

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

AUGUST 4, 1999 -- 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 Steve Owen
Councilor Len Edwards
Councilor Barbara Jones

ABSENT: Councilor Sherry Lillard
Councilor James Raze

STAFF PRESENT: Marilyn Holstrom, City Administrator
Roy Wall, Finance Director
Rob Choy, Associate Planner
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Quinby moved and Councilor Edwards seconded the motion to approve the Consent Agenda, consisting of: a Contract Award for the Old Salish Ponds Stormwater Facility; Resolution 23-1999, A RESOLUTION REGARDING Y2K GOOD FAITH PREPAREDNESS; and, the Minutes of July 21, 1999.

AYES: 5
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. PUBLIC HEARINGS

**A.ORDINANCE -
Street Vacation**

Rob Choy, Associate Planner, presented the staff report, stating that the purpose of the public hearing was for Council to hear testimony regarding a proposed vacation of a public utility easement (PUE) located at 22176 NE Chinook Way. Planner Choy reported that the applicant of the proposal was Holt & Haugh, who intends to use the vacated PUE as part of the site area for an attached single-family home. Planner Choy commented that there were no liens or taxes owed on the subject property, and since the PUE was a PGE easement and not a City easement, it would be in the public interest to vacate the easement as it was located on private property and would not affect any other properties. PGE has relocated their electrical lines, so access was no longer an issue on the subject property. In conclusion, Planner Choy stated that there was no reason not to approve the vacation request.

Kate Gillespie, Holt & Haugh, 1200 NW Naito Parkway, Suite 620, Portland, approached the podium and commented that all PGE utilities had already been moved, at the developer's cost, and PGE was in favor of the vacation request.

Mayor Vonderharr opened the public hearing; receiving no response, Mayor Vonderharr closed the public hearing.

Councilor Edwards moved and Councilor Owen seconded the motion to read Ordinance 9-1999 a first time by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

Marilyn Holstrom, City Administrator, read Ordinance 9-1999 by title only.

Councilor Edwards moved and Councilor Owen seconded the motion to approve Ordinance 9-1999, AN ORDINANCE VACATING APPROXIMATELY A FOUR-FOOT BY 61.82-FOOT PUBLIC UTILITY EASEMENT (PUE) ON LOT 138 IN FAIRVIEW VILLAGE II; THE PORTION OF THE PUE LIES ALONG THE SIDE OF THE PROPERTY BORDERING CHARLES COURT (TRACT I), WHICH IS A PRIVATELY OWNED STREET; THE LEGAL DESCRIPTION OF THE PROPERTY IS TAX LOT 138, LOCATED IN SECTION 33, T1N-R3E, W.M., MULTNOMAH COUNTY, OREGON.

AYES: 5
NOES: 0
ABSTAINED: 0

**B.ORDINANCE - Northwest
Natural Gas Franchise Fee**

Roy Wall, Finance Director, reported that the City of Fairview and Northwest Natural Gas Company (NNG) entered into a franchise agreement on October 17, 1990. The agreement ends on October 16, 2000. This agreement allows NNG to operate a gas utility system within the City and use public right-of-way for distribution of gas. For these rights, NNG pays the City of Fairview 3% of the gross revenue collected by NNG from its customers for gas consumed within the City.

Director Wall stated that pursuant to language contained in the compensation section of Northwest Natural Gas Company's franchise agreement with the City of Fairview, Fairview has the option to increase its compensation level from the current 3% to that which is equal to any level that Northwest Natural Gas has negotiated with any city in Oregon. Recently a city in Oregon negotiated 5.94% compensation within its franchise agreement.

Director Wall reported that any increase in franchise fee will be passed on to Northwest Natural Gas customers. The current franchise fee agreement generates a payment of \$22,000 annually to the City of Fairview. It is estimated that an increase to a 5.94% franchise fee would result in \$43,000 annually paid to the City. These additional annual fees would be used to fund general fund operations.

Councilor Quinby asked if the 5.94% franchise fee would only be received through the end of the current contract. Administrator Holstrom responded yes, and that a new contract would be totally negotiable. Councilor Quinby questioned why the ordinance contained an emergency clause. Director Wall responded that the emergency clause was necessary as the City only has a 60-day limit to respond for a new franchise fee.

Mayor Vonderharr opened the public hearing; as no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Owen moved and Councilor Edwards seconded the motion to read Ordinance 10-1999 a first time by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 10-1999 by title only.

Councilor Owen moved and Councilor Edwards seconded the motion to approve Ordinance 10, 1999, AN ORDINANCE AMENDING ORDINANCE 15-1990 CONCERNING COMPENSATION FOR A NON-EXCLUSIVE GAS UTILITY FRANCHISE ISSUED TO NORTHWEST NATURAL GAS COMPANY, AND DECLARING AN EMERGENCY.

AYES: 5
NOES: 0
ABSTAINED: 0

Director Wall mentioned that he had distributed two Y2K documents to the Council; one was the City's Disclosure Statement which will be sent to vendors and citizens, and the other was the City's Y2K Compliance Log.

V. CITY ADMINISTRATOR REPORT

Administrator Holstrom reported that Associate Planner Rob Choy had resigned and will be taking a position with the City of Tualatin. Administrator Holstrom stated that the City had a sewer leak earlier in the day which occurred in a new area near Fairview Lake; the leak, which was caused by a mechanical error in the force main, was caught within a short time after it started.

Administrator Holstrom stated that an attempted kidnapping had occurred earlier in the day at Chinook Landing; the City did not have a Police Car on duty, so the County Sheriff responded.

Administrator Holstrom commented that she had received a phone call from Wood Village City Administrator Sheila Ritz, indicating that they were interested in pursuing the sewer line alternative with us. Administrator Holstrom informed them that she was under Council orders that stormwater negotiations be held parallel with sewer negotiations.

Administrator Holstrom reported that Holt & Haugh would be sponsoring a street dance in Fairview Village on August 21st; everyone was invited to attend.

Administrator Holstrom mentioned that the Council may hear about some extra money available to Metro due to a changing contract for hauling solid waste. Discussions were currently occurring as to what to do with the excess funds; since it was coming from solid waste, some were saying that rates should be lowered to citizens of the region. Administrator Holstrom commented that her point to Metro Executive Officer Mike Burton was that some of the money should be used to assist cities with unfunded Metro mandates; the Metro Policy Advisory Committee would be debating the issue.

Administrator Holstrom stated that the Fairview Community Park, located in the Village, would be built next summer, but that there would be a process of designing and deciding what should be in the park; Council will have final decision on the park, but staff would like Council's ideas now. Administrator Holstrom asked that Council members submit their ideas to Recorder Huson over the next month.

Administrator Holstrom commented that Council has an assignment to write something about Fairview, how they feel about the City and the Council, or what they feel is important to Fairview, to be included in the Time Capsule. Administrator Holstrom mentioned that she had sent letters to select individuals, asking them to write a discourse, to also be placed in the Time Capsule, of what they think life will be like in the year 2050 in East County

VI.MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby reported that at the last Solid Waste Citizens Advisory Committee meeting, they had discussed options for the Metro excess funds, and someone had brought up the idea that the funds should go to local governments.

Councilors Owen, Jones, and Edwards had no reports or concerns.

Mayor Vonderharr reported that he had attended a Mayor's Conference in Burns where he had discussed economic development with other Mayors and assistance they received from the State. Mayor Vonderharr stated that he had spoken with Metro Councilor Rod Park regarding the 223rd Avenue overpass, Blue Lake Park, and Chinook Landing.

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

At 8:12pm, Councilor Owen moved and Councilor Quinby seconded the motion to adjourn into Executive Session.

AYES: 5
NOES: 0
ABSTAINED: 0

At 8:34pm, Councilor Owen moved and Councilor Edwards seconded the motion to adjourn out of Executive Session and back into the Regular Session.

AYES: 5
NOES: 0
ABSTAINED: 0

Councilor Owen moved and Councilor Quinby seconded the motion to read a memorandum from City Attorney Pamela Beery into the record (attached hereto and incorporated into these minutes).

AYES: 5
NOES: 0
ABSTAINED:

Councilor Owen moved and Councilor Quinby seconded the motion that the following evaluation statement be read into the record: "The Council, having given careful consideration to all factors, gives the City Administrator the following overall rating - '1', Truly Extraordinary, this rare individual is not only an asset to the City but his/her continuing in this position is very important to the City.

AYES: 5
NOES: 0
ABSTAINED: 0

VIII. ADJOURNMENT

Councilor Quinby moved and Councilor Edwards seconded the motion to adjourn.
Mayor Vonderharr adjourned the meeting at 8:40pm.

AYES: 5
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder