

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

DECEMBER 1, 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 Sherry Lillard
Councilor Steve Owen
Councilor Len Edwards
Councilor James Raze
Councilor Barbara Jones

STAFF PRESENT: Marilyn Holstrom, City Administrator
John Andersen, Community Development
Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Quinby noted that page 7 of the November 17, 1999 minutes should be corrected to read, "...Committee would be providing", instead of "...Committee would be receiving" as depicted.

Councilor Quinby moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of the amended Minutes of November 17, 1999.

AYES: 7
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.

Nancy Hoover, 1822 NE Fairview Avenue, approached the podium and stated that she was representing the Fairview-Rockwood-Wilkes Historical Society, and that long-time resident Bill Reese had passed away; his daughter had contacted her to inform her that there was a piece of furniture in the house which the Historical Society might be interested in. There is a cabinet that once belonged to the Fairview Post Office, when it was located inside an old City Hall building; the cabinet measures approximately 10'Lx24"Dx33½"H. Ms. Hoover was requesting Council to consider finding a place for the cabinet, perhaps in the future Community Center.

Mayor Vonderharr stated that he would have Councilor Jim Raze, liaison to the Historical Society, take a look at the cabinet and then report back to the Council with a recommendation. Mayor Vonderharr mentioned that a Committee would be established in the future to discuss the use of the Community Center.

Lieutenant Jason McGowan of the Gresham Fire Department reported that a new Fire Chief would be on board beginning January 1, 2000. Lieutenant McGowan stated that Ken Burdett from Portland has acted as the Interim Chief since August 1999, which has caused the Gresham Fire Department to become much closer with Portland's Fire Department, including joint training. Lieutenant McGowan commented that in January 2000, members would be moving into Station 45 on 174th Avenue; Portland staff would man the Station between June and December, with Gresham staffing the Station January through May. Lieutenant McGowan reported that John Stouffer would be the new EMS Coordinator.

IV. COUNCIL BUSINESS

A. LUBA REMAND CONTINUED - Twelve-Mile Disposal

Mayor Vonderharr stated that the purpose of the Council's decision tonight was to respond to concerns raised in a recent LUBA remand of Twelve-Mile Disposal - a 5.61 acre lot located on the east side of 223rd Avenue north of Fairview Creek which was zoned M2, General Manufacturing. Zoning of the proposed site changed on October 21, 1998, consistent with the City of Fairview Comprehensive Plan. The Fairview Planning Commission reviewed a conditional use permit/design review proposal for an office and maintenance shop with associated reload facility on the site. The Planning Commission denied the conditional use permit and design review. The denial was then appealed to City Council who reviewed the available information and reversed the Planning Commission decision, thereby approving the conditional use permit and design review. Max Moini appealed Council's decision to the Land Use Board of Appeals (LUBA) based on the following: 1) was the proposed use allowed in the M2 zone; and, 2) were the City's findings adequate to support the decision based upon the substantial evidence in the record. LUBA denied the first issue regarding zoning, and remanded the second issue back to the City for findings that more adequately address the opponents' concerns. Mayor Vonderharr stated that the City had prepared draft revised findings and had tentatively adopted them on December 1, 1999, but chose to allow interested persons the opportunity to submit written comments on the existing record until 5:00pm on November 24, 1999 to be taken into consideration. Mayor Vonderharr reported that a revised document was now before the Council in response to the written comments received; in addition, there was no requirement to open discussion for further public comment.

John Andersen, Community Development Director, stated that a number of individuals had picked up copies of the tentatively revised findings and written testimony was received. The City Attorney's Office had sorted through the written testimony and addressed those items that were not new evidence. Staff was recommending that Council adopt the revised findings as presented tonight; again, this Council decision may be appealed to LUBA.

City Attorney Chris Gilmore stated that the changes to the revised findings were fairly minor and not substantial; the issues in the revised findings are based on the evidence in the existing record. Mr. Gilmore added that he had reviewed all of the comments received, identified the evidence in those comments, eliminated new evidence as this was not a public hearing and would not allow rebuttal, listed the new evidence as a finding in the Final Order, and he reviewed to see what new arguments were being raised. Mr. Gilmore commented that the City had simply not used the right language in their original findings. Mr. Gilmore mentioned that tonight's Final Order also included the Council's original decision and is very thorough.

Councilor Raze stated that it was his understanding that, basically, the conditions on the proposal had been moved up into the findings. Mr. Gilmore responded that that was correct. Councilor Raze mentioned that Council was not to consider new evidence and that he was comfortable with the solid explanation regarding the potential conflict of interest.

Councilor Owen commented that when the proposal originally came before the Council that he was not in support of it for a variety of reasons. However, as he reviews the proposal now, the issues which were raised as conditions are now findings and are much more detailed and laid out much better. Councilor Owen stated that he felt comfortable from an enforcement standpoint that if the conditions and findings are not met, that the City can deal with it.

Councilor Edwards mentioned that when the issue was originally appealed to Council from the Planning Commission, that he had a lot of concerns. At that time, Council could not find a reason to deny the proposal, providing that several conditions were met. The Council decision tonight was not to decide whether or not we will allow the use, as we have already done that; we are just approving the revised findings.

Councilor Edwards moved and Councilor Raze seconded the motion to accept the Final Supplemental Order.

Councilor Quinby asked if the height of the fence (six feet) changed from the original approval. Director Andersen responded no. Councilor Quinby asked that the record show that Section III of the Final Supplemental Order reserves the City's right to add additional conditions as new evidence comes in.

AYES: 7
NOES: 0
ABSTAINED: 0

**B.METRO REGIONAL
TRANSPORTATION
PLAN DISCUSSION**

Director Andersen introduced Tom Kloster of Metro, who would be providing a presentation on the proposed Regional Transportation Plan.

Mr. Kloster explained that his presentation would cover the areas of: federal planning requirements; the state planning rule; and, Metro's 2040 Plan. Mr. Kloster pointed out that the "Getting There" newsletter indicates that the population forecast for the year 2020 is projected to be 2.3 million in the region, compared to the current 1.5 million; the jobs forecast shows an increase from the current million to 1.6 million in the year 2020, which will affect certain facilities in the region. Mr. Kloster indicated that much of the growth was anticipated to occur in Clackamas County.

Councilor Raze questioned if there was any data on more livable wages vs. jobs. Mr. Kloster responded that East County would see a larger share of manufacturing and distribution jobs which were 2 to 3 times higher paying than service jobs. Mr. Kloster commented that East County was very fortunate to have a very good arterial road system.

Councilor Raze stated that if Metro thinks East County is in such great shape in terms of roads, that we would end up being on the low end of the pole for any funding and improvements. Mayor Vonderharr added that the congestion in Washington County relates to the many job opportunities which East County does not currently have. Mr. Kloster commented that

there was a geographic equity side to MTIP and projects that go through East Multnomah County Transportation Committee (EMCTC); Washington County will always win in a competition of congestion over East County for regional funds, so East County should consider using their portion of the gas tax for congestion situations in East County. Mayor Vonderharr stated that the situation in East County was created when Portland Mayor Goldschmidt killed the Mt. Hood freeway as he was afraid it would take commerce from Portland; it seems as though Metro always leverages money to jurisdictions that already have commerce. Mr. Kloster commented that East County does have the vacant land and the I-84 freeway, so they do have the potential for commerce. Mayor Vonderharr commented that East County needed an east-west route other than I-84. Mr. Kloster responded that Metro was proposing a 5-lane Sandy Boulevard and Powell Avenue; however, they are not funded, but the projects are on the list. Mr. Kloster added that Metro had reviewed the land uses in each jurisdiction and tried to lay out projects that would benefit those land uses. Mr. Kloster added that in many other states, much of their sales tax was apportioned to roads and transportation. Mr. Kloster mentioned that the City of Tualatin was one of the few jurisdictions which have set up a utility fee for their road system.

Councilor Edwards commented that he has been on the Fairview Council for 12 years, and that the widening of the railroad overpasses has been on and off lists all that time; he did feel the safety argument would be good to use in pushing for the widening of the overpasses. Mr. Kloster responded that there were two lists: a 20-year list, which has always contained the widening of the railroad overpasses, and a second list for funding which just keeps getting smaller. Mr. Kloster added that Fairview is within a County that has a gas tax and that the City has to get the County to start working for them.

Councilor Quinby questioned if there was a savings account for the Fairview railroad bridge overpasses as it seems that other projects always get taken care of because they are cheaper. Mr. Kloster responded that saving plans were not currently being used.

Councilor Raze asked if it was possible that the four East County cities could get together and all push for one project. Councilor Lillard stated that that was what EMCTC does. Councilor Raze reiterated that EMCTC did not push for just one project, and maybe if all four cities got together and each year promoted one city's project and pushed for it, then maybe all the projects would get done.

As the Council had no further questions or comments, Mayor Vonderharr thanked Mr. Kloster for his presentation.

**C.AMENDMENT TO
MEMORANDUM OF
UNDERSTANDING**

Marilyn Holstrom, City Administrator, reported that in 1997, the City of Fairview participated in a mediation process with Gresham, Wood Village, and the Multnomah Greyhound Park developer, which ended with a Memorandum of Understanding (MOU) between all the entities. Since that time, the developer has requested that an amendment be put forward to the parties so that the proposed Fred Meyer store could have a 2nd-floor mezzanine; no additional square footage would be added to the original footprint of the project, and the outcome of the amendment would actually provide the project with a greater visual effect. Administrator Holstrom stated that staff was recommending that Council approve the MOU amendment. Clark Wardle, representing the developer, was present to answer any questions the Council might have.

Councilor Edwards questioned if there were any problems anticipated with Gresham and the MOU amendment. Administrator Holstrom responded that the amended document distributed tonight to the Council was per Gresham's request; Gresham was comfortable with the revised document and will take it to their Council in the next month. In addition, Wood Village was also comfortable with the revised amendment.

Mr. Wardle displayed a layout of the proposed, revised project, and stated that he has been involved in the project for three years. Mr. Wardle mentioned that the developer would be paying \$1.2 million to Multnomah County for transportation improvements based on the development.

Mayor Vonderharr commented that he was involved in the original negotiations and MOU, and that the addition of a mezzanine level really did not bother him as the overall footprints remain the same.

Councilor Owen moved and Councilor Raze seconded the motion to authorize the Mayor to sign the Amendment to Memorandum of Understanding as distributed to Council that evening, once the proper signature lines had been added.

AYES: 7
NOES: 0
ABSTAINED: 0

V. CITY ADMINISTRATOR REPORT

Administrator Holstrom reported that the City Holiday Party would be held on December 11th, and that additional auction items were needed.

Administrator Holstrom stated that the next East Metro Cities Regional Issues Forum would be held on January 20th, and that the Council would have a work session on January 26th. Administrator Holstrom commented that she would reschedule the Council Goal Setting Session, originally planned for January 23, if the Council wished so that it would eliminate an additional January meeting. Council agreed that the Goal Setting Session should be held some time in February.

Administrator Holstrom mentioned that she was concerned about Nancy Hoover's request earlier in the evening, as a cabinet that historical and valuable may not be something to be stored in a Community Center.

VI. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby reported that the NERT training he has been attending was very well done.

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

Mayor Vonderharr presented an award which the City had received for safety for the fiscal year 1998/99. Mayor Vonderharr asked if the Council had any comments on the County's effort to introduce a smoke-free ordinance for the County. No comments were received from Council.

Mayor Vonderharr stated that he would like to send a letter to the County regarding the proposed hotel/motel tax, as the City should officially request that we need not subsidize the Portland Civic Stadium. Council concurred that a letter should be sent.

VII. ADJOURNMENT

Councilor Lillard moved and Councilor Quinby seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:56pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder