

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

---

**December 5, 2001 -- 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: Mary Jo Briggs, City Administrator  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

Mayor Vonderharr welcomed Mary Jo Briggs, the recently appointed City Administrator. Ms. Briggs thanked Council for the trust they have put in her and also thanked Council for giving her a wonderful staff to work with.

**II. CONSENT AGENDA**

Councilor Owen moved and Councilor Quinby seconded the motion to approve the Consent Agenda, consisting of: Resolution 20-2001, A RESOLUTION REGARDING EXECUTING AND ENDORSING AN AMENDMENT TO THE AGREEMENT WITH THE LEAGUE OF OREGON CITIES GOVERNING THE LEAGUE STATUS AS A UNIT OF LOCAL GOVERNMENT, SIMILAR TO OTHER COOPERATIVE INTERGOVERNMENTAL AGENCIES IN WHICH CITIES CREATE AND PARTICIPATE; Resolution 21-2001, A RESOLUTION REGARDING MEMBERSHIP IN THE CITY/COUNTY INSURANCE SERVICES TRUST; and, the Minutes of October 17 and November 7, 2001.

AYES: 7  
NOES: 0  
ABSTAINED: 0

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

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

**IV. PUBLIC HEARING****A. ORDINANCE 8-2001  
Comprehensive Plan  
Amendment**

John Andersen, Director of Community Development, stated that before the Council was a proposed amendment to Fairview's Comprehensive Plan dealing with natural resources. In 1993, the City of Fairview was ordered to amend its natural resources inventories, as well as to update its plan and regulations regarding the protection of wetlands and areas of significant environmental concern. Because of workload, the City was unable to make significant progress until this year. Using the services of an outside consultant, staff was able to update the inventories and complete the work approved by the Department of Land Conservation and Development on February 21, 1995. The City Council and Planning Commission have reviewed the inventory materials earlier this year. The regulatory changes were incorporated into the new Development Code. The final remaining change is the approval of a new Goal 5 policy to supplement the City's current policies in the Fairview Comprehensive Plan.

Mayor Vonderharr opened the public hearing; as there was no response, Mayor Vonderharr closed the public hearing.

Councilor Owen questioned what would happen if Council did not approve the proposed amendment. Director Andersen responded that the City would then be in non-compliance per State regulations. Councilor Owen asked what the State would do if a city were not in compliance. Director Andersen responded that, ultimately, the State could obtain a court order to mandate a city to make code amendments to comply with State regulations; if a city failed to comply, it could be found in contempt of court and face numerous fines.

Mayor Vonderharr commented that Fairview's Goal 5 attempts are well known at the State level as our requirements supersede and surpass Portland's due to activists outside Fairview city limits and the fact that the State mandated that Fairview comply with their concerns. Director Andersen mentioned that the proposed Comprehensive Plan amendment simply took the State's Goal 5 language and placed it in Fairview's Comprehensive Plan.

Councilor Quinby stated that since the proposed amendment was a policy statement, that the language was very vague and asked who would decide what was within an identifiable resource. Director Andersen responded that natural resources are identified in the City's inventory process. Councilor Quinby questioned if natural resources were always clear-cut or if there was room for a case-by-case scenario. Director Andersen responded that natural resources were usually very obvious, but when there is a question, staff will perform a

site review. Councilor Quinby asked if natural resources on private property were identified in the City's inventory. Director Andersen responded yes, as it is required by the State to identify all natural resource properties in a city. Councilor Quinby questioned who decides what the livability of a city means. Director Andersen responded that the Council would decide the definition of livability and that it would be based on what was written in the City's Comprehensive Plan. Councilor Quinby read a prepared statement into the record which is herein attached and incorporated into these minutes.

Councilor Raze commented that he did not think there was any other city who cares more about its natural resources than Fairview, and that, in essence, nature was sacrificed for the construction of Fairview Village, but that is progress. Councilor Raze mentioned that it bothers him that the State mandates what cities must do, as a city can take care of business just fine; however, without laws on the books, people do have the tendency to turn uncivilized.

Councilor Edwards moved and Councilor Jones seconded the motion to read Ordinance 8-2001 a first time by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 8-2001 by title only.

Councilor Edwards moved and Councilor Jones seconded the motion to adopt Ordinance 8-2001, AN ORDINANCE AMENDING THE FAIRVIEW COMPREHENSIVE PLAN.

AYES: 7  
NOES: 0  
ABSTAINED: 0

## V. COUNCIL BUSINESS

### A. RESOLUTION 19-2001 Community Center Rental Rates

Director Andersen reported that on September 19, 2001, the Fairview Community Center Rental Rates and Use Agreement policies, as recommended by the City of Fairview Parks Advisory Committee (PAC), came before the City Council. The proposal was developed after City staff held a neighborhood meeting, researched policies, procedures, and fees from surrounding jurisdictions, and the PAC reviewed and recommended approval of rates and policies for the Fairview Community Center. Director Andersen stated that the former City Administrator, Marilyn Holstrom, had written a Minority recommendation which accompanied the PAC recommended for the September 19, 2001 Council meeting. The Minority Recommendation endorsed the use of the Community Center free of charge for non-profit organizations, and more consistency with the

existing Council Chamber use fee structure and system was recommended. Council directed staff to bring the Minority Recommendation before the PAC, since the Committee had not had time to review it. The PAC reviewed the Minority Recommendation at their October 10, 2001 meeting. After lengthy discussion, the PAC recommended a few changes to their original proposal. Although non-profits are charged a fee, local public service non-profits will have a lower fee than that originally proposed. In addition, the cleaning deposit is a flat \$150.00 fee to be consistent with the Council Chamber policy. All groups will be encouraged to donate time or another community service effort.

In conclusion, Director Andersen stated that the Fairview PAC was recommending that the City Council adopt the revised Rental Rates and Use Agreement Policies for the Fairview Community Center.

Councilor Raze, Council liaison to the PAC, added that there were duties associated with the Community Center that will take quite a bit of staff time, so the proposed fees took that into consideration and are actually quite reasonable. Councilor Raze added that the Fairview-Rockwood-Wilkes Historical Society would be meeting in the Community Center for free on three occasions. Councilor Raze stated that he was in favor of passing the fee schedule for the Community Center as proposed.

Councilor Lillard commented that she was very much an advocate for the Community Center and was very pleased at all the thought that the PAC put into the fee schedule. However, it was important to her to allow agencies, in cooperation with the City, to not be charged and that the City have discretion in waiving fees on a case-by-case basis.

Councilor Owen questioned if non-profit associations were allowed to use conference rooms in City Hall while the Council was meeting. Recorder Huson responded yes, that former Administrator Holstrom had allowed one homeowner association to use a conference room at City Hall during a Council meeting. Councilor Owen stated that he personally would like to see the Community Center to be free for non-profit organizations.

Councilor Edwards commented that no one should be allowed to use the Community Center without placing a cleaning deposit; Councilor Jones concurred. Councilor Jones added that nothing was stated regarding insurance, so the hourly rate and deposit proposed for the Community Center was a steal. Director Andersen mentioned that the last page of the use regulations does contain a disclaimer regarding liability.

Councilor Lillard stated that she was concerned about those groups who might want to use the Community Center every week, and every week they would have to submit a check to the City. Councilor Lillard

felt that the City was getting away from what the Community Center was originally to be used for; the focus should be on community service, but the City seems to be focusing on private parties, wedding showers, etc.

Councilor Owen asked for the definition of a "local public service agency." Director Andersen responded that a local public service agency would include historical societies, Boy or Girl Scouts, YWCA, etc. Councilor Owen commented that he did not want to have non-profit organizations pay for the use of the Community Center as the building is paid for, and aside from some upkeep, it seems as if the City was nickel and diming for the use of the building.

Mayor Vonderharr asked that staff provide a report to the Council in December 2002 on how the rental of the Community Center was going. The report should include a list of who has rented the facility, and a list of those who did not choose to rent the facility and why. Councilor Lillard added that a count should be kept on how many people request information and a fee schedule on the Community Center.

Councilor Edwards moved and Councilor Raze seconded the motion to approve Resolution 19-2001, A RESOLUTION ESTABLISHING FEES FOR RENTAL OF THE FAIRVIEW COMMUNITY CENTER.

AYES: 5  
NOES: 2 (Owen, Lillard)  
ABSTAINED: 0

VI. CITY  
ADMINISTRATOR  
REPORT

Administrator Briggs stated that the pavilion in the Community Park was almost complete and that only the rails around the bottom needed to be added.

Administrator Briggs announced that the Fairview Columbia Library had opened and she thanked the Mayor and Committee who worked so hard on obtaining that library branch; also, the latest population estimate received from Portland State University for Fairview was 8,070.

Administrator Briggs reminded the Council that the City's Holiday Open House would take place on December 15<sup>th</sup> between 3:00pm and 5:00pm.

Administrator Briggs reported that a successful meeting was held the previous evening when members of the Drainage District, residents around Fairview Lake, and City staff discussed the building of

consensus and placing the borders for the first official meeting on Fairview Lake issues.

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

Councilor Raze reported that the splatter had been placed on the drywall in the Heslin House, so things were moving forward. Councilor Raze mentioned that he had heard that the railroad was thinking about placing another set of tracks next to those which run over 223<sup>rd</sup> Avenue. Director Andersen commented that if that was truly the case, then the railroad would share in the cost of widening the overpass.

Councilor Quinby stated that he, Councilor Lillard, and Recorder Huson had met the previous day to continue their discussion on citizen involvement.

Councilor Owen thanked staff for removing nuisance signs around the City. Councilor Owen stated that he had attended a Gresham Fire Advisory Committee meeting, and that the next meeting was scheduled for 6:30pm on December 10<sup>th</sup> at Gresham City Hall.

Councilors Jones, Lillard, and Edwards had no reports or concerns.

Mayor Vonderharr reported that he and Administrator Briggs had attended the League of Oregon Cities Conference. In addition, he had attended a State Economic Development Program which was beginning to be organized.

**VIII. ADJOURNMENT**

Councilor Edwards moved and Councilor Raze seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:47pm.

AYES: 7  
NOES: 0  
ABSTAINED: 0

---

Mayor Roger Vonderharr

---

Dated:

---

Caren C. Huson Quiniones  
City Recorder