

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

DECEMBER 15, 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
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
Roy Wall, Finance Director
John Andersen, Community Development
Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Quinby moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of the Minutes of December 1, 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. As there was no response, the session continued.

IV. COUNCIL BUSINESS

**A. ORDINANCE - Business
Licenses**

Administrator Holstrom reported that before the Council was Ordinance 13-1999, which was a rewrite of the City's Business License ordinance. Administrator Holstrom stated that the current ordinance was written in 1990 and, in many cases, was outdated and illegal due to changes in State law. Administrator Holstrom commented that the City Attorney's office had written a new ordinance to reflect the City's needs and current law, with the major difference being the change from a Regulatory ordinance to a Revenue Raising ordinance, as other cities have claimed that when a business is in violation of the city code, they will claim that they would not have received a business license if they were actually in violation. Administrator Holstrom added that the Council had approved a fee increase to business licenses in July 1999, so the

amount of money collected by the City will not change. In addition, the penalty section has been removed from the Business License ordinance and will be placed in another area of the Fairview Municipal Code (FMC).

Councilor Quinby questioned page 2 of the proposed ordinance, under 'definitions', where it speaks to "common law". Pam Beery, City Attorney, responded that that pertained to employees of businesses and that the ordinance was intended to have the broadest definition possible.

Councilor Raze asked who exactly should apply for a business license. Administrator Holstrom responded that those who should apply include Home Occupations, retail and commercial businesses in Fairview, and those agencies performing a service in Fairview.

Councilor Owen questioned if someone who owned only one rental unit in Fairview would have to obtain a business license. Administrator Holstrom responded yes. Mayor Vonderharr suggested that staff research rental granny units and determine whether those homeowners should obtain a business license.

Councilor Lillard asked if schools needed to obtain a Business License. Ms. Beery responded no.

Councilor Edwards questioned why Section 5.35 of the current business license ordinance was being removed. Ms. Beery responded that it was too open to litigation and touched on free speech issues.

Councilor Raze asked if business licenses were really necessary. Administrator Holstrom responded that it was important for the City to know what was going on in the City. Ms. Beery added that it was also useful information for the Police Department to know who owns a business and how to contact them.

Councilor Edwards moved and Councilor Lillard seconded the motion that Ordinance 13-1999 be read a first time by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 13-1999 a first time by title only.

Councilor Edwards moved and Councilor Lillard seconded the motion to adopt Ordinance 13-1999, AN ORDINANCE REPEALING CHAPTERS 5.10, 5.15, 5.25, 5.30, 5.35 AND 5.40; RENUMBERING CHAPTER 5.20 AND REPLACING CHAPTER 5.05 OF THE FAIRVIEW MUNICIPAL CODE.

AYES: 7
NOES: 0
ABSTAINED: 0

B. ORDINANCE – General Penalty Provision

Administrator Holstrom reported that the proposed General Penalty ordinance came about when staff and the Attorney's office was reviewing the Business License ordinance. Penalties are scattered throughout the FMC, and it was decided that one, overall penalty statement should be placed in one area of the Code. Administrator Holstrom added that the major change in placing this new chapter in the Code is that it reflects current-day standards and costs.

Mayor Vonderharr commented that, basically, the new penalty section places parameters that a judge may work within. Councilor Raze asked if this new section would have applied to the nuisance site on Sandy Boulevard. Administrator Holstrom responded yes.

Councilor Edwards moved and Councilor Raze seconded the motion to read Ordinance 14-1999 a first time by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 14-1999 a first time by title only.

Councilor Edwards moved and Councilor Raze seconded the motion to adopt Ordinance 14-1999, AN ORDINANCE ADDING TWO NEW SECTIONS (1.01.090 AND 1.01.100) TO THE FAIRVIEW MUNICIPAL CODE RELATING TO PENALTIES FOR VIOLATION OF CITY ORDINANCES AND THE AWARD OF ATTORNEYS FEES IN THE EVENT THE CITY SEEKS TO ENFORCE ITS ORDINANCES AND/OR RESOLUTIONS IN STATE COURT.

AYES: 7
NOES: 0
ABSTAINED: 0

V. DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, stated that his department has been preparing for New Year's Eve and the following night, as they anticipate that the evening of January 1st will actually have more activity. Chief Jackson added that the Police Department would have full coverage both evenings; however, he did not personally feel there would be any Y2K problems on New Year's Eve.

Councilor Lillard commented that the Police Report in the Council's packet seems to depict a slow month. Chief Jackson responded that that was correct.

B. Public Works

Jeffrey Sarvis, Director of Public Works, reported that letters had been sent to all of the Fairview Lake LID participants and that a public hearing was scheduled before the Council on January 19, 2000; some responses have already been received, and he believed there would be some objections before Council during the public hearing. Director Sarvis stated that a joint City Council/Planning Commission Work Session would occur on January 26th to review the Draft Capital Improvement Plan. Director Sarvis reported that upcoming Public Works projects included: core area storm drainage

projects to occur in Spring 2000; expansion of the Salish Ponds project in Summer 2000, along with a sewer line replacement; and, future CDBG projects to occur in Winter 2000. Currently, Public Works was in the process of replacing pumps and updating the Blue Lake Pump Station, and are close to selecting equipment and a treatment process for Well No. 7. Director Sarvis commented that the contractor should be completed with the new City Hall by December 25th, with furniture beginning to be delivered on December 27th.

Councilor Lillard asked if there were enough electrical outlets in each office of the new City Hall. Director Sarvis responded yes, that there were a normal number of outlets. Councilor Lillard questioned when staff would move to the new building. Director Sarvis responded that staff is planning to move to the new City Hall over the weekend of January 7th. Councilor Lillard asked if Director Sarvis was satisfied with everything that had occurred during the City Hall process. Director Sarvis responded that it seems as if things were moving slowly towards the end, but that, generally, he was satisfied with the entire project. Councilor Quinby suggested that an inspection take place on the bolts at the bottom of the circular stairwell.

Councilor Owen asked if the City's water system was gravity fed. Director Sarvis responded yes.

Councilor Edwards commented that whoever sealed the potholes in the Third and Lincoln area had done a very good, smooth job.

C. Community Development

John Andersen, Community Development Director, reported that the City has not experienced a decrease in activity due to winter, and that late next week, manufactured home units will begin to appear at Heron Pointe. Director Andersen stated that Metro was purchasing property near the Columbia River from the Fort James Corporation, and that a Conditional Use Permit application had been received for an automobile machine shop to be located on Sandy Boulevard. Director Andersen commented that he had been meeting with the County regarding school warning lights and that they were interested in exploring the issue. Director Andersen reported that he had received a letter from the Department of Land Conservation and Development who has granted the City a Model Ordinance request in which we will receive \$20,000 in assistance from the State to prepare a new development code.

Councilor Lillard stated that she understood that La Petite Academy wished to change its zoning designation. Director Andersen responded that that was correct, as the current zoning was Village Single Family and they wished to be changed to Village Office which would allow them more options should they decide to sell at some point.

Councilor Jones questioned when the condominiums would begin to be constructed on Sandy Boulevard near 223rd Avenue. Director Andersen responded that the developer has spoken with the City and that grading issues should be resolved within the next couple weeks, with construction beginning as soon as January 2000.

Councilor Raze asked if a LUBA appeal had been filed on the

Council's final decision regarding the Twelve Mile site. Director Andersen responded that he has not heard of any appeal.

D. Finance

Roy Wall, Finance Director, stated that the Council had received a copy of the City's audit, and that once again it was very clean and staff was pleased with the results. Director Wall reported that staff was working very hard on coordinating the phone and computer work for the new City Hall.

Councilor Lillard asked what the Brownstein/Rask/Arenz agreement regarded in the Warrant Report. Director Wall responded that it was related to the Beal settlement. Councilor Lillard commented that the letter from the auditor was very complimentary and that she felt that it was a reflection on Director Wall's work

E. Administration

Administrator Holstrom reported that an open house has been scheduled for the new City Hall on February 24, 2000, from 4:00pm to 8:00pm, with all residents to receive an invitation; Council will need to be present and perform certain functions, but the entire plan will be presented to Council in January.

Administrator Holstrom stated that a name needs to be chosen for the park site at 223rd and Halsey, and that she would like Council to submit some names and then a vote would be taken on the suggestions.

F. Legal

Ms. Beery stated that the City Attorney's written report was before the Council. Councilor Raze asked how the Beal settlement had been developed. Ms. Beery responded that it was developed through negotiations and based upon appraisals.

VI. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby reported that he had attended the Solid Waste Citizens Advisory Committee meeting the previous Monday, and that Charlene Becker was the new Chair. The Committee had renewed all of the hauler licenses and had discussed a Gresham issue.

Councilor Lillard reported that she had attended an East Multnomah County Transportation Committee (EMCTC) meeting at the beginning of the month, where they had discussed the Regional Transportation Plan. An ODOT representative had spoken to the funding list from JPAC and which East County would only receive \$3 million from the proposed gas tax. Councilor Lillard stated that EMCTC did not approve the JPAC list of funding.

Councilor Raze stated that he had spoken to Nancy Hoover regarding the Historical Society's request of the City to store a historic cabinet. It appears as though Ms. Hoover has a place to store it for the next year, but Councilor Raze would take a look at it. Councilor Edwards commented that he would like to look at the cabinet along with Councilor Raze.

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

Mayor Vonderharr thanked staff for the holiday party and thought that next year we should look to some of our bigger businesses for auction donations. Mayor Vonderharr stated that he had met with Metro Councilor Ed Washington and that they had discussed Chinook Landing/Blue Lake Park and Metro's neglect of East

County.

Councilor Edwards commented that he had personally visited several of the businesses in town for auction donations, but they were not interested in donating when they found out the money would be going to the City this year.

Administrator Holstrom reminded the Council that this would be the last Council meeting held in the present City Hall, with the next Council meeting on January 5th to be held in the new City Hall.

VII. ADJOURNMENT

Councilor Edwards moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:55pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder