and that it was the voters choice.

Councilor McCutcheon questioned if there was an excess in funds from one year of the levy, would it carry over to the next year so that the total amount after four years of the levy could possibly last six years. Director Wall responded yes. Mayor Vonderharr stated that citizens he has spoken with were always interested in parks, open space, etc., and that he believes the levy would receive support from the voters. Councilor Quinby agreed that the levy should go before the voters.

Councilor Quinby moved and Councilor Raze seconded the motion to have staff bring forward a resolution at the Council's August 19th meeting which would place the levy on the November 1998 ballot.

AYES: 6
NOES: 0
ABSTAINED: 0

A five minute break was taken at 9:05pm.

V. DEPARTMENTAL REPORTS

A. Police

Chief Jackson distributed a photograph to Council of fireworks which the police had confiscated on July 4th, adding that they had taken more items this year than they had ever taken. Chief Jackson stated that the City had sworn in a new police officer who was scheduled to attend the Monmouth Academy in six months, and which would entail a 9-week course.

B. Public Works

Director Sarvis reported that Public Works had sent out a Request for Proposal for the Capital Improvement Plan, and that a meeting would be held the following week to provide general information. Director Sarvis stated that staff had met with ODFW, USFW, ODSL, and USACE, regarding the fish screen issue on the Salish Ponds, and that everyone conceded that there are no steelhead in the ponds, but there were cutthroat trout; staff submitted three alternatives and hope to receive some feedback so that they can begin some of the work this summer.

Director Sarvis commented that the City should be under construction on stormwater improvements in the core area later in the fall, and that Public Works had hired three seasonal workers.

C. Planning

John Pettis, City Planner, reported that the July Planning Commission meeting had to be cancelled due to a lack of a quorum. Councilor Raze mentioned that, as a

reminder to all City officials, that they notify staff well in advance if they will need to miss a meeting. Councilor Raze added that the Council and Planning Commission took on a responsibility and that they need to attend meetings.

Planner Pettis reported that he had been reviewing site and landscaping plans for La Petite Academy and the Slavic Christian Center. Planner Pettis stated that a pre-application meeting was held with McKeever/Morris regarding the Lakeside Estates subdivision proposal, and that he has been working with a consultant regarding Transportation System Management. Planner Pettis commented that the Parks Committee had been working with the East Metro Arts and Culture Council on art classes for kids, with two classes being held in Fairview.

D. Finance

Director Wall reported that he and City Administrator Holstrom had attended a League of Oregon Cities meeting to emphasize Fairview's case regarding the impact of Measure 50 on the City, and followed it up with some information to the League; it is hoped that the League will take the issue forward with their legislative package. Director Wall stated that the City was now using a new utility billing system which will allow meter reading to be taken on handheld reading devices and then uploaded onto our computer system.

E. Legal

Mr. Elsner stated that the Council had a written copy of the Attorney's report and that the Council had also been given a copy of legal opinion on the Wood Village sewer issue.

Chief Jackson presented City Administrator Holstrom's report, stating that the application period was now open for candidates wishing to run for City Council at the November 1998 election. The City Administrator evaluation is scheduled for August 5th, and that after researching the Heslin House contract, Council will need to make a formal motion to continue the contract, and that is scheduled for their August 19th meeting. Councilor Raze announced that he would not be able to attend the August 5th Council meeting.

**VI. MAYOR/COMMITTEE REPORTS AND
COUNCIL CONCERNS**

Councilor Lillard reported that at the East Multnomah County Transportation Committee (EMCTC) meeting, Metro had wanted the Committee to approve its new grading system for road improvements, which was similar to Multnomah County's. However, there was a clause in the grading system pertaining to the fact that if a project was located near affordable housing that it could receive a higher grade; the Committee did not think that affordable housing should have anything to do with road improvements. Councilor Lillard also stated that EMCTC is taking the stance that Gresham should never receive less public transportation service as new service is developed, and that she would like Council's consensus on that issue.

Councilor Owen stated that he would not be able to attend the August 19th Council meeting. Councilor Owen reported that an airport noise meeting would occur the following day at 7:00pm at St. Aidens Church at 174th and Glisan, and that he would try to attend. Councilor Owen added that he has had numerous conversations with the Port of Portland and visited their noise abatement section, and that he personally felt that there were certain citizen groups making as much noise as the planes.

Councilor Raze reported that he, Administrator Holstrom, and Director Sarvis had met with Wood Village regarding the use of Fairview's sewer lines; Administrator Holstrom has contacted the City of Wood Village in regards to Fairview's position at this point. Mr. Elsner reminded the Council that a written legal opinion was before them.

Councilors Quinby and McCutcheon had no reports or concerns.

Mayor Vonderharr reported that he has been working on a grass roots project to receive cooperative effort from citizens around Fairview Lake to work with the City; he had met with the President of Interlachen Inc., and will continue to stress a cooperative effort.

VII. ADJOURNMENT

Councilor McCutcheon moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:20pm.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder