

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

JANUARY 20, 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 Dave McCutcheon
Councilor Len Edwards
Councilor James Raze
Councilor Steve Owen

ABSENT: Councilor Sherry Lillard

STAFF PRESENT: Marilyn Holstrom, City Administrator
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
John Andersen, Planning Director
Roy Wall, Finance Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Quinby moved and Councilor McCutcheon seconded the motion to approve the Consent Agenda, consisting of: an appointment to the Solid Waste Citizen Advisory Committee; and, the Minutes of December 16, 1998 and January 6, 1999.

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.

Mayor Vonderharr gave his State of the City Address which is attached and is incorporated into these minutes.

IV. PUBLIC HEARING

**A.LICENSE TRANSFER
Solid Waste Collection**

Marilyn Holstrom, City Administrator, reported that the City had originally received a letter from Waste Connections, Inc., notifying the City that the shareholders of Columbia Sanitary Service, Inc. had signed an agreement to sell their 27 residential customers, the Middle School, and 1 multi-family complex to Waste Connections. During their meeting of December 16, 1998, the Council asked Waste Connections to consider negotiating with Twelve Mile Disposal those units from Columbia Sanitary, so that Fairview could become a one hauler city. Waste Connections requested at that time that their request be tabled, and since then, the sale of the Columbia Sanitary units did occur to Twelve Mile from Waste Connections. Twelve Mile Disposal is now requesting, and staff was recommending, that the Council approve the transfer of the former Columbia Sanitary customers to Twelve Mile

Disposal, Inc.

Mayor Vonderharr opened the public hearing. Randy Burbach of Twelve Mile Disposal stated that he had no additional comments. As no one approached the podium, Mayor Vonderharr closed the public hearing.

Councilor McCutcheon questioned if, prior to the sale, Columbia Sanitary customers were notified of the anticipated transfer of services. Administrator Holstrom responded no. Councilor McCutcheon commented that it might have been a good idea to send a notice to each of those customers.

Councilor Owen commented that it was very honorable of Waste Connections to take the position they did based on the feedback they received from the Council. Councilor Owen thanked Waste Connections for their decision.

Mayor Vonderharr asked if Mr. Merrill of Waste Connections had any comments that he would like to add. Mr. Merrill stated that Waste Connections has not been in the Portland area market very long, but that they do intend to be a viable player in the market, and that he thought the action of Waste Connections on this issue represented the company as they desire to work with communities.

Councilor Owen moved and Councilor Raze seconded the motion to approve the transfer of Columbia Sanitary customers to Twelve Mile Disposal, Inc.

AYES: 6
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

A. ELECTION Council President

Councilor Raze moved and Councilor McCutcheon seconded the motion to nominate Councilor Edwards for Council President. Councilor Edwards graciously declined the nomination and in turn moved that Councilor Owen be appointed as Council President; Councilor Raze seconded the motion.

AYES: 6
NOES: 0
ABSTAINED: 0

B. RESOLUTIONS Acquisition of Permanent Easement

Jeffrey Sarvis, Director of Public Works, reported that as part of construction of the Fairview Lake Sewer Local Improvement District, the City had determined that in order to provide service to all properties, that easements to construct and maintain sanitary sewers were necessary. A temporary Right of Entry to construct the sanitary sewer line(s) had been granted by two property owners, Mr. Beal and Mr. Pelfrey. Director Sarvis stated that the City worked with the property owners regarding the purchase of a permanent easement; written offers have been extended to both property owners based on professional appraisal values, however neither owner has accepted the offers. Director Sarvis commented that the proposed resolutions would authorize the City Administrator to begin negotiations with the property owners and to litigate final easement costs if necessary.

Councilor Quinby questioned if the property owners had performed their own appraisals. Director Sarvis responded that he had not seen any appraisals other than the ones the City had performed. Councilor Quinby asked if the resolutions would authorize further negotiations with the property owners, and then legal taking of the easement property or condemnation. Director Sarvis responded that the City has made several contacts with the property owners and that the resolutions would simply place negotiations in a more formal arena.

Councilor Edwards questioned if the sewer line had been placed near the fence line. Director Sarvis responded yes, that the City had moved the sewer line to accommodate Mr. Beal's request.

Councilor McCutcheon asked if condemnation was final or could the property owner take the City to court. Pam Beery, City Attorney, responded that the resolutions before the Council would authorize legal action on the City's part if continued negotiations did not resolve the issue. Councilor Raze mentioned that people simply want to get the maximum dollar and sometimes a negotiated price is even higher than what a court would suggest.

Councilor Quinby questioned if the City would send a letter to the property owners which would state that the City was thinking about taking condemnation action. Director Sarvis responded that the City has sent letters, but more letters would be sent once the resolutions were approved. Councilor Raze reminded the Council that the City could not take someone's property just on a whim; it must be proven to be for the public good. Administrator Holstrom added that the City could not place assessments on all the affected property owners in the LID until this issue was resolved. Mayor Vonderharr stated that both property owners would benefit from the newly installed sewer line.

Councilor Quinby moved and Councilor Raze seconded the motion to approve Resolutions 1-1999 and 2-1999, RESOLUTIONS DECLARING THE NEED TO ACQUIRE PERMANENT EASEMENTS IN CERTAIN PRIVATE PROPERTY WITHIN THE CITY FOR THE PURPOSE OF CONSTRUCTING A MUNICIPAL SEWER LINE AND AS WELL THE ACQUISITION OF A TEMPORARY EASEMENT FOR THE CONSTRUCTION OF THOSE SEWER LINES.

AYES: 6
NOES: 0
ABSTAINED: 0

VI. DEPARTMENT REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that the Police Department had arrested 53 drunk drivers in 1998, and that this year to date, seven had already been arrested.

B. Public Works

Director Sarvis reported that staff has been working on Lakeside Estates, a 200+ unit development located on the south side of Fairview Lake. Staff has also: spent time preparing the City Hall construction bid; advertised four projects for the core area for storm water; and, moved forward on the Capital Improvements Plan. Director Sarvis updated the Council on the City's pond in Fairview Lake Estates; the residents of that area worked on weed and debris removal and had done a very good job. Director Sarvis reported that he had been working with Gresham staff in combining all the Intergovernmental Agreements (IGAs) with Gresham and sewer treatment into one IGA.

Mayor Vonderharr commented that in Blue Heron Shores, there was a sidewalk that was about two feet off the ground because of all the land underneath which had been washed away. Director Sarvis responded that he would have the Public Works Inspector take a look at it.

C. Planning

John Andersen, Planning Director, reported that he had met with the Fairview Village Homeowners Association regarding the conservation easements and riparian areas along Fairview and Clear Creeks, and had provided information as to

what would be appropriate. Director Andersen stated that a violation had occurred at 55 Bridge Street where a retaining wall had been constructed along the creek, but he is working with the property owner. Director Andersen reported that he had received a pre-application from Townsend Farms on a partition for a potential business park.

Councilor Owen questioned the McDonald property located on the north side of Sandy Boulevard near 223rd Avenue in regards to the large pile of debris. Director Andersen responded that he was not aware of any conditions regarding a deadline of removing the construction debris, but he had contacted the property owner who wants to chip the material but it needs to dry out before he can do that. Director Andersen added that it was hard to issue a citation when the developer had an active development; if evidence is received that vector is being generated in the area, then staff could do something about the nuisance.

D. Finance

Roy Wall, Finance Director, reported that during the Council's Goal Setting Session, discussion occurred regarding the City's Y2K program and what had been occurring. Director Wall indicated that a document was before the Council, the City's Y2K Compliance Log, which represents all the areas that staff was working on in terms of Y2K compliance. Director Wall added that a series of Y2K newsletter articles would be placed in each edition of the City's newsletter over the year.

E. Administration

Administrator Holstrom stated that the Council had received a notice of the next Four Cities meeting which would be held on February 11, 1999. Administrator Holstrom asked that if any member of the Council had an item for the agenda to let her know, keeping in mind that they would present that item at the meeting. Administrator Holstrom commented that the lobby area of the new City Hall was designed with a curved wall which would contain a mural; she has been in discussion with the East Metro Arts Council regarding the commissioning of the mural. Administrator Holstrom added, however, that funds had not been set aside for the artwork and that funds would have to be raised. Administrator Holstrom stated that she thought the mural should consist of something historical and relate to Fairview's past, with the hope that the Historical Society would participate with the City in defining ideas. Administrator Holstrom reported that the new City Hall would also have a spot set aside for a Time Capsule; the next edition of the newsletter would contain an article requesting citizens to help staff decide what should be placed in the Time Capsule, and a representative of the Council would be needed to serve on this committee. Mayor Vonderharr stated that if anyone on the Council was interested in serving on the Committee, to let him know. Councilor Quinby commented that he would be interested in volunteering on the committee.

F. Legal

Ms. Beery stated that she had distributed her written report to the Council and which is incorporated into these minutes.

VII.MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby reported that he had attended the Solid Waste Citizens Advisory Committee, and that basically the last meeting was just an overview of what the committee does.

Councilor Owen stated that he had attended the Citizens Noise Advisory Committee (CNAC) last week, and with the facilitator's assistance, they had selected a Chair and determined how the group would function as far as ground rules. Mayor Vonderharr asked that Councilor Owen question at the next CNAC meeting as to who was responsible for mitigating airport noise. Councilor Owen commented that one of the first pieces of correspondence he ever received from the Port of Portland was a memo stating that they were not in favor of making mitigation a City responsibility.

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

Mayor Vonderharr reported that he had met with a representative of Senator Gordon Smith's office and had discussed various concerns, especially that of mandates without funding.

VIII. EXECUTIVE SESSION
ORS 192.660(1)(h) - Legal Counsel;
ORS 192.660(1)(e) - Real Property
Transactions

At 8:23pm, Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn into Executive Session per ORS 192.660(1)(h) and ORS 192.660(1)(e).

AYES: 6
NOES: 0
ABSTAINED: 0

At 10:13pm, Councilor McCutcheon moved and Councilor Quinby seconded the motion to adjourn out of Executive Session and back into the Regular Session.

AYES: 6
NOES: 0
ABSTAINED: 0

IX. ADJOURNMENT

Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:14pm.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder