

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

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**MAY 20, 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 James Raze  
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator  
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 McCutcheon moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of the Minutes of April 22 and May 6, 1998.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**III. CITIZENS WISHING TO  
SPEAK ON NON-AGENDA  
ITEMS**

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

**IV. COUNCIL BUSINESS**

**A.RESOLUTION -  
Salish Ponds/Wetlands Master Plan**

John Pettis, City Planner, reported that the project area was approximately 70 acres in size and was located between NE Halsey and Glisan Streets, and between Fairview Village and Reynolds Middle School. Within the project boundaries were high quality wetlands, wooded areas, Fairview Creek, and two large ponds (Salish Ponds). Planner Pettis stated that the proposed area was identified in the City's Parks Master Plan in 1994 as one of the major City recreation/open space areas. The City informed Metro that this area was where they wished to spend their "local share" of the Metro Greenspaces Bond Measure. Planner Pettis commented that the facilities proposed in the Salish Ponds Wetlands Park Master Plan included: a central east-west oriented compacted gravel trail which would be linked to the future City community park, nearby schools, and residential developments; handicapped accessible public fishing docks and fishing platforms along the north sides of the two ponds; a natural picnic area located directly north of the larger easterly pond; and, interpretive signage and classroom activity areas.

Planner Pettis indicated that City staff and a consultant worked with the City Parks Advisory Committee in developing the Master Plan; the Committee and staff visited the site on two "walk-throughs" in order to finalize the locations of proposed facilities and features.

The Committee discussed the proposed Master Plan in depth and were sensitive to the wetland and forested areas; the Committee wanted trails that would have the least environmental impact, and determined that they should consist of a boardwalk suspended above the wetland area. The Committee minimized the width of the compacted gravel trail in order to minimize impacts to the trees, groundcover, etc., and once under the overpass, the trail would widen to 10-12 feet. A wetlands permit will be required from the Division of State Lands (DSL) and a potential mitigation area has been designated. The Committee decided to use an EasyDock which consists of fairly large plastic blocks that can be fitted together in any dock design that you would like, plus it would be very low maintenance. Planner Pettis added that large flat boulders would be arranged for sitting and picnicking, and between the boulders would be a wildflower mix; the picnic area will be elevated somewhat from the main trail. Planner Pettis mentioned that parking could be an issue and that it was hoped that an agreement could be worked out with Reynolds Middle School for additional parking.

Planner Pettis reported that the Salish Ponds Master Plan was approved by the Committee at their October 1997 meeting, and if approved by City Council, construction of the facilities would take place between Summer 1998 and Fall 1999.

Councilor Raze stated that he was Council liaison to the Parks Committee, and that the Committee had done a very good job in reviewing the proposed Master Plan, and that he was recommending its approval.

Councilor Owen questioned how the Police would access the trails. Gilbert Jackson, Chief of Police, responded that the Police Department had three ATV's which were given to the City by Honda, and those would be the vehicles used on the trails. Mayor Vonderharr asked if the trails would be wide enough for the ATV's. Planner Pettis responded yes.

Councilor McCutcheon asked if once the area is constructed if the Public Works Department would then have to maintain the area. Planner Pettis responded yes. Mayor Vonderharr commented that he felt the area would be one of the most attractive parks in the region, and that he foresaw heavy use from the entire neighborhood area.

Councilor Lillard questioned how long the permitting process would take with DSL. Planner Pettis responded that the process would take about 3 months, but the mitigation area should be more than sufficient to satisfy DSL rules. Mayor Vonderharr stated that the Metro Grant indicates that the project was to be complete by the end of 1998, but he saw problems with that deadline and wondered if it could be extended to 1999. Planner Pettis responded that Metro had informed him that many jurisdictions were having that problem and that Metro would probably extend the timeframe through 1999 upon written request.

Councilor Edwards asked if the 8-10 foot width of the trails would be wide enough to handle a Public Works vehicle. Planner Pettis responded that the trails would be 10 feet wide and could handle Public Works' equipment. Councilor Lillard commented that it appeared as if a lot of work went into the proposed plan and that she felt the park would be very nice.

Councilor McCutcheon moved and Councilor Owen seconded the motion to adopt Resolution 9-1998, A RESOLUTION TO ADOPT THE SALISH PONDS WETLANDS PARK MASTER PLAN.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**B.RESOLUTION -  
Storm Drainage Fees**

Roy Wall, Finance Director, reported that on May 6, 1998, the Council heard testimony on a proposed increase in storm drainage rates; the change would affect residential customers and their storm drainage fee. Director Wall indicated that staff had reviewed the information twice with Council and would be happy to answer any questions Council might have.

Mayor Vonderharr questioned if the increase would allow the City to implement the Capital Improvement Plan, as the City must collect funds to use as a match for grant projects, and whether it would complete a process to have the fund pay its own way instead of being assisted by the General Fund. Director Wall responded that both comments were correct, and that the fund was also one of the pieces needed to make sure the Salish Ponds plan come to fruition.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Resolution 10-1998, A RESOLUTION REVISING STORM WATER SERVICE CHARGES RELATING TO THE FAIRVIEW STORM WATER SYSTEM.

AYES: 6  
NOES: 0  
ABSTAINED: 0

**C.PRESENTATION - Police  
Survey Results**

Chief Jackson reported that the packet before the Council contained four parts to the survey: the first part consisted of the recent survey results; the second part contained the typed citizen responses exactly as they were received; the third part was a copy of the survey itself; and, the fourth part consisted of a recap of all three surveys.

Chief Jackson stated that he had prepared the survey in 1994 to determine if the Police Department was doing better, worse, or the same, and that all responses were received anonymously. Chief Jackson commented that his focus was on the recap of the three surveys, as even though population has risen, the percentages have stayed the same, and it states that more and more people are satisfied. Chief Jackson mentioned that he was looking for a trend to determine if the Department was doing better or worse, but the percentages do not indicate a trend, but rather shows the Police Department as being consistent.

Mayor Vonderharr commented that he could see a change from 1994 to 1996 when many apartments were added to the City and more contacts with Police were made; but since 1996 to 1998, almost all new development was single-family housing and there has been no change.

Councilor Owen commented that the Fairview Officers should be very proud of the survey as it shows the service level has not decreased and the majority of the population felt they were doing a good job.

**D.DISCUSSION - Ordinance**

Marilyn Holstrom, City Administrator, stated that the Council has a recommendation

## Amendment - Parking

from the Old Town Advisory Committee before them, and that the Council had adopted the Renaissance Plan for the core area last year. Administrator Holstrom reported that much Committee discussion had occurred regarding cars and how they were parked in the core area; you can not prohibit parking on streets as the lot sizes are small in the core area and some people do not have garages. However, the one thing the Committee did place in the Plan was the fact that there were many unsightly homes in the core area that have parked cars and trailers all over their property; Fairview does not have an ordinance to prohibit that, but many other cities do, and staff asked the City Attorney's office to draft an ordinance to reflect what the Committee wanted. Administrator Holstrom indicated that, basically, the draft ordinance states that vehicles could not be parked in front of a home or in the side yards, except in a driveway or other gravel or paved area expressly for vehicles. Administrator Holstrom added that this was a controversial subject and that it would be controversial should the Council decide to discuss it further after this evening and allow public testimony. Administrator Holstrom stated that tonight the Council was asked to review the draft ordinance and decide if they would like to pursue the matter.

Councilor McCutcheon asked what was meant by a front yard setback. Administrator Holstrom responded that the setback area is that area between a front property line and a house. Councilor McCutcheon commented that there was a narrow parking strip in front of his house and that he would hate to see guests towed simply because there was no room to park in his driveway. Administrator Holstrom responded that that would not apply as that parking strip was in the right-of-way.

Councilor Raze commented that he felt there was too much room for interpretation in the ordinance as it was currently written. Administrator Holstrom stated that it was difficult to make the ordinance more specific as every lot and home is different. Councilor Raze suggested that maybe language should be added in the ordinance to specify the size of lots that the ordinance would apply to.

Mayor Vonderharr questioned if vehicles parked on the side of a house was a real concern. Administrator Holstrom responded that some side yards face streets. Mayor Vonderharr suggested that the City not impose strict restrictions all at once, but maybe start out with just one area such as the front yard, and if the citizens are still concerned enough, you could speak to side yards. Councilor Raze commented that if a car is inoperable, an ordinance currently pertains to that but was not enforced. Administrator Holstrom responded that staff addresses every complaint that comes in and that the process takes 30-60 days as it needs to meet certain criteria. Mayor Vonderharr questioned if the City had an ordinance which states that a car can not sit on a street forever, even though it is licensed and registered. Chief Jackson responded that the Police Department will tag a vehicle as abandoned if it has been sitting on a street for more than two weeks without moving.

Mayor Vonderharr stated that he would support an ordinance which would prohibit the parking of vehicles in a front yard. Councilor Edwards commented that he would like the ordinance to contain a broader view as once you get more specific, it would be hard to get all the offenders. Councilor Edwards asked what a driveway approach was defined as. Administrator Holstrom responded that a driveway approach was defined as the curb cut coming off the road and the entire width of the driveway.

Mayor Vonderharr asked if the City had an ordinance limiting the number of vehicles someone could own. Administrator Holstrom responded no, as that would be

restricting people of their general liberties. Councilor Lillard commented that it seemed as if the City would be telling people that, yes, you own your property, but you can not do certain things with it. Councilor Raze suggested that staff define the word "vehicle" to see if that would include utility trailers, RVs, a camper on jacks, etc.

Mayor Vonderharr stated that he thought the City should only be addressing the street side of houses, and corner lots should be affected by the ordinance. Pam Beery, City Attorney, stated that some discretion would have to be allowed staff in enforcing any ordinance. Administrator Holstrom indicated that she would bring the proposed ordinance back to Council for further discussion and address the issues that were raised.

## V. DEPARTMENTAL REPORTS

### A. Police

Chief Jackson stated that in addition to the monthly report in the Council packet, that bicycle patrols would once again occur this year when the weather improved. In response to Councilor Edwards' questions on items 12, 16, and 34 of the monthly report, Chief Jackson explained their definitions.

### B. Public Works

Jeffrey Sarvis, Director of Public Works, reported that the January and February 1998 sewer bills had been received from Gresham, which only puts them now two months behind in billing. Director Sarvis added that Fairview's costs were running about \$39,000 less than last year. Director Sarvis stated that the North Fairview LID was about 2/3 complete, being \$2.7 million into the project from a projected \$3.5 million. Director Sarvis stated that a pocket park would be constructed at 7th and Halsey Street once the weather improved, and that staff would be meeting with individuals from fisheries regarding the Old Salish Ponds.

### C. Planning

Planner Pettis stated that the Planning Commission did not meet in May as there were no agenda items. Planner Pettis reported that in June, the Planning Commission would hear a proposal for a special zoning overlay district for the south side of Fairview Lake, which the Council would also review at their June 17th meeting. Also on the Commission agenda would be: a proposal for a manufactured housing park on the north side of Sandy Boulevard near 207th Avenue consisting of 47 spaces, and a proposal to amend the non-conforming section of the Zoning Ordinance to allow an existing single-family residential house in an industrial or commercial zone to rebuild as it would impose a hardship on some property owners.

Planner Pettis commented that a building permit had been issued for the Texaco StarMart to be located on Sandy Boulevard, and that the City had accepted the building plans and site and civil plans for the proposed Gold's Gym to be located on NE 223rd Avenue next to Fairview Village. Planner Pettis reported that he had been processing an Expedited Subdivision proposal for Lake Shores Estates Phase II consisting of 55 single-family lots, and that he has had a series of meetings with the consultant who would be preparing the City's Transportation System Plan which was being financed by a State TGM grant.

Mayor Vonderharr mentioned that Rob Fussell of the City of Gresham would like to meet with staff in order to activate the development of Fairview's industrial areas; Mr. Fussell indicated that he would contact Planner Pettis or Administrator Holstrom.

### D. Finance

Director Wall reported that the State provides for a sewer certification process which allows delinquent sewer accounts to be placed on property tax rolls for payment, with the County paying the City before the taxes are due.

## E. Administration

Administrator Holstrom reminded the Council that a Police Work Session was scheduled for May 27th, 7:00pm, at the Police Storage Building.

Administrator Holstrom reported that when a reimbursement district was established on NE 205th Avenue, Les Moore was opposed to it and stated such before Council and in writing; Mr. Moore appealed the amount he had to pay, and the City informed him that he had to appeal through Circuit Court. Administrator Holstrom stated that the City received papers on May 18th in which Mr. Moore appealed his portion of the reimbursement district to the Circuit Court, and a memo was before Council from the City Attorney on this matter.

Administrator Holstrom commented that she had included a new evaluation form for the City Administrator in the Council packets and asked that the Council review it as the evaluation process must be approved by them; Administrator Holstrom asked for comments from the Council on the new format. Councilor Lillard stated that she would vote in favor of the new evaluation format. Administrator Holstrom reported that the next Four Cities Forum is being planned to discuss the end of the Clackamas County Boundary Change Study; Troutdale will sponsor the next Forum which has been tentatively set for July 9th.

Administrator Holstrom stated that she had attended a Portland/Multnomah County consolidation meeting the previous week; they are currently looking at three options: combine everyone in Multnomah County into a city/county; combine everything in Unincorporated Multnomah County and Portland, but leave the individual jurisdictions; and, combine the City of Portland and Multnomah County and have the remainder of the jurisdictions form their own county.

Administrator Holstrom indicated that she would like to call an Executive Session tonight to discuss parks purchase.

Administrator Holstrom reported that a month ago she had distributed a memo in which she stated that the City had not implemented its Airport Noise Disclaimer. Ms. Beery stated that in order to eliminate the disclaimer, the City would need to amend its Zoning Ordinance to omit the pertinent sections; standard text amendment procedures would have to be followed which would include comments to the Port of Portland and the Department of Environmental Quality (DEQ). Ms. Beery commented that it could be done, but that there may be some risk in doing it; it would be a policy call by Council, but an indication was needed as to whether the Council would like this to move forward as a Zoning Ordinance Amendment.

Mayor Vonderharr questioned if any other city had an Airport Noise Disclaimer besides Portland. Administrator Holstrom responded that the City of Hillsboro had a similar provision that they were enforcing. Councilor McCutcheon suggested that staff check with Portland to see if they had the same agreement regarding airport noise, and if Portland was not having any problems by not enforcing it, that Fairview staff should not worry about it. Councilor Edwards asked what the basic risk was of letting it go as is and not enforcing it. Ms. Beery responded that the problems would be largely political and not legal, as the City has limited resources; the problem is that it was approved through Periodic Review. Councilor McCutcheon mentioned that it may raise more attention if Council tries to repeal it; Councilor Raze commented that he thought the danger of leaving it on the books was that if you have someone disgruntled for whatever reason, they could use it to rescind a decision or something similar. Ms. Beery stated that she thought the City would be at a disadvantage in beginning enforcement now, as new subdivisions would be treated differently than past developments and that could strike some people as

unfair.

Mayor Vonderharr stated that if someone had to provide a disclaimer for everything in their neighborhood, they would end up never selling their property at all; it was simply another example of taking away local control and that he would like to get the disclaimer off the books. Ms. Beery stated that staff could bring the resolution forward and start the process to see what types of response the City gets. Councilor Owen commented that if the City establishes policy and ordinances, that they need to enforce them; his feeling on the particular ordinance is to repeal it. Councilor Lillard concurred. Councilor Raze suggested that Ms. Beery obtain an idea from DEQ on their feelings of the City rescinding the disclaimer.

#### F. Legal

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

Ms. Beery stated that she had distributed her written report to the Council.

Councilor Owen reported that he had attended a Solid Waste Citizens Advisory Committee meeting, where they were looking at co-mingling recycling; Gresham staff was working on the feasibility and cost. Councilor Owen stated that he had attended a Airport Noise Advisory Committee meeting earlier in the evening regarding the airport test which started on April 27th; the Port of Portland received 1500 calls, where they typically receive 60-80 calls per month. The Committee decided to cancel the test immediately.

Councilor Raze reported that he had attended the Clackamas County Boundary Change Committee meeting, stating that the study had been completed, and in order to be decisive it needs a lot more study and would require a lot more money to fund the research. Councilor Raze thought the general feeling of the Committee was that they would like to see what Portland/Multnomah County does in September, as it would cost about \$200,000 more to continue the study. Councilor Raze mentioned that all four cities and both counties would have to vote in favor of the change.

Councilor Raze stated that the Historical Society needed some help in moving some items from mini storage to the Heslin House to be stored and sorted. Councilor Owen commented that he thought some of the scouts from his Troop could assist.

Councilors Lillard, McCutcheon, and Edwards had no reports or concerns.

Mayor Vonderharr reported that he had attended a transportation meeting the previous morning which was hosted by the Columbia Corridor Association, in which they outlined what they consider the priorities for road improvements from St. Johns to the Troutdale Airport. Since no representatives of other East County cities were present, Mayor Vonderharr managed to keep railroad bridges at the top of the priority list; the list would then be sent to Multnomah County and Portland.

Mayor Vonderharr stated that Fairview Village looked like a strong site contender for the proposed library facility, and that the East County library project was far more ahead in the process than the west side branch which is planned.

Mayor Vonderharr reminded the Council that when the public begins to verbally attack staff, that the Council must stop them. Director Sarvis did not deserve the attack on his credibility at the previous Council meeting, and the public needs to be halted; it is stated in the Council Rules of Order that all questions coming from the podium are to be addressed to Council and not staff.

At 10:05pm, the Council took a ten minute break.

VII. EXECUTIVE SESSION  
ORS 192.660(1)(e)

At 10:12pm, Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn from the regular session into Executive Session per ORS 192.660(1)(e).

AYES: 6  
NOES: 0  
ABSTAINED: 0

At 10:21pm, Councilor McCutcheon moved and Councilor Lillard seconded the motion to adjourn out of Executive Session and back into Regular Session.

AYES: 6  
NOES: 0  
ABSTAINED: 0

VIII. ADJOURNMENT

Councilor McCutcheon moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:22pm.

AYES: 6  
NOES: 0  
ABSTAINED: 0

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Mayor Roger Vonderharr

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Dated:

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Caren C. Huson Quiniones  
City Recorder