

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

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**FEBRUARY 3, 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 Dave McCutcheon  
Councilor Len Edwards  
Councilor James Raze  
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator  
John Seidel, Administrative Intern  
Caren Huson, City Recorder

**II. CONSENT AGENDA**

Councilor McCutcheon moved and Councilor Edwards seconded the motion to approve the Consent Agenda, consisting of Ordinance 1-1999, AN ORDINANCE ACCEPTING FOR THE CITY OF FAIRVIEW REVENUE SHARING PROGRAM OF THE STATE OF OREGON PURSUANT TO ORS 221.770 FOR THE FISCAL YEAR 1999-2000, AUTHORIZING THE CITY TO COMPLY THEREWITH AND TO RECEIVE STATE REVENUE THEREUNDER; and, the Minutes of January 17 and January 20, 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.

Bonita Jenkins, 400 Main Street, spoke on behalf of the Fairview-Rockwood-Wilkes Historical Society, informing the Council that the Heslin House has quite a bit of water under it, and that the Society believed that the City's Public Works Director had agreed to place a French Drain at the House. Ms. Jenkins asked if it would be possible to have the French Drain installed soon. Councilor Raze commented that he did not recall any discussion, personally, on the issue. Councilor McCutcheon mentioned that Council had discussed it at some point, but he did not remember how long ago and whether an agreement had been made for the City to install a French Drain. Marilyn Holstrom, City Administrator, stated that she would speak with the Public Works Director regarding the French Drain.

As no one else approached the podium, the session continued.

#### IV. COUNCIL BUSINESS

##### **A. REQUEST FOR FUNDING - East Metro Arts and Culture Council**

Nancy Conrath, Founder of East Metro Arts and Culture Council (EMACC), introduced Larry Colton, Executive Director of EMACC.

Mr. Colton stated that he was new to EMACC, as the Board had hired him in March 1998 on a part-time basis. Mr. Colton commented that the Council had received a copy of the Final Report for Fairview's Summer Arts Party Program in their packet, and thanked Fairview's Associate Planner, Rob Choy, for his assistance in the Program. Mr. Colton reported that EMACC's income was less than projected for the program, but expenses were also less, and that EMACC relies heavily on volunteers.

Mr. Colton reported that EMACC had been established about three years ago, and that every year they approach East County cities for public funding. Ms. Conrath distributed a flyer to the Council which spoke of EMACC's history and programs. Mr. Colton commented that everything EMACC does was family-friendly, hands-on, and interactive, in order to assure that the arts were accessible to all citizens in East County. Mr. Colton stated that Fairview's support in the past had been extremely useful, and that EMACC hoped to be involved with the artwork for the new Fairview City Hall.

Councilor Lillard questioned how EMACC planned on working out the situation where the Fairview Summer Arts Party had only 57% of its class enrollment being Fairview children. Ms. Conrath responded that EMACC has discussed involving Reynolds School District earlier in the process so that more teachers could learn of the program in advance. Councilor Raze asked if EMACC knew how many children were turned away from the Fairview Arts Party. Ms. Conrath responded that she did not have a record of that, but maybe 10 to 20 children at the most were turned away due to capacity classes. Councilor Raze mentioned that he is a member of the Fairview Parks Committee, and that the Committee had been very excited about the Arts Party Program.

Councilor Quinby stated that he was impressed with EMACC's annual report, but that he would rather offer money out of his own pocket to assist in funding, instead of asking the taxpayers of Fairview, through the City, to contribute funds as it begins to appear a little socialistic. Mr. Colton commented that EMACC did not see Fairview's support as only for the Arts Party; EMACC works with many entities to provide arts awareness throughout East County. Ms. Conrath added that art humanizes the community and its quality of life. Councilor Quinby asked what City fund would provide the contribution. Administrator Holstrom responded that there was a Council line item in the budget to respond to contribution requests, and that there was \$5,000 in the fund.

Councilor Owen stated that the City should consider being involved in EMACC's Smart Art Student Project Program for the new City Hall, and added that he believed the City has to be careful in how it spends its money as many groups could ask for contributions, but he thought it was valuable to get kids together in the arts.

Councilor Lillard mentioned that she was very much in favor of EMACC and the programs it provides and would propose a minimum contribution of \$800.

Councilor Edwards commented that he was in favor of anything for the kids to keep them out of trouble and that EMACC was a good cause.

Councilor Edwards moved and Councilor Raze seconded the motion to fund \$750 to EMACC.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**B.RESOLUTION -  
Americans with Disabilities  
Policy Plan**

John Seidel, Administrative Intern, reported that the Americans with Disabilities Act (ADA) Policy and Transition Plan establishes the City's intent to remove any architectural and attitudinal barriers that could prevent equal access to City facilities, programs, activities, services, and employment to people with disabilities. Mr. Seidel stated that the ADA prohibits discrimination on the basis of: disability in employment; services rendered by state and local governments; places of public accommodation; transportation; and, telecommunications. Mr. Seidel added that the proposed Policy and Transition Plan included compliance review of all City of Fairview public facilities and included recommendations for changes.

Councilor Raze questioned if staff had a preliminary cost of what needed to be done in terms of complying with the ADA. Mr. Seidel responded that no cost estimates were included in the policy as items that needed to be corrected were already being done with new construction projects, and that the only real issue with the current City Hall building was the back door.

Councilor Edwards asked for the legal meaning of "intent to comply". Pamela Beery, City Attorney, responded that "intent to comply" meant that the City intends to do something, but that we did not have the budget available right away to perform any repairs. Ms. Beery added that she had reviewed the proposed Policy and Transition Plan and that it was in compliance with the ADA of 1990. Councilor Edwards questioned whether the Heslin House would need to be in compliance with the ADA. Ms. Beery responded that the main floor of the house would probably have to be in compliance, including the restrooms. Councilor Raze stated that he believed that if ADA compliance would take away from the building on a historical basis, everything did not have to comply. Administrator Holstrom commented that if a historical building was restored, it would not have to comply; however, if a structure was being renovated, which was occurring with the Heslin House, that she believed it would have to comply with the ADA; staff will review and respond to the Historical Society.

Councilor Edwards stated that the proposed Policy indicates that a couple of the parks must have trails widened, but if a trail was not easily accessible to begin with, why must the City widen them. Administrator Holstrom responded that staff was not asking for every trail or path to be accessible to the disabled; but, we were required by law to have certain areas of a park or path accessible. Ms. Beery added that improvements can only be done as the budget allows or as construction occurs; in addition, there are some exemptions for pathways which could be determined on a case-by-case basis.

Councilor Edwards moved and Councilor McCutcheon seconded the motion to approve Resolution 3-1999, A RESOLUTION BY THE CITY

OF FAIRVIEW DIRECTING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA).

AYES: 7  
NOES: 0  
ABSTAINED: 0

**V. CITY ADMINISTRATOR REPORT**

Administrator Holstrom reported that she had scheduled a Council Work Session on February 24, 1999, 7:00pm, to begin discussing the 1999 Goals which Council had set; the agenda would include the topic of the Comprehensive Plan, with a short discussion on the other goals.

Administrator Holstrom stated that a letter was distributed to the Council which was a response to a letter the Mayor had sent to ODOT regarding a traffic signal request at 207th and Sandy Boulevard. The current signal is only temporary and was placed by the contractor; it will be removed when the 238th Avenue construction is complete. Administrator Holstrom stated that ODOT would then go through a process to determine if a permanent signal was necessary.

Administrator Holstrom reported that there was a lawsuit against the City which was filed by Mr. Les Moore which will be going to court next week. Administrator Holstrom reminded the Council that the next East Metro Cities Forum would be held on February 11, 1999, 6:30pm, at Gresham City Hall. Councilors Quinby, Lillard, Edwards and Mayor Vonderharr indicated that they would be attending the meeting.

Administrator Holstrom mentioned the Time Capsule which would be placed in the new City Hall, adding that a Council appointee would be needed for the committee. Mayor Vonderharr requested that Ken Quinby serve on the Time Capsule committee; Councilor Quinby accepted the appointment. Mayor Vonderharr commented that all members of the Council were welcome to submit suggestions for items to be included in the Time Capsule.

Administrator Holstrom reported that staff had been reviewing budgets, and for the first time since she has been City Administrator, budgets would have to be cut; it was fairly serious as the City could end up being about \$200,000 in arrears if cuts were not made. It appears as though the budget would not allow any new positions in Fiscal Year 1999/2000.

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

Councilor Quinby mentioned that he planned to attend the breakfast meeting hosted by Senator Lim on the following Saturday; Mayor Vonderharr indicated that he would also be attending the breakfast meeting.

Councilor Lillard questioned if any progress had been made on the pedestrian light to be placed on NE 223rd Avenue near Bridge Street. Administrator Holstrom responded that she would again speak with the Public Works Director in regards to the proposed light.

Councilor McCutcheon reported that the City Hall Committee had met with the architect and project manager who had made wonderful presentations, and added that he was very impressed with their work.

Councilor Owen thanked the Mayor for taking his place at the last East Multnomah County Transportation Committee (EMCTC) meeting, and reported that he had spent some time at the Portland International Airport Noise Abatement Office to become more technically astute on airplane noise. Councilor Owen commented that he would be attending the Citizens Noise Advisory Committee meeting on February 11th and would not be able to attend the East Metro Cities Forum that same night.

Councilor Raze asked for an update on the Wood Village sewer issue. Administrator Holstrom stated that she and the Wood Village City Administrator had met and discussed the two cities jointly hiring Ray Bartlett to prepare a financial study on the sewer issue, but that she had not heard from Wood Village on a final decision. Councilor Raze asked that Bonita Jenkins provide an update on the Heslin House. Ms. Jenkins stated that a furnace had been installed in the home, and that plumbing had been run into the house but no fixtures were yet installed. Ms. Jenkins commented that the Historical Society was trying to get an electrical panel, and then have the electrical wiring installed the house.

Councilor Edwards had no reports or concerns.

Mayor Vonderharr reported that he had been attending two Housing Technical Advisory Committee meetings a week and would provide an update at the East Metro Cities Forum. Mayor Vonderharr stated that a preliminary discussion had occurred at the last EMCTC meeting for the signal optimization program for the 181st Avenue, Stark, Burnside, Rockwood, and Division/Burnside areas. Mayor Vonderharr reported that discussions about the 242nd Avenue Connector Study would begin again, and that Fairview's Planning Director, John Andersen, had prepared a presentation on what was being discussed in terms of widening the railroad bridges.

**VII. EXECUTIVE SESSION**  
**ORS 192.660(1)(e), Real Property**  
**Transactions**

At 8:45pm, Councilor McCutcheon moved and Councilor Quinby seconded the motion to adjourn into Executive Session per ORS 192.660(1)(3).

AYES: 7  
NOES: 0  
ABSTAINED: 0

At 9:37pm, Councilor McCutcheon moved and Councilor Lillard seconded the motion to adjourn out of Executive Session back into the Regular Session.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**VIII. ADJOURNMENT**

Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:38pm.

AYES: 7  
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