

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

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**MAY 17, 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 James Raze  
Councilor Barbara Jones

STAFF PRESENT: Marilyn Holstrom, City Administrator  
Gilbert Jackson, Chief of Police  
Roy Wall, Finance Director  
John Andersen, Community Development  
Director  
Bob Cochran, City Engineer  
Caren Huson, City Recorder

**II. CONSENT AGENDA**

Councilor Owen moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of: Resolution 9-2000, A RESOLUTION ACCEPTING THE SAFETY COMMITTEE LOSS CONTROL EVALUATION FOR FISCAL YEAR 1999-2000; an Award Bid for Public Works Vehicle Purchase; and, the Minutes of May 3, 2000.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**III. CITIZENS WISHING TO  
SPEAK ON NON-AGENDA  
ITEMS**

Mayor Vonderharr welcomed the students of Reynolds High School who were present and working on a project for their Contemporary Issues class.

Mayor Vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

**IV. PUBLIC HEARING**

**A. ORDINANCE 10-2000  
Public Service  
Admission Fee,  
Chinook Landing/Blue  
Lake Park**

Roy Wall, Finance Director, reported that on July 28, 1999, a Council Work Session was held to provide information on a number of possible alternative revenue sources; Council directed that further research be conducted on four areas. Staff returned to the regularly scheduled Council meeting of March 1, 2000 with additional research. City Council then directed that public hearings be held.

Director Wall indicated that Chinook Landing Boat Ramp and Blue Lake Park are operated by Metro and currently pay no fee to the City of Fairview other than to pay for sewer services. Both areas are users of public safety

services. The Fairview Police Department alone estimates that it spends nearly \$50,000 annually on services to these two areas. This cost does not include activities involving the Gang Enforcement Team nor does it include readiness costs for police, fire and emergency medical services. It is estimated that the fee would generate approximately \$64,000 in resources for the General Fund in fiscal year 2000-01. The City Attorney's Office has advised that the City of Fairview can not require another government to enact a fee or surcharge. Enforcement and collection could be difficult and costly unless done cooperatively between the two jurisdictions.

Director Wall stated that a revised Ordinance 10-2000, Public Service Admission Fee, was before the Council. Director Wall reported that Metro does not pay property taxes which could be used to support public services for their facilities, and that if the subject lands were on the tax rolls, the property taxes on the two areas would exceed \$250,000 a year. Director Wall commented that the City Attorney had revised the proposed ordinance to impose a 25 cent fee on each user, up to \$1.00 per vehicle; Metro would collect the fee and reimburse Fairview. Metro has set precedence by using a similar method with Oregon City in which Metro agreed to pay 50 cents per ton for trucks to dispose of waste at the Oregon City disposal site.

Gilbert Jackson, Chief of Police, reported that the Fairview Police Department provided about 530 hours in 1998 in direct service and patrol to Blue Lake Park, and 1,075 hours per year to Chinook Landing, covering issues such as theft of personal articles, vandalism, and fights. Fairview has a population of about 7,000, and the City of Portland has a population of 510,000. Portland is 73 times bigger than Fairview, and if you multiply the usage of the two Metro facilities in terms of the size of Portland and multiply by 73, that would give you about 24 million people using the two facilities each year which would have a similar impact on Portland.

Marilyn Holstrom, City Administrator, reported that the City's attorney has been in discussion with Metro during the past week, and that it appears that the City finally obtained Metro's attention. A year ago when discussion on this issue first began, Fairview had difficulty in getting conversation going with Metro; we could never sit down at the table and discuss the issue. However, the City received a letter earlier in the day from Pete Sandrock of Metro, Senior Policy Advisory in the Office of the Executive. Administrator Holstrom read the letter into the record and is attached hereto. Staff was recommending that the Council give some thought to the Metro request and postpone their decision tonight so that a mutual agreement may be reached between the two governments.

Mayor Vonderharr commented that there is a precedence in the State of Oregon Parks where a charge is collected for camping plus a local 80 cent lodging tax which goes to a jurisdiction for policing.

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

Councilor Raze stated that the City and County also work cooperatively in which the County collects business tax and then disperses funds to city governments. Councilor Raze noted that most of the users of Blue Lake Park are not residents of Fairview and that there needs to be some fairness placed into the picture.

Councilor Owen reported that he felt very strongly about the issue as he has seen many activities occurring at Chinook Landing which Fairview Police

must respond to. Councilor Owen stated that he did not have a problem in postponing a Council decision, but he thought the Fairview Police were going into the busy summer season and will be spending more and more time at the facilities. Councilor Owen added that he hoped Fairview and Metro could negotiate expeditiously. Councilor Owen questioned why the proposed ordinance was revised. Paul Elsner, City Attorney, responded that the change to the ordinance was due to his concern that someone might say the fee was being placed on a vehicle entering a facility and not on the people actually using the facility. The Oregon Constitution states that fees collected on vehicles must be used for roads and highways; the City wanted to ensure that funds collected were used for public safety and not roads.

Councilor Lillard commented that bicyclists may enter Blue Lake Park in many areas and it would be very hard to impose a fee on them; however, she thought the revised ordinance was more fair. Councilor Lillard stated her concern that the proposed ordinance did not address age limits, such as anyone under the age of 10 could enter free. Administrator Holstrom responded that staff could review age limits and revise the ordinance, but the intent was just in charging those individuals coming through the park booth. Councilor Lillard added that she would like a firm date set on when the City/Metro negotiations would occur. Administrator Holstrom suggested that the Council could table the item for three months, and if there was no movement within that time, Council could bring the ordinance back for discussion. Councilor Lillard stated that she would propose that the Council set a date tonight as to when the proposed ordinance is returned to Council for a decision. Councilor Quinby commented that he thought three months was too long to sit on the issue, as Metro has messed around for too long. Councilor Quinby added that the City was simply proposing a user fee and that language should be redefined in the ordinance to reflect large families, children of a certain age, etc. Councilor Jones agreed that the City should not postpone this issue for very long.

Mayor Vonderharr stated that Metro needs to know that the City is not proposing this fee to bail us out of our financial woes, but simply as a payment for services which they receive from Fairview. Councilor Edwards mentioned that there was no event or place one could go where private security was not provided, and that Metro needs to start participating in paying for the services they receive. Councilor Edwards suggested that Council table the item to a date uncertain to allow for negotiations to occur. Mayor Vonderharr added that Council will need to receive updates from staff as to how the negotiations were going, and if in a month or two no progress was made, Council could then discuss the proposed ordinance again at a later date. Mayor Vonderharr agreed that language should be added to the ordinance which exempts charges on small children.

Councilor Owen stated that he felt the Council should place a time limit on the negotiations, and that the issue should be brought back to the Council at a date certain with a determination on the ordinance to be made at that time.

Councilor Edwards moved and Councilor Raze seconded the motion to table the decision on Ordinance 10-2000 indefinitely, that staff enter negotiations with Metro, and that at a future date, Council will determine if negotiations are productive or if they need to readdress the proposed ordinance.

Councilor Quinby commented that he would like to see scheduled meetings with Metro on a monthly basis; if Council leaves the date as uncertain, he

was afraid that the City would get cheated. Councilor Lillard added that the City has talked about this issue for a long time and had spoken to Metro previously; this is nothing new and she felt a date certain should be placed in the motion. Councilor Owen agreed that a date certain needed to be stated in the motion. Councilor Edwards stated that if the Council did not hear from Metro within a realistic point of time that we would call for another Council vote to bring the ordinance back for discussion. Councilor Raze agreed that placing a date certain in the motion will not mean anything; Metro is willing to negotiate with us and Council must trust staff to act as soon as they can on the issue. Councilor Jones agreed that the City needs to go to the table in good faith with Metro and that no date certain was needed in the motion. Councilors Edwards and Raze stated that their motion and second stood as stated.

Mayor Vonderharr called for the vote on the original motion.

AYES: 4  
NOES: 3 (Quinby, Lillard, Owen)  
ABSTAINED: 0

Mayor Vonderharr commented that he understood the frustrations of both sides, but he feels that Metro realizes that the City is serious now. Mayor Vonderharr asked staff to bring a report to the Council at the June 21st Council meeting for an update; at that time, Council can discuss the status and, if after two updates, our City Attorney and/or City Administrator feels that negotiations are taking a step backward, then Council will readdress the ordinance.

## **V. COUNCIL BUSINESS**

### **A. FUNDING REQUEST Senior Services**

Administrator Holstrom reported that each year Fairview is pleased to receive a presentation from Senior Services which requests financial assistance from Fairview. Administrator Holstrom added that in the past fiscal year, Council contributed \$1,750 to the program.

Peggy Gulick, Director of YWCA Senior District Center, reported that the Center contracts with Aging and Disability Services of Multnomah County to coordinate and provide access services for senior citizens of East County, and that is part of what the \$1,750 that Fairview contributed to. Access Services include information and assistance along with outreach services, transportation, Meals on Wheels, etc. Ms. Gulick stated that the Council had received information in their packet regarding client services and access services, in addition to the number of Fairview citizens who have requested and received those services.

Ms. Gulick introduced Olivemay Stockwell who was a member of the Senior Coalition, stating that they have an interest in the issues of Seniors and rely on senior citizens in East county to provide them feedback. Ms. Gulick reported that they hope to break ground on their new East County senior facility at the end of July 2000. The facility will enable Senior Services to provide direct assistance and recreational services to the community, and that it will provide them unlimited possibilities in expanding their services to seniors. Ms. Gulick stated that she was asking that the Fairview City Council once again consider contributing to the partnership which serves a very important service to East County seniors.

Councilor Edwards questioned where the new Senior Center would be located. Ms. Gulick responded that the facility would be located at Seventh

and Kelly in downtown Gresham.

Councilor Jones stated that she was in favor of supporting the funding request as the services they provide were wonderful.

Councilor Quinby asked whether Ms. Gulick had a breakdown of Fairview vs. other cities in terms of contributions and services provided. Ms. Gulick responded that she could ask Multnomah County for more statistical information to break down the number of citizens and usage further. Councilor Quinby commented that if the information could be provided next year, that it would be helpful for him to see a graph of contributions vs. use by citizens. Ms. Gulick stated that phone calls from Fairview citizens have increased; however, transportation requests from Fairview have dropped somewhat.

Councilor Owen moved and Councilor Raze seconded the motion to approve the funding request for Senior Services in the amount of \$1,750 for fiscal year 2000/2001.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Mayor Vonderharr stated that he wished the City could contribute more, but budgetary constraints would not allow that. Councilor Raze encouraged anyone who had some extra time to volunteer and participate in Meals on Wheels. Ms. Gulick stated that she needed representatives from Fairview on the Senior Coalition, and that they were particularly interested in individuals over 60 years of age. Mayor Vonderharr suggested that Ms. Gulick provide a newsletter article to the City on this issue.

## **VI. DEPARTMENTAL REPORTS**

### **A. Police**

Chief Jackson reported that the City had picked up quite a bit of activity between March and April, and that he thought it would pick up more activity during the summer. Reynolds Middle School was hosting a Career Day in which he and Sergeant Aden would speak to students about the law enforcement profession. Chief Jackson reported that for the first quarter of year 2000, 12% of the traffic citations belonged to Fairview residents.

Councilor Edwards asked how civil activities were defined. Chief Jackson responded that things of a personal nature, which do not involve crime, constitute a civil activity; e.g., a landlord-tenant dispute would be a civil matter and not a criminal action.

### **B. Public Works**

Bob Cochran, City Engineer, reported that the City's Consumer Confidence Report was being prepared, and that the last of the City's core area stormwater work was out for bid. Engineer Cochran stated that inflow and infiltration funds were set aside per the City's Capital Improvement Plan, and the goal is to minimize some of the inflow and infiltration in order to reduce the cost of wastewater treatment; staff would be coming before the Council with a proposed ordinance which would allow the City to be involved in replacement of private laterals along Depot Street. Engineer Cochran reported that staff was investigating a site for a new reservoir, and that meetings would be held with Rockwood Water and the City of Portland to discuss source options for additional water.

**C. Community Development**

John Andersen, Community Development Director, reported that Riparian Buffer Permits and code enforcement had been occupying a lot of staff's time, and that building activity in Fairview Village and the Fairview Lake area continues. Director Andersen stated that the Wood Village Town Center property was being graded and that development would occur soon on that site. The first meeting for the Zoning Code update process was held the previous evening, and an Open House would be held the following evening in regards to Lakeshore Park. Director Andersen commented that staff has begun the activities associated with updating the Parks Master Plan and that inventory work was currently being conducted. Regarding the Endangered Species Act, Metro's latest issue of "Fish Wrap" states that the original program has been postponed until September 2000 in order to give them more time to reach a consensus.

Councilor Edwards asked if any information had been received regarding the new Library to be located in Fairview. Director Andersen responded that he had spoken to the developer who indicated that a signed lease agreement had been received and that they were now negotiating the financing.

**D. Finance**

Director Wall provided an update on the budget process, stating that the City had received a letter from the Tax Supervisory Commission in which they certified the City's 2000/2001 budget with no changes recommended; on June 21, 2000, the budget will be before the Council for final adoption.

**E. Administration**

Administrator Holstrom reported that Fairview had been accepted as a passport application agency, as well as other cities in East County; each City has selected a different day to provide the service. Administrator Holstrom reminded the Council that an East Metro Cities Regional Issues Forum would be held the following evening at 6:30pm at Wood Village City Hall.

Administrator Holstrom stated that she had a request for the Council regarding their Discretionary Fund. Bruce Tarbet of The Outlook spoke to the Council at a previous meeting regarding the fireworks display planned for the 4th of July in Fairview; they have a fundraising goal, and Administrator Holstrom was requesting that Council consider the possibility of donating \$250 from their Discretionary Fund for this event. Councilor Lillard stated that she thought the Council should donate something to show their support of the event.

Councilor Raze moved and Councilor Lillard seconded the motion to donate \$250 towards the Fourth of July Fireworks Event.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**F. Legal**

City Attorney Elsner reported that they: have assisted staff in the development of park rules; were asked to review the employment application which the City uses; advised administration on various financing devices; worked with Public Works staff on compliance with the new public contracting statutes; and, provided general advice as needed by staff.

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

Councilor Quinby reported that he had attended a Solid Waste Citizens Advisory Committee (SWCAC) meeting the previous Monday evening, and that no annual rate increase would occur. SWCAC had approved the award

winners for programs in the schools for their recycling work, and scholarships were given out for the same. Mayor Vonderharr commented that there was a company called Metro Metals which would deliver drop boxes and work with communities to collect recyclable metals; perhaps next year they could be involved in the City's Clean-Up event. Administrator Holstrom mentioned that there could be some legal issues that staff would need to review first due to recycling laws in the State.

Councilor Lillard reported that Metro was finalizing their 3-phase update of the Regional Transportation Plan, and that the railroad bridges on 223rd Avenue were on the update along with some things on 207th Avenue. Metro is continuing to take testimony on the Plan, so any comments should be given to the Metro Council before June 29, 2000.

Councilor Owen stated that he would not be able to attend the East Metro Cities Forum the following evening.

Councilor Jones reported that the Citizens Noise Abatement Committee (CNAC) had met on May 11th, and that one of the things brought up was the Port of Portland taking a count of the different complaints received by area, and, right now, the area of Fairview, Troutdale, and Wood Village only contributed three complaints in the last month vs. 8 complaints received this same time last year. Also, as a result of mediation, the Port of Portland and CNAC will work better together and they are doing a good job; they have reconvened the Flight Change Path Subcommittee which meets once a month and is open to the public; the next meeting would occur at 7:00pm on May 25th at Portland Brewing on NW 23rd Avenue. Also, anyone interested is invited to attend CNAC meetings which are held on the second Thursday of each month at the Portland Airport.

Councilor Raze commented that on the southwest corner of 207th Avenue and Halsey there was sheet metal blowing on an old barn which could be a hazard; he had mentioned the issue to the property owner.

Councilor Edwards had no reports or concerns.

Mayor Vonderharr reported that he had had a very busy month, and that he had met with the head of the Bureau of Emergency Communications (BOEC) regarding the concern of spiraling costs being passed onto the cities. Mayor Vonderharr stated that he had attended a networking day with Director Andersen which was hosted by the Columbia Corridor Association in an attempt to attract investors or contractors who are interested in industrial development in Fairview. Mayor Vonderharr reported that the four Mayors from the East County cities had met at Gresham and part of the discussion included the issues with Metro, the Visitors Association, and problems with BOEC. Mayor Vonderharr commented that the City's Clean-up Day was a bit disappointing as only four adults and two children turned out for the street clean-up; next year, he would try to get a commitment from people in advance. Mayor Vonderharr reported that he had attended a dinner for a delegation of eight Japanese people from Gresham's Sister City in Japan, and that he had met with an individual from the Save our Salmon Committee whose goal is to educate the public and to remove dams; he told them that he would not be the leader in telling Eastern Oregon Cities what to do.

## **VIII. ADJOURNMENT**

Councilor Owen moved and Councilor Raze seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:13pm.

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