

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

JULY 18, 2001 -- 7:30pm

**I. CALL TO ORDER/
ROLL CALL**

Council President Owen called the meeting to order at 7:30pm.

PRESENT: Councilor Sherry Lillard
 Councilor Steve Owen
 Councilor Len Edwards
 Councilor James Raze
 Councilor Barbara Jones

ABSENT: Mayor Roger Vonderharr
 Councilor Ken Quinby

STAFF PRESENT: Gilbert Jackson, Chief of Police
 Bob Cochran, City Engineer
 John Andersen, Community Development
 Director
 Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Edwards moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of: an Award of Contract for Fairview Community Park General Construction, Pavilion, and Site Work; Award of Contract for the Fairview Community Park Landscape and Irrigation Work; an Intergovernmental Agreement with Reynolds School District for Salish Ponds Wetland Mitigation; an Intergovernmental Agreement with Multnomah County for Annual Road Maintenance; an Intergovernmental Agreement Amendment with the Multnomah County Sheriff's Department; and, the Minutes of June 13 and June 20, 2001.

AYES: 5
NOES: 0
ABSTAINED: 0

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

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

IV. COUNCIL BUSINESS

**A. DISCUSSION -
Fairview Lake**

John Andersen, Community Development Director, reported that staff and Councilor Owen had met with the Multnomah County Drainage District (MCDD) regarding their plans for Fairview Lake. The MCDD has indicated that since they now have sufficient pumping capacity, they may no longer need to continue their permits from the State for holding water in Fairview Lake or maintaining the dam, which lies beneath the homes in Blue Heron Shores Phase I. Director Andersen stated that the MCDD has determined that they will conduct a study this summer and fall to determine how they should proceed; they have actively coordinated their efforts with City staff so that they may be aware of how the District was proceeding. Director Andersen commented that Fairview Lake (Lake) was a critical community resource and that there were concerns about potential liabilities and control of the Lake should the MCDD decide to withdraw from its responsibilities as the Lake manager. Director Andersen introduced Bob Groncznack of the MCDD.

Mr. Groncznack stated that he was the Director of the MCDD and stressed that they were not actually part of Multnomah County; they are a separate local government. Mr. Groncznack reported that an internal management study would be performed of the Drainage District and their role, historically, and projected for the future of Fairview Lake. They will review the two major permits from the State that they hold - seasonal water in the Lake and the permit for the dam structure on the west end of the Lake.

Mr. Groncznack commented that the Drainage District changes the elevations of the Lake in the spring and fall of each year, according to the terms of their permit with the Oregon Department of Water Resources. Mr. Groncznack added that the internal report would include a legal assessment, engineering review, operation and maintenance roles, along with reviewing the mission of the District, flood protection from the Columbia River and stormwater, and future projects which might arise which are associate with Fairview Lake. The study will include water rights in more detail, the current status of the two permits, and changes which could happen in the future; the report will provide information for consideration by the Board of the Drainage District, the public, and the Fairview City Council. A draft report should be ready by early October and copies would be made available for the public. Mr. Groncznack explained that public involvement would not be included in the internal departmental report, but that they are interested in public and agency comments. A final report should be prepared by mid-November when it will be presented to the Drainage District Board of Directors.

Councilor Raze asked what brought about the need for a report. Mr. Groncznack responded that modernization of the District and their hydraulics have changed drastically; the role the Lake plays in flood storage is pretty minimal, which raised the question of what the Drainage District's managerial role was for the Lake. Councilor Raze

questioned if the Lake was an extensive proposition for the Drainage District to maintain. Mr. Groncznack responded that that would be included in the report and that there is a fair amount of work which the Drainage District performs in operating and maintaining the Lake.

Councilor Owen asked if the State permits require the Drainage District to drain the Lake annually. Mr. Groncznack responded that that would also be addressed in the report; typically, the Drainage District raises the Lake in May and lowers it in October, which takes about a month each time; he did not know if the Lake could be full year-round, so that would also be addressed in the report.

Councilor Lillard questioned if the Lake was used in 1996 for the 100-year flood that the area experienced. Mr. Groncznack responded that the Lake received runoff from the upper watershed and Fairview Creek, and that the outflows went into the Columbia Slough at the time of the flood. Today, excess water is pumped off and they would not use the Lake for their system during a 100-year flood; the modeling which will be performed will review the storage of all waterways that they manage. However, the policies of Fairview, Gresham, and Troutdale that affect their systems may lead to an intergovernmental agreement similar to Portland's, as it affects the Drainage District's System Development Charge policies.

Councilor Raze asked if the Drainage District had received a legal opinion of whether they could abandon the management of the Lake. Mr. Groncznack responded no, that they were not anticipating abandonment; it will be discussed in light of the District's complete mission. Mr. Groncznack added that to the extent that they need legal opinion, they would obtain it.

Councilor Owen requested that if anyone in the audience had questions to please approach the podium. Dick Class, 20544 NE Interlachen, Fairview, stated that he lives on the north side of the Lake and that those who do live around the Lake are required to have flood insurance, so he hoped that the Drainage District's pumps would be able to handle any 100-year flood water runoff.

Audience members asked for the phone number of Mr. Groncznack. Councilor Owen responded that they could receive that information by contacting the Fairview City Recorder.

James Collier, 3640 NE 216th, Fairview, questioned what impact the report would have. Councilor Owen responded that he felt assured that there was an open line of communication between the City and the Drainage District. Mr. Collier stated that he did not want a swamp in front of his house.

Henry Pelfrey, 20905 NE Sandy Boulevard, Fairview, asked if the

Drainage District's pumps were in place during the 1996 floods. Mr. Groncznack responded no. Mr. Pelfrey asked how the Drainage District was financed. Mr. Groncznack responded that landowner revenues operate the public utility; landowners approve the District's budget each year which comes from property taxes. Mr. Pelfrey questioned who the District would want to take over the management of the Lake. Mr. Groncznack responded that the District was not saying that they would relinquish their rights to the Lake.

Bonnie Kelly, 3550 NE 214th Avenue, Fairview, stated that her impression was that the study would be completed in November and that the public would have no opportunity for input. Councilor Owen commented that this was a tremendous issue for the City and that the residents could be assured that the Drainage District would receive the City's input; even if decisions are made, if the City is not satisfied with those decisions, that legal steps could be taken.

Norman Cooper, 21087 NE Shore Drive, Fairview, stated that any value in their homes would be lost if the Lake were to go away.

Sheldon Ainslie, 20334 NE Interlachen Lane, Fairview, commented that it was obvious that the study was being performed to prove that the Drainage District does not need the Lake. Mr. Ainslie suggested that the residents perform their own study which would prove that the Lake is needed.

Mr. Groncznack stated that the Drainage District was not going into the study with any assumption that there would be any change; the final decision may actually be "no change". At the time the permits were prepared, there was correspondence that the District would not hold the permits in perpetuity. Mr. Groncznack added that the District's budget was about \$2 million a year; the annual assessment for homeowners is \$50.00, \$10,000 is received from landowners around the Lake which contribute to pumping, and the other 2300 landowners of the District are supporting the management of the Lake. Mr. Groncznack again stressed that the timeline calls for a draft report in early October, circulation of the report for comments, and then a final report to be presented to the Board of Directors in mid-November. The Board meets twice a year and all meetings are publicized. Councilor Owen stated that the City will be notified of the District's public meeting and will in turn notify residents of the meeting date and time.

At 8:10pm, Council took a ten minute break.

V. DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that Fairview's newest officer, Josh Day, would start the Police Academy the following week and that he would be at the Academy for ten weeks. Chief Jackson

stated that the City has had the Multnomah County speed display trailer placed at different locations in the City, and that he and two other Fairview Officers had held a meeting with members of the Slavic Church youth group which was a "get to know each other" session.

Councilor Lillard asked for an update on the Fourth of July Fireworks Event. Chief Jackson stated that the final figures were not complete, but that there were three times as many people as last year. People began entering Blue Lake Park early in the day and used up most of the parking; when people arrived for the evening event, they had to wait in line for a parking space as other individuals left the Park. Chief Jackson added that evacuation of the park after the event took about 1/6 of the time as last year and that almost no traffic problems were encountered.

B. Public Works

Bob Cochran, City Engineer, reported that a contractor had broken one of the City's water lines earlier in the day on 223rd Avenue, but that residents should have water by 9:00pm. Engineer Cochran stated that nine water samples are taken each month at different locations throughout Fairview to test for total coliform bacteria; one sample came back positive which requires

Director Andersen stated that building activity continues in Fairview and that staff has been moving ahead on a variety of projects; the riparian education program has begun, and the City's proposed new Development Code will have it's first hearing next week at the Planning Commission, and then come before Council about a month later. Director Andersen reported that Engineer Cochran had overseen the park improvements in Lakeshore Park and that the plaza, sidewalk, and woodchip pathway were all installed. Director Andersen commented that staff has been working on getting the Community Center up and running and that a performance would be held on August 3rd in the Community Center. Director Andersen stated that the Council had a memo before them requesting \$300.00 from the Council's Expense Fund to help pay the cost for the first few performances in the Community Center.

Councilor Raze moved and Councilor Lillard seconded the motion to take \$300.00 from the Council Expense Fund to support the performances at the Community Center.

AYES: 5

the City to
resample the
source. The
Health
Division
requires the
City to place
a notice in
the newspaper.
Engineer
Cochran
commented that
the Depot
Street
Sanitary
improvements
were slowly
moving ahead
and that it
would probably
end up being a
winter
project.
Engineer
Cochran
reported that
the City had
signed a
Personal
Services
Agreement with
Wallace
Engineering to
review the
Renaissance
Plan and
prioritize
issues so that
improvements
could begin.
Engineer
Cochran added
that the sewer
cleaning
project had
been completed
with all lines

NOES: 0
ABSTAINED: 0

in the core
area being
videoed and
cleaned. C.

D. Legal

Pam Beery, City Attorney, stated that their written report was before the Council and included such items as the Northwest Natural Gas utility franchise, the City's Development Code, and an Ordinance to repeal a previous franchise issued to RCN.

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

Councilor Lillard reported that she had attended the East Multnomah County Transportation Committee meeting and that the City has full support from the Committee on the railroad pass bridge being replaced; a vote was taken which made it the Committee's number one priority for funding.

Councilor Raze commented that the City's Parks Committee was doing an excellent job.

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

VII. ADJOURNMENT

Councilor Raze moved and Councilor Edwards seconded the motion to adjourn. Council President Owen adjourned the meeting at 8:41pm.

AYES: 5
NOES: 0
ABSTAINED: 0

Council President Steve Owen

Dated:

Caren C. Huson Quiniones
City Recorder