

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

MARCH 4, 1998 -- 7:30pm

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

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

PRESENT: Mayor Roger Vonderharr
Councilor Sherry Lillard
Councilor Dave McCutcheon
Councilor Len Edwards
Councilor Steve Owen
Councilor James Raze (arrived 8:06pm)

ABSENT: Councilor Mike Weatherby

STAFF PRESENT: Marilyn Holstrom, City Administrator
Bob Cochran, City Engineer
John Pettis, City Planner
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor McCutcheon moved and Councilor Owen seconded the motion to approve the Consent Agenda, consisting of: Ordinance 6-1998, AN ORDINANCE ADOPTING A CODIFIED MUNICIPAL CODE OF THE CITY OF FAIRVIEW ENTITLED "FAIRVIEW MUNICIPAL CODE"; an Appointment to the Parks Committee; an Intergovernmental Agreement with Multnomah County for Geo-Technical Engineering; an Engineering Services Award for the Salish Ponds; an Appointment to the Multnomah County/Portland Consolidation; Appointments to the Planning Commission; and, the Minutes of February 18, 1998.

AYES: 5
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 -
Park Regulations Amendment**

Marilyn Holstrom, City Administrator, reported that a proposed ordinance was before the Council to amend the City's Code to address animal waste. Administrator Holstrom stated that the City had received complaints throughout the past year regarding residents who walk their dogs and allow them to deposit their waste in City parks; these complaints have occurred particularly within Fairview Village. Administrator Holstrom commented that the proposed ordinance would amend Chapter 8.10, Nuisances, by adding animal waste as a nuisance controlled by the City; the amendment was written so that violations would be sent to Municipal Court. It is the intent of City staff to notify residents around Fairview City parks of the amendment.

Councilor McCutcheon moved and Councilor Lillard seconded the motion to read

Ordinance 11-1998 by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 11-1998 by title only.

Councilor McCutcheon moved and Councilor Lillard seconded the motion to adopt Ordinance 11-1998, AN ORDINANCE AMENDING CHAPTER 8.10, NUISANCES, OF THE FAIRVIEW MUNICIPAL CODE DECLARING ANIMAL WASTE TO BE A NUISANCE, REQUIRING DOG OWNERS TO REMOVE AND DISPOSE OF WASTE DEPOSITED ON PUBLIC OR PRIVATE PROPERTY AND PROVIDING A PENALTY FOR FAILURE TO CLEAN UP AFTER A DOG.

AYES: 5
NOES: 0
ABSTAINED: 0

**B.STATE OF THE COUNTY -
Chair Bev Stein**

Bev Stein, County Chair, stated that every year she visits each city in the County to provide an update and also to hear any concerns. Ms. Stein commented that she was glad to be in Fairview and thanked Administrator Holstrom for serving on the Progress Board.

Ms. Stein distributed packets of information to the Council and reported that the County had adopted three long-term goals which they were focussing on:

- 1)Completion of education. Ensuring that when kids go to school that they are ready to learn, and then to keep them in school; also, they are attempting to connect social services with attaining jobs.
- 2)Reducing crime, especially juvenile crime. Adequate jail space is needed, but also more cost effective alternatives; alcohol and drug treatment facilities are needed, along with work release centers.
- 3)Quality effective government. Ms. Stein indicated that the County wants to use all its resources well, such as the increase in the number of children who received immunizations in County health clinics, and the example of their Land Use Planning Team reviewing permits and identifying a permit that was not needed. Ms. Stein added that the County was trying to do more work in communities and concentrating on different ways in which to connect with community members.

Ms. Stein provided a list of updates which included: the facility siting process for an East County Senior Center, Health Clinic, and some type of Public Safety building; extended library hours; and, the expansion of Inverness Jail by 200 beds.

Councilor Lillard stressed the fact that the County needed to provide more CIP dollars for road improvement. Ms. Stein responded that all government officials needed to go to the legislature together regarding transportation funding. Councilor Lillard commented that the County also needed to educate citizens regarding road maintenance vs. CIP improvements, and that anything she could do to get the public more educated on why we need more transportation funds was very important. Ms. Stein concurred with Councilor Lillard and stated that transportation funding was not acceptable in its current format.

Councilor McCutcheon stated that a few years ago the County removed DARE officers from the schools and he wondered if that program had been reinstated.

Ms. Stein responded that the County had removed DARE officers, but they do still have Resource Officers in the schools; studies have shown that DARE officers are really not that effective when you look at the cost they incur. Ms. Stein added that there was a peer program called STARZ which emphasized the refusal of drugs, alcohol, etc.

Councilor McCutcheon asked if the jail siting process was complete. Ms. Stein responded that the County has chosen a site, but they needed to receive a permit from the Corps of Engineers as the site was a wetland site. Ms. Stein added that they were in the design phase of the jail project, but that they probably wouldn't know about the permit for about a year. If the permit were to be approved, then they would start construction of the new jail site.

Mayor Vonderharr questioned what was happening with juvenile crime in the County. Ms. Stein responded that crime overall was generally going down, but there was a spike of violent juvenile crime. Councilor Owen asked what other programs were currently in place which targeted the prevention of juvenile crime. Ms. Stein responded that the County was in the process of taking to the communities a sophisticated juvenile crime prevention strategy, and that school completion was one of the best tools against crime. Ms. Stein stated that much of the juvenile crime occurs between 2:00pm and 6:00pm when kids are out of school; the County currently has one Truant Officer in North Portland who actually will go to homes to see why a child was not attending school. Ms. Stein added that she would like to expand the Truancy Program to the entire County.

Councilor Owen questioned how many County employees there currently were vs. last year. Ms. Stein responded that the County currently had about 4,000 employees and that that was a little more than last year as they had to expand their Corrections program; the County also took over Disability Services from the State and merged it with the County's Aging Services Division.

Councilor Edwards asked what was happening with the Correctional Facility in Troutdale and whether the County planned on tearing down the old buildings due to lack of earthquake safety. Ms. Stein responded that the Troutdale facility was in bad shape, but she did not think the County would shut it down until they had another facility in place.

Mayor Vonderharr commented that in regards to County road CIPs, the money was being taken away at a time when East County was developing, even though East County has been paying into the fund for years.

At 8:06pm, Councilor Raze entered the meeting. Mayor Vonderharr stated that in regards to siting facilities in East County, that he hoped the County would pay attention to north-south transportation.

Ms. Stein reported that in terms of the County's next year's budget, she would like to keep the same service level and try to find the money to keep everything running steady; she had found a one-time source of money for the Truancy Program, and thought perhaps the Truancy Program could be added to the Public Safety Levy the County was planning to propose.

Mayor Vonderharr thanked the Multnomah County Library employees for working closely with the Fairview Library Citizen Advisory Committee. Mayor Vonderharr asked how the County justified, on the proposed business tax, only \$75 per student for all County schools except in Portland where they would receive \$150 per student. Ms. Stein responded that the County was approached by all the School Superintendents who asked that they be allowed to determine the allocation; the Superintendents came before the County with the per student dollar proposal. Ms. Stein added that she did not know how the Superintendents developed the formula. Mayor Vonderharr commented that, as a taxpayer, East County was no different

than Portland taxpayers, yet Portland will receive twice as much per student. Ms. Stein reported that school funding was quite complicated, and that all schools were impacted differently by Measures 5 and 47. Councilor Edwards stated that he thought it was a good idea to place Truancy Program funding in with the Public Safety Levy.

Mayor Vonderharr thanked Ms. Stein for her presentation.

V. PUBLIC HEARING

A. ORDINANCE - Sanitary Sewer Allocation

Councilor Raze stated that he must abstain from this item as he had a pending land use application before the City.

Administrator Holstrom reported that this subject had been before the Council numerous times for discussion, and that the proposed policy before the Council outlined a process that the City would follow in allocating sanitary sewer capacity as they are able to attain it. Administrator Holstrom stated that the City does not have enough capacity for all the growth that is occurring, and that the City is trying to borrow capacity until the new sewer treatment plant is constructed in 2001. Administrator Holstrom commented that staff and a consultant spent a year designing the process for sewer allocation and that it was now before the Council for decision making. All developers with an interest in the City were notified that a public hearing would be held on this subject.

Mayor Vonderharr opened the public hearing.

Ron Messerly, General Counsel for Holt & Haugh, Inc. (Fairview Village), stated that he had reviewed the packet and that he would like to reserve his comments until more discussion had occurred. Mr. Messerly stated that it was his understanding that the only properties to be affected in Fairview Village by the proposed ordinance would be the LID units. Administrator Holstrom responded that she thought that was correct, but staff would have to review the history and all data. John Pettis, City Planner, stated that he thought Fairview Village was covered up to the number of ERU's they had already purchased. Mr. Messerly indicated that he would speak with Administrator Holstrom regarding the matter at a later date. Mayor Vonderharr thought that Fairview Village sewer capacity was covered when their plans originally came through the City for review.

Tony Reser, 200 SW Market Street #200, Portland, stated that he represented NACCO in marketing their surplus industrial land in Fairview, and that in reading through the materials provided by the City, that he had questions regarding sewer capacity. Mr. Reser asked if there was an inventory of known ERU's still available for sewer capacity. Administrator Holstrom responded that the City did not currently have any ERU's available, and that the City was again in negotiations with Fujitsu for any additional sewer capacity they could lend. Mr. Reser questioned what the current ERU backlog was for the City. Planner Pettis responded that, currently, there were about 200 ERU's needing sewer allocation as those projects had already gone through the planning process. Planner Pettis added that sewer capacity would no longer be a problem once the new Gresham Treatment Plant expansion was completed by July 1, 2001.

Jeff Townsend, 20925 NE Interlachen, asked if he was correct in his understanding that Townsend Farms would be paying an assessment for a sewer LID, but that they would not be able to use the sewer as they have not been allocated any capacity. Administrator Holstrom responded that that was correct. Mr. Townsend asked for a definition of an ERU. Planner Pettis responded that an ERU was an "Equivalent Residential Unit" and equalled about 250 gallons of sewage per day.

As there were no further questions or comments, Mayor Vonderharr closed the public hearing. Mayor Vonderharr commented that a proposed ordinance was before the Council to handle distribution of sewer allocation, and if an allocation process was not in place, the City could not justify allocating sewer capacity to one development over another.

Councilor Edwards moved and Councilor Owen seconded the motion to read Ordinance 4-1998 by title only.

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

Administrator Holstrom read Ordinance 4-1998 by title only.

Councilor Edwards moved and Councilor Owen seconded the motion to adopt Ordinance 4-1998, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW, OREGON ADOPTING A WASTEWATER TREATMENT CAPACITY ALLOCATION POLICY.

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

VII. CITY ADMINISTRATOR REPORT

Administrator Holstrom reported that the Council would receive their annual Statement of Economic Interest form in the mail and that they should complete the form and return it to Recorder Huson by March 27th. Administrator Holstrom stated that she and Finance Director Roy Wall had been working very hard to determine what will happen to the City with the passage of Measure 50, and that tomorrow morning she and Director Wall would be meeting with the Mayor to provide him with an update.

Administrator Holstrom reported that the Clackamas County Boundary Change Steering Sub-Committees had been continuing to meet, and that at the next meeting on March 9th, the Committee will receive a substantive report from the Consultant; a final report is due by the end of March 1998.

Administrator Holstrom stated that it was time to begin preparation of the City's Annual Report which is produced by students at Mt. Hood Community College; any article ideas from the Council would be welcomed. Administrator Holstrom indicated that the Council had a report before them from City Attorney Pam Beery regarding the Gresham/Metro LUBA affordable housing rule. Ms. Beery represents Fairview in the mediation process, and she will stress that Metro has to take into account each city's current available affordable housing. Mayor Vonderharr commented that Metro needed to define "affordable housing" so that all jurisdictions were using the same terminology.

Administrator Holstrom reported that staff had been working on the utility rates review under direction of Council who asked that this be done each year. On the Council's next agenda, there will be a discussion of all rates. Administrator Holstrom stated that she was working on the Wood Village sewer agreement and was putting together a packet of information for Councilor Raze and Public Works Director Jeffrey Sarvis so that the City would be ready when Wood Village responds

to our request for a meeting.

Administrator Holstrom stated that a developer had approached the City with an interest in developing much of the property on the south side of Fairview Lake; originally his designs came in and resembled a manufactured housing park. However, the developer was now talking about constructing a project similar to one in Hillsboro called "Jones Farm" which is a mixed use development with clusters of homes. Administrator Holstrom commented that staff has indicated to the developer that if he wants to do a project such as Jones Farm, that he would have to develop a Design Plan and Code similar to what Fairview Village provided, which would have controls on how and what could be built. The City has developed a strategy through City Attorney Beery in how we will deal with the proposal; it is important to the City that we have something nice around Fairview Lake.

VIII.MAYOR/COMMITTEE REPORTS AND CONCERNS

Councilor Lillard reported that she had spoken with Aaron Simmons' wife regarding the Noise Task Force; the Task Force had not met recently due to Mr. Simmons' schedule. Councilor Lillard stated that Mr. Simmons had not returned her call as yet.

Councilor McCutcheon stated that he had received notification from Gresham about the 174th Avenue fire station as to who would operate it; Portland indicated that they have been responding to a lot of calls from Gresham and wants Gresham to fund the station.

Councilor Owen commented that he had been very impressed with the Public Works staff at their Work Session last week; the presentations were very well done and informative.

Councilors Raze and Edwards had no reports or concerns.

Mayor Vonderharr reported that he had met with Ed Washington of the Metro Council who had initiated the affordable housing rule. Mayor Vonderharr stated that he had taken Mr. Washington on a tour of Fairview and indicated to him the various housing types Fairview offers; Mr. Washington's overall reaction was that Fairview was doing what he would like the entire metro area to do.

IX. ADJOURNMENT

Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:06pm.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder