

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

JULY 7, 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

STAFF PRESENT: Marilyn Holstrom, City Administrator
John Andersen, Planning Director
Rob Choy, Associate Planner
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 June 16, 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.

Les Moore, 2506 NE 205th Avenue, Fairview, approached the podium and distributed reference materials to the Council for them to read at their convenience. Mr. Moore stated that he had been "put through a routine for the past year and a half." Mr. Moore commented that he appreciated the work which the Council performs, but every time he has tried to be polite, he feels he is run over and denied due process. Mr. Moore referenced Council's Executive Session held on June 2, 1999, regarding his request for public records, in which the Council voted to retain the City's attorney-client privilege. Mr. Moore stated that he believed there has been a misrepresentation raised to the Council by City staff, and he feels staff has a hidden agenda. Mr. Moore commented that the Council can not exclude the public from a vote, or exclude public comment from a Council decision. Mr. Moore stated that every time he comes before Council, he is "overwhelmed by misrepresentation." Mr. Moore commented that he knows the Council relies on staff for proper advice, but when that fails, he feels the matter should be reviewed. Mr. Moore added that he has "paid the dues" for the misrepresentation, and has been denied due process, feeling there is a continued effort to isolate the Council from City residents and issues, and that there was also an effort to isolate the citizens from the Council. Mr. Moore asked why staff was allowed to continue to misinform the Council. Mr. Moore reported that he recently went through a construction lawsuit and won.

Mayor Vonderharr stated that there was no difference between what the Council knows and what the staff knows; the Council was aware of every request Mr. Moore had made, and Mr. Moore has been treated the same as any other citizen. Mayor Vonderharr commented that no Council action was ever taken which had been illegal, and the Council has a right, by State law, to meet in a closed, Executive Session, but every vote and decision is made in a public session. Mayor Vonderharr added that all decisions are made by Council and not by staff, and that Council decisions are based on the facts. Mayor Vonderharr noted that staff was not at Mr. Moore's disposal.

Mr. Moore stated that he had won the fraudulent charges lawsuit which the City had committed resources against him. Mayor Vonderharr commented that the City is represented by its Legal Counsel. Mr. Moore reported that he was double-billed for public services, and that he has won his case in court twice and will win again. Mayor Vonderharr stated that the City Attorneys only defend the decisions that are made by Council.

Mr. Moore reported that he was currently in court with the City. Councilor Raze responded that if Mr. Moore was in court with the City, that that was where tonight's conversation belonged. Mr. Moore stated that he was present because the Council was making decisions on misrepresentations given by staff, and that he, as a citizen of Fairview, has a right to demonstrate his concern. Mayor Vonderharr stated that Council was aware of Mr. Moore's concerns. Mr. Moore responded that Council must not care. Councilor Raze asked Mr. Moore to not put words in the Council's mouth, and that if Mr. Moore had a legitimate concern against a City staff member, to address that concern in a letter to each member of the Council. Councilor Raze added that it was not right for Mr. Moore to come to a Council meeting and point fingers at staff members. Mr. Moore argued, however, that it was fine for him to be shouted down at a previous Council meeting, adding that he has not been given the opportunity to speak.

IV. PUBLIC HEARING

A. ORDINANCE - Manufactured Housing Parks - First and Second Readings

John Andersen, Planning Director, reported that before the Council was a proposed ordinance for adoption, and that the ordinance number should be corrected to read 8-1999, not 7-1999 as stated in the Council packet. Director Andersen commented that Council has discussed the topic previously, and that concerns were raised about City housing supply and its ability to meet the needs of all sectors regarding housing. Director Andersen reported that one concern was the substantial inventory of manufactured housing which the City currently has; originally, the Amendments to City of Fairview Final Local Review Order, dated 1991, projected the need for 257 manufactured homes in Fairview, and currently the City has 443 units. Director Andersen stated that the Fairview Planning Commission held a public hearing and was recommending that the City change one provision in its Development Code, which would be removing the MHP (Manufactured Housing Parks) from the A-1-B zoning designation. Director Andersen added that, originally, the Planning Commission had wished to remove the MHP designation from three zoning designations, A-1-B, A-2, and R-4; however, correspondence received from the State recommended that the MHP designation only be removed from those areas zoned A-1-B as they wished to ensure that at least some land would be available for manufactured housing parks.

Councilor Edwards questioned why, if the City was over its limit for manufactured housing parks, the State would ask us to find more land for those uses. Director

Andersen responded that the Department of Land Conservation and Development was concerned that there had been an increased demand in our community for MHPs, and since we have not updated our analysis since 1991, that we may be underestimating our figures. Staff, however, does not feel that that is an accurate representation of the community and feels we have an adequate supply of MHPs in Fairview.

Councilor Quinby asked how the City stood as far as apartment complexes. Director Andersen responded that there was a chart in the staff report which shows what type of new construction had been occurring; apartment construction seems to be climbing in the community, but not at an unusual rate.

Councilor Lillard questioned if she was correct in that 23% of the building permits issued in 1998 were for manufactured homes. Director Andersen responded that that was correct.

Mayor Vonderharr opened the public hearing.

Les Moore, 2506 NE 205th Avenue, Fairview, asked if the City had a demographic breakdown of the area available to the public. Director Andersen responded yes, and that the information could be found in the City's Comprehensive Plan.

Jeff Payne, 6312 SW Capital Highway, Portland, stated that he develops manufactured housing parks and had originally questioned the logic behind abandoning them in all zoning designations; however, with the proposal as presented tonight, it made sense.

As no one else approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Raze stated that he was always in favor of homeownership in any form over apartment rentals, and that there is a place for manufactured housing, but that he would guess that in the event that someone would like to develop a manufactured housing park in Fairview that they could simply request a zone change. Director Andersen responded a zone change request could be a possibility.

Councilor Owen questioned if staff knew of any anticipated manufactured housing park requests which were going to be submitted to the City. Director Andersen responded no. Councilor Owen commented that he was not always fond of apartments and would rather see homeownership, but the City is weighted heavily in the manufactured home area, so he would support the proposed ordinance.

Mayor Vonderharr stated that he felt the original ordinance should have been adopted as it was, with manufactured housing parks being removed from all three zones. Mayor Vonderharr questioned how many acres in Fairview would be left open for manufactured housing if the proposed ordinance is approved. Director Andersen responded that almost no vacant land would be available if the ordinance is adopted; however, if the ordinance is not approved, then the only vacant land of considerable size which would allow manufactured housing parks would be the McDonald property.

Councilor Lillard moved and Councilor Owen seconded the motion to read Ordinance 8-1999 a first time by title only.

AYES: 6
NOES: 0
ABSTAINED: 0

Marilyn Holstrom, City Administrator, read Ordinance 8-1999 a first time by title only.

Councilor Lillard moved and Councilor Owen seconded the motion to adopt Ordinance 8-1999, AN ORDINANCE AMENDING TITLE 19 OF THE FAIRVIEW MUNICIPAL CODE, CHAPTER 19.50, APARTMENT RESIDENTIAL - BUSINESS OFFICE (A-1-B).

AYES: 6
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

A. STREET VACATION REQUEST - Charles Court

Rob Choy, Associate Planner, reported that the Council had before them a request to vacate a portion of a Public Utility Easement (PUE) on Lot 138 of the Fairview Village II plat (22176 NE Chinook Way). The site is approximately 3,380 square feet in area and is located at the corner of NE Charles Court and NE Chinook Way. The reason for the vacation request is due to the applicant's (Holt & Haugh) error in placing a structure; Portland General Electric has relocated their electrical lines into a portion of NE Charles Court, a private road, to allow the proposed vacation. Planner Choy reported that the only action being requested tonight was for the Council to set a public hearing date for the proposed PUE vacation. Councilor Raze asked if the proposed vacation would have any adverse effect on the City or others. Planner Choy responded no, as it is in a private area and would be in everyone's best interest; there would be no impact at all on the City.

Councilor Quinby moved and Councilor Raze seconded the motion to set the public hearing date for the street vacation request as August 4, 1999.

AYES: 6
NOES: 0
ABSTAINED: 0

VI. CITY ADMINISTRATOR REPORT

Administrator Holstrom stated that the City of Gresham has a new Fire Chief who has been in contact with Fairview regarding the ambulance issue and the process to allocate and franchise ambulance providers in the County. The latest contract with AMR Ambulance Service is coming to a close, and the County is currently going through a process to review the contract; in the meantime, there is a committee that is concerned about the lack of fast responses from AMR, and they have proposed that an audit be performed on AMR before the County considers renewing their contract. Gresham has requested that Fairview also send a letter to the County, asking them to postpone their decision-making process so that an audit may be performed and all information reviewed. Council unanimously agreed that a letter should be sent to the County from Fairview.

Administrator Holstrom reported that, at a prior Council Work Session, various funding options for the City were discussed. Recently, the City received a letter from Northwest Natural Gas informing us that another Oregon city had negotiated a new franchise rate, thus allowing other cities the same opportunity. The newest negotiated fee would almost double Fairview's current franchise fee, but it would be a Council decision to pursue the increase as it would be added onto all monthly bills

and the additional fee would be listed as a City Privilege Tax. Council agreed that staff should bring back more information on August 4th regarding the possible franchise fee increase.

Administrator Holstrom commented that a Council Work Session would be held on Wednesday, July 28th, 7:00pm, to discuss future funding options.

Administrator Holstrom stated that the debate continues regarding mail delivery within 1/4 mile of the new post office. Mayor Vonderharr has requested that he, along with staff, meet with a representative of the Post Office to try and resolve the issue.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby reported that he had attended an Emergency Management Policy Board meeting on June 28th, and stated that a Y2K test will be held on September 8th, involving all three counties in the metro area, to determine their Y2K readiness.

The City of Portland has two phone numbers available for Y2K information: 823-2000 and 823-4000. Councilor Quinby added that Gene Juve, Gresham Emergency Management, would like to be placed on a Council agenda to review highlights of the Y2K activities they were performing.

Councilor Quinby asked if the cancelled Street Faire would be rescheduled for the same area. Administrator Holstrom responded that it was a Council decision. Councilor Lillard suggested that the cancelled Street Faire should be rescheduled for some time in September, for the same neighborhood, instead of holding a Street Faire again next to City Hall.

Councilor Lillard stated that the East Multnomah County Transportation Committee meeting had been postponed due to the July 4th holiday, so the next meeting would be held on July 12th. Councilor Lillard reported that she had attended the 242nd Connector Study meeting on July 20th, and that she had participated in a Police Ride-along with Sergeant Aden, adding that she was very impressed with his professionalism.

Councilor Owen reported that he and Councilor Edwards had taken a tour of the Salish Ponds area with Director Andersen and encouraged other Council members to do the same. Councilor Lillard asked if a map of the trails would eventually be made available of the site. Director Andersen responded that he would provide a current map of the trails to Councilor Lillard. Councilor Owen reported that he would be attending a Citizens Noise Abatement Committee meeting the following evening.

Councilors Raze and Edwards had no reports or concerns.

Mayor Vonderharr stated that he had been speaking with many people regarding several issues, including the post office, but he felt that things could be worked out.

VIII. ADJOURNMENT

Councilor Edwards moved and Councilor Raze seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:31pm.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder