

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

MARCH 1, 2000 -- 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 Barbara Jones

ABSENT: Councilor James Raze

STAFF PRESENT: Marilyn Holstrom, City Administrator
Jeffrey Sarvis, Director of Public Works
Bob Cochran, City Engineer
Roy Wall, Finance Director
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Quinby moved and Councilor Owen seconded the motion to remove Resolution 5-2000 from the Consent Agenda and to approve the remainder of the Consent Agenda, consisting of: Resolutions 2-2000 and 3-2000, RESOLUTIONS EXEMPTING CERTAIN PERSONAL SERVICES FROM THE COMPETITIVE BIDDING PROCESS; and, the Minutes of February 6 and February 16, 2000.

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.

Jeffrey Pollock addressed the Council and stated that he was running for U.S. Congress and that he felt it was time to let the federal government know that citizens want a return of all their freedoms. Mr. Pollock commented that citizens have no leaders in Washington D.C., and that they were victims with no representation.

Mayor Vonderharr thanked Mr. Pollock for his presentation.

Mayor Vonderharr requested that Resolution 5-2000, which was removed from the Consent Agenda, be discussed at this time.

Councilor Quinby made a statement that Fairview needed to keep its funding for roads, but he believed in user fees. Councilor Quinby commented that he felt it was up to the citizens to decide on the Gas Tax issue. Mayor Vonderharr stated that the Council needs to let its citizens know that they, as their representatives, feel the Gas Tax is necessary. Marilyn Holstrom, City Administrator, mentioned that Fairview was projected to receive \$57,000 if the Gas Tax is approved, and that those funds

would be used to improve local roads. Councilor Lillard commented that Resolution 5-2000 would not determine whether or not citizens would vote on the issue, as it was definite that citizens will vote; the proposed resolution was only opposing the repeal of the transportation funding measure.

Councilor Edwards moved and Councilor Lillard seconded the motion to approve Resolution 5-2000, A RESOLUTION OPPOSING REPEAL OF THE TRANSPORTATION FUNDING MEASURE.

AYES: 6
NOES: 0
ABSTAINED: 0

IV. PUBLIC HEARING

A. Council Chamber Policy and Fee Schedule

Caren Huson, City Recorder, reported that before the Council was a proposed policy and fee schedule for the use of the Fairview City Council Chamber. Since moving to the new City Hall, staff has received numerous requests from citizens and governmental agencies who wish to use the Chamber for meetings and seminars. Staff had researched room rental policies and fees of other jurisdictions, and has tailored a plan that would best suit Fairview facilities.

Recorder Huson explained that the proposed policy provided that the Council Chamber may be used between 9:00am and 4:30pm, Monday through Friday. Evening and weekend use would be allowed if the Chamber was available and if Fairview staff was involved in the activity. It is proposed that for City Business, other governmental agencies, and non-profit organizations, that no rental fee be charged; however, a cleaning/security deposit would be required from a non-profit organization as well as from private and for-profit organizations. The rental fee for a Fairview resident for a profit event is proposed to be \$20.00 an hour, and the rental fee for the general public outside of Fairview would be \$25.00/hour.

Mayor Vonderharr opened the public hearing; as no one addressed the Council, Mayor Vonderharr closed the public hearing.

Councilor Owen questioned why other cities were able to allow their facilities to be used in the evenings. Recorder Huson responded that other cities have security guards which secure their facilities after hours, or else the room being used had a separate access other than from City Hall where a key could be loaned out. Councilor Lillard asked if the Community Center would eventually be a rental facility. Recorder Huson responded yes. Councilor Edwards commented that he was against having staff remain after hours and being paid overtime simply to lock up after an evening meeting when no City staff or officials were involved in the meeting.

Councilor Owen moved and Councilor Lillard seconded the motion to approve Resolution 4-2000, A RESOLUTION ESTABLISHING FEES FOR RENTAL OF THE FAIRVIEW CITY COUNCIL CHAMBER.

AYES: 6
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

A. Discussion - Alternative Revenue Sources

Administrator Holstrom reported that last year at a Council Work Session, the Council had directed that four areas of alternative revenue sources be analyzed further. The four additional revenue sources were: 1) Public Service Fee for

recreational vehicle parks; 2) Public Service Admissions Fee for Chinook Landing Boat Ramp and Blue Lake Park; 3) Franchise Fee for water utilities; and, 4) Fire Suppression Fee. Administrator Holstrom stated that public hearings were not scheduled for the evening, but staff had sent letters to those organizations who might be affected. Council was being asked tonight for their decision on which, if any, alternative revenue sources they would like to pursue.

Roy Wall, Finance Director, reported that the City currently had only one recreational vehicle (RV) park, and that the estimated annual revenue from a Public Service Fee for RV Parks would be approximately \$22,000.

Councilor Edwards commented that it was his understanding that a fee could only be charged in exchange for a provided services, and asked what that service would be. Director Wall responded that a 6% transient lodging tax was currently being charged for the first month an RV space is rented, but not for months thereafter, meaning that public safety was being paid for the first month but not for following months.

Councilor Owen mentioned that the staff report stated that about 25% of the RV Park was considered to be occupied by the same tenants year round. Director Wall responded that that was correct.

Councilor Lillard asked if the property owner paid property taxes on the RV Park. Director Wall responded yes. Councilor Lillard questioned if the Public Service Fee would be passed on to the tenants of the RV Park. Director Wall responded that that decision would have to be made by the RV Park owner. Mayor Vonderharr commented that the property owners do not pay a property tax to cover the vehicles on the site; they pay property tax on the park itself, not on the individual vehicle/units.

Administrator Holstrom stated that Fairview has adopted a hotel/motel tax as other cities have; however, in an RV Park, individuals will remain more than a month yet no other transient tax is collected to cover public safety costs. Fairview was losing dollars as people were staying and not moving on, whereas in hotels/motels, visitors will stay a few days and move on, and then the next guests would pay a 6% tax, followed again by a 6% tax by visitors after that.

Councilor Quinby asked if the City was relying on the manager of the RV Park to keep the books and determine how many people were staying and for how long, and what were the ramifications in terms of the RV Park and whether they would have to hire a bookkeeper to keep track of everyone moving in and out. Director Wall responded that the RV Park already keeps track of the 6% tax, and this Fee could be done in a very similar manner; it's a 6% Fee just like the other 6% tax being collected. Councilor Jones questioned if the City was just prolonging the tax and not actually adding another 6% fee on top of the 6% transient tax. Director Wall responded that that was correct.

Councilor Owen asked when the RV Park was originally permitted, was the intent that it be for permanent residents or for transients. Administrator Holstrom responded that the original intent was that it would be a transient facility; it was not envisioned that people would be living in the RV Park for long periods of time.

Mayor Vonderharr asked for a Council vote as to how many would like this item brought back for a public hearing. Five members of the Council were in favor of a public hearing for the Public Service Fee; Councilor Quinby was not in favor of the Fee.

Director Wall reported that Chinook Landing and Blue Lake Park currently paid no

fee to the City of Fairview for public safety services received; Police spends about \$50,000 a year in effort on those two areas, and that that amount did not include Emergency Medical Services, Task Forces, etc. Director Wall added that the Public Service Admissions Fee was proposed at 50c per car, and that an annual estimate of \$62,000 would be raised.

Mayor Vonderharr stated that discussion has occurred on this matter in the past, but it needed to be understood that Fairview citizens were subsidizing a service to someone else; the vast majority of the recipients of this service were not citizens of Fairview.

Councilor Edwards questioned how the 50c per vehicle would be collected. Director Wall responded that Metro would be responsible in placing an accounting system that would tabulate the amount and pay the City quarterly or monthly.

Councilor Owen commented that he was very much in favor of this revenue source as Metro provides no protection for people using the boat ramp at Chinook Landing and he continually views Fairview Police Officers responding to calls at that location.

Councilor Lillard asked if any thought was given to charging a per person fee for using Blue Lake Park and Chinook Landing. Director Wall responded no as the admission currently was charged by vehicle and not per person, and staff felt that it was the easiest way to administer the fee. Councilor Jones questioned how the City would enforce this fee. Administrator Holstrom responded that Fairview could not force another government to collect a fee for them and that the issue would probably get political. It was hoped that the City could work with Metro and get them to understand that the City needs assistance for public safety. Councilor Jones mentioned that Mayor Becker of Gresham had sent a letter in support of this fee to Metro. Mayor Vonderharr commented that it was his hope that Metro staff would attend a public hearing on this issue. Councilor Edwards stated that a public hearing was definitely needed on this fee as nobody puts on an event without paying for public safety.

Mayor Vonderharr asked how many of the Council would be interested in having a public hearing on the Public Service Admissions Fee. Council voted unanimously in favor of a public hearing.

Director Wall reported that, currently, Fairview public utilities were not charged a franchise fee for the use of public right-of-way. The Rockwood Water Peoples Utility District was also not paying a franchise fee to operate within the City right-of-way. Staff has analyzed the franchise fee issue for the water systems and in the future will be analyzing the sewer and stormwater systems in relation to franchise fees. Rockwood Water has indicated that they would pass along the fee to their customers, and even with a 5% increase, their rates would still be lower than the surrounding jurisdictions. Director Wall added that approximately \$ 41,000 in revenue would be generated annually from this fee.

Mayor Vonderharr asked how many of the Council would be interested in having a public hearing on the Franchise Fee for Utilities. Council voted unanimously in favor of a public hearing.

Director Wall reported that a Fire Suppression Fee would equitably charge the users of fire suppression services for a portion of service currently subsidized by other General Fund resources received. Fire Suppression protection costs are currently paid by contract to the Gresham Fire Department who provides Fairview with fire protection services. Director Wall mentioned that there were no legal limitations as to the City's ability to charge this fee to City water customers, but that the City would not have the authority to mandate that Rockwood PUD charge this fee. Director

Wall added that an average cost per year would be \$14,640 in additional revenue to the City.

Councilor Owen asked what the cost would be to an average home in Fairview. Director Wall responded that most homes have a 3/4" or 1" line, so the cost would be an extra 75c per month.

Councilor Lillard questioned how the City could charge this fee when fire suppression was covered in property taxes. Director Wall responded that, currently, general resources were used to pay for the Fire Contract; this fee would more align the service user with the payment of the fee. Councilor Lillard commented that an additional \$14,640 a year was not much. Mayor Vonderharr mentioned that Fire, Police, and Parks have been paid out of the City's General Fund, but that the fund was no longer adequate to cover all the costs.

Mayor Vonderharr asked how many of the Council would be interested in having a public hearing on the Fire Suppression Fee. Council voted unanimously in favor of a public hearing, however Council Lillard commented that she was personally not in favor of the fee.

Mayor Vonderharr asked that anyone present tonight who would like to submit written testimony on any of the proposed public hearings, to please do so in a timely manner so that the testimony may be included in future Council packets.

At 8:30pm, Council took a five minute break.

B.NPDES Permit Renewal

Bob Cochran, City Engineer, stated that in September 1995, the Oregon Department of Environmental Quality issued NPDES Permit Number 101315 to four co-permittees: the City of Fairview, the City of Gresham, the Oregon Department of Transportation, and Multnomah County. The City of Gresham acted as the lead agency in the permitting and also conducted the stormwater monitoring program for the other co-permittees. The NPDES permit required the implementation of: 1) a stormwater management program; 2) a stormwater monitoring program; and, 3) the submittal of annual reports. Engineer Cochran reported that the five-year stormwater permit expires on August 31, 2000, and that City staff had completed a "reapplication" package for the next five-year period.

Jeffrey Sarvis, Director of Public Works, stated that the intent of the NPDES Permit was to implement best management practices; Fairview is doing the best job it can in controlling the quality of its stormwater and has done this since 1995. Director Sarvis reported that there were 17 permanent monitoring stations that take samplings throughout the year, and that the City's Stormwater Fee helps pay for the NPDES program in terms of monitoring, engineering, and permitting.

Engineer Cochran mentioned that there were 35 different practices that the City will implement in reducing pollutants in its stormwater discharge, including operation and maintenance of City owned facilities, engineering and planning requirements, and public education. Engineer Cochran stated that page 2 of the Permit Renewal suggests removing De-Icing Activities as a Permit requirement as neither the City nor Multnomah County uses salt as a means of de-icing.

Director Sarvis stated that Fairview has reviewed its system and looked for illicit stormwater discharge; smoke testing and video inspection was performed. Director Sarvis added that TMDLs (Total Maximum Daily Loads) are a numerical limit established by the Environmental Protection Agency, enforced by the Department of Environmental Quality (DEQ), to improve or protect water quality for quality limited streams. The Permit indicates that DEQ would be developing TMDLs and that Fairview will implement a quality management plan to meet those TMDLs, and once established, will perform increased monitoring. Director Sarvis commented that staff

was recommending that Council authorize the City Administrator to sign the NPDES renewal application.

Councilor Owen stated that the NPDES process was very complicated and that staff had prepared a very detailed packet of information for Council.

Councilor Owen moved and Councilor Quinby seconded the motion to authorize the City Administrator to sign the NPDES Permit renewal for the five year permit period.

AYES: 6
NOES: 0
ABSTAINED: 0

VI. CITY ADMINISTRATOR REPORT

Administrator Holstrom reported that the Mural Committee had met last week for the first time, and that the process was just beginning. Administrator Holstrom added that she thought the program may be a long process, but that a good product will be the result.

Administrator Holstrom stated that Council and staff needed to begin thinking of articles for the City's Annual Report.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby mentioned that he felt a possible fundraiser for the City would be the bottling and selling of Fairview water, and that he was requesting that a serious look be taken at the possibility.

Councilor Lillard stated that she enjoyed the City's Street Faire the previous week, and that next Friday she would be attending an East Multnomah County Transportation Committee retreat along with the Mayor.

Councilor Edwards apologized for missing the Street Faire and a Committee meeting the previous week.

Councilors Owen and Jones had no reports or concerns.

Mayor Vonderharr reported that he had attended a Portland Budget meeting in regards to the Bureau of Emergency Communications; he had testified on the 911 Program which is administered by Portland, as both the City of Fairview and the City of Gresham are opposed to the spiraling costs of the service.

Mayor Vonderharr stated that he would be attending a business reception with County Chair Bev Stein to discuss issues which impact East County businesses. Mayor Vonderharr commented that he would like to try to start a volunteer road clean-up crew to coincide with the City's annual Spring Clean-up event.

VIII. ADJOURNMENT

Councilor Owen moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:04pm.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones, City Recorder