

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

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**October 17, 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: Marilyn Holstrom, City Administrator  
Gilbert Jackson, Chief of Police  
Bob Cochran, Acting Public Works Director  
Roy Wall, Finance Director  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

**II. CONSENT AGENDA**

Councilor Owen moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of: a Proclamation for Mediation Month, and the Minutes of September 19 and October 3, 2001.

AYES: 7  
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.

Frank and Helen Maguire, 760 NE Pacific Drive, Fairview, read from their submitted text (attached hereto) regarding the investigatory materials in the matter of former Public Works Director Jeff Sarvis.

Jean Ridings, 21510 NE Blue Lake Road, Fairview, stated that in the letter she wrote to The Outlook Editor, they had listed her as living in Fairview. Ms. Ridings wished it to be known that she lives in Interlachen.

**IV. COUNCIL BUSINESS**

**A. UPDATE  
Metro Policy Advisory  
Committee**

David Ripma, Fairview's representative on the Metro Policy Advisory Committee (MPAC), distributed a two-page memo to the Council which provided an update on MPAC Activities. Mr. Ripma commented that one issue which MPAC continues to deal with is wildlife habitat/clean water/Endangered Species Act, all of which have a large impact on development of land near waterways. In addition, MPAC has been reviewing parks and open spaces, Metro Functional Plan Compliance, water supply, and expansion of the Urban Growth Boundary.

**B. PRESENTATION  
  
Renaissance Plan  
Implementation**

Bob Cochran, Acting Public Works Director, reported that four years ago, McKeever/Morris developed the Renaissance Plan (Plan) for the City of Fairview. This project was initiated to build upon the unique qualities of the core area and enhance the area through a variety of improvements. The Plan was adopted by Council, but funding was not available to implement the improvements. Director Cochran stated that, last year, a portion of the proceeds from the sale of the Target property was earmarked for implementation of the Plan. The City then contracted with Wallis Engineering, Inc. to review the Plan, make recommendations, and provide construction assistance for the implementation of Phase 1. Wallis Engineering also studied existing traffic problems and complaints within the core area.

Director Cochran commented that staff has determined that the \$125,000 set aside for the Plan would be spent on two improvement areas: intersection improvements and the Second Street closure. The Second Street closure was approved by Council in 1998. Staff was now asking Council to review the four intersection improvement options as presented in the Council's packet, adding that staff was leaning towards Option 4.

Councilor Lillard questioned how long the barriers were proposed to be in place for the Second Street closure. Director Cochran responded that the barriers would be in place for about six weeks and until such time as a more final plan was in place; signage will also be placed which warns of the traffic control changes. Staff will continue to update Council on the status of the closure.

Councilor Jones asked why an extra lift of asphalt was necessary in the center of the intersection improvement as proposed by Option 4. Director Cochran responded that the extra lift of asphalt would serve as a traffic calming device.

Councilor Edwards stated that the proposed street improvements on Cedar include two speed humps, plus the intersection improvement at Fourth and Cedar which would add another lift of asphalt to the center of the intersection. Director Cochran commented that Wallis Engineering had proposed the two extra speed humps, but that the final decision would be made by the Traffic Calming Committee.

Councilor Quinby questioned whether there was a specific order of implementation to the Renaissance Plan. Marilyn Holstrom, City Administrator, responded that the Renaissance Plan Committee was made up of citizens in the core area, and that there was no priority on any of the issues; the Committee knew that projects would be done as funding allowed. Councilor Lillard commented that she felt Cedar Street should have the main priority as that was the street that received the most complaints from residents.

**C. ORDINANCE/**

**INTERGOVERNMENT  
AGREEMENT**

**Industrial**

**Pretreatment**

Director Cochran reported that the City of Fairview conveys all of its sanitary sewage to the Gresham Wastewater Treatment Plant for treatment. In March of 2001, the Oregon Department of Environmental Quality (DEQ) performed an audit of Gresham's treatment program. One of the outcomes of that audit was a requirement by DEQ for Gresham to modify and complete a new Industrial Pretreatment Intergovernmental Agreement (IGA) with Fairview. When this requirement was discussed, Fairview staff took the opportunity to simplify the entire process. It was determined that Fairview should eliminate its existing Wastewater Industrial Pretreatment Program (FMC 13.25) and replace it with a new ordinance that directly references the Gresham program. With this in place, revisions to Gresham's Pretreatment code could be handled simply by revising the Fairview Ordinance that references Gresham's Code. To meet this goal, Public Works and the City Attorney drafted an ordinance removing the existing Industrial Pretreatment Ordinance and replace it with an ordinance that directly references Gresham's Program. In addition, an accompanying IGA is drafted stating that Fairview will update the new ordinance each time Gresham revises theirs.

Councilor Edwards moved and Councilor Owen seconded the motion to read Ordinance 11-2001 by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 11-2001 by title only.

Councilor Edwards moved and Councilor Raze seconded the motion to adopt Ordinance 11-2001, AN ORDINANCE AMENDING CHAPTER 13.25 (WASTEWATER INDUSTRIAL PRETREATMENT PROGRAM) OF THE FAIRVIEW MUNICIPAL CODE.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Edwards moved and Councilor Raze seconded the motion to approve the Intergovernmental Agreement between Fairview and Gresham for an Industrial Wastewater Pretreatment Program.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**D. ORDINANCE 6-2001**

**Development Code**

John Andersen, Community Development Director, reported that Council held a public hearing on September 19, 2001, to accept public testimony on the proposed Development Code. Further discussion continued on the Development Code at a Council Work Session which was held on October 3, 2001. As part of those discussions, interest was expressed by some Council members in continuing the use of the current Accessory Building standards, rather than those in the current recommended draft ordinance. Council also discussed a request by the Public Works Department to zone the newly purchased property at the intersection of Blue Lake Road and 223<sup>rd</sup> Avenue from Neighborhood Commercial to Community Service/Parks, consistent with the Fairview Comprehensive Plan and the City's policy of zoning public property for community service uses. Staff concurs with this recommendation and suggests Council re-open the hearing to accept the recommendation into the record and then close the hearing once again after accepting the recommendation and any comment from those wishing to testify. Planning staff recommends approval of the amendment to the City Zoning Map as requested. manufactured and mobile home signs prohibition in the village; not regulating smaller satellite dishes (over 1 meter in size) language could be added to allow for the smaller dishes. some question about the elimination of the notification requirements in 19.205.050 and that is because in article 4 notification requirements are stated. perhaps we can place a notation to refer people to article 4. one additional issue is CSP for the recently purchased cit property on 223rd and blue lake road.

Councilor Owen questioned what the timeline was for readdressing the issue of accessory structures. Director Andersen responded that it would probably come before Council in February 2002.

Mayor Vonderharr opened the public hearing for testimony on the proposed Community Service/Parks Overlay. Receiving no testimony, Mayor Vonderharr closed the public hearing.

Councilor Raze asked if A-Board signing was dealt with in the proposed Development Code. Director Andersen responded that no further discussion was held on A-Board signage, so the prohibition remains in the new Development Code as written. A-Boards need to be taken in each night and not left out in front of a business. Councilor Raze commented that he hoped the City never allows individuals to stand on sidewalks with advertising signs.

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 6-2001 by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Recorder Huson read Ordinance 6-2001 by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 6-2001, AN ORDINANCE AMENDING THE FAIRVIEW MUNICIPAL CODE, TITLES 17 AND 19, SUBDIVISION AND ZONING, with the addition of: the CSP overlay on City property; a notation in Section 19.205.050 to refer to notification requirements in 19.450.030 and 19.450.050; and, wording in Section 19.150 which states that satellite dishes over 1 meter in size would be regulated. In addition, discussion regarding accessory structures would continue, and "manufactured and mobile home signs" would be removed from the list in Section 19.140.110(D).

AYES: 7  
NOES: 0  
ABSTAINED: 0

**E. ORDINANCE 10-2001**

**Northwest Natural  
Gas Franchise  
Renewal**

Paul Elsner, City Attorney, reported that the City's most recent franchise agreement with Northwest Natural Gas expired on October 16, 2000. Since that time, the City Attorney had been working with Northwest Natural Gas to develop a new agreement. Mr. Elsner stated that Ordinance 10-2001 proposes a ten-year franchise agreement with Northwest Natural Gas which would expire on October 15, 2010. An Emergency Declaration has been included in the Ordinance which makes the renewed franchise effective as of October 16, 2000 in order to continue the natural gas supply and distribution system for the residents of Fairview. Ordinance 10-2001 provides that Northwest Natural Gas shall pay the City an amount equal to 5.94% of the gross revenue collected from its customers for gas consumed within the City of Fairview. If, during the term of the franchise, Northwest Natural Gas agrees in a negotiated franchise to pay any city in Oregon a percentage rate of compensation exceeding that provided for in Ordinance 10-2001, Northwest Natural Gas shall notify the City of Fairview within 30 days of such an increase; the City may then elect to receive the increased compensation for the remaining term of the franchise agreement.

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 10-2001 a first time by title only.

Recorder Huson read Ordinance 10-2001 by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 10-2001, AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE, AND DECLARING

AN EMERGENCY.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**I. DEPARTMENTAL REPORTS**

**A. Police**

Gilbert Jackson, Chief of Police, reported that the City had done fine in its audit regarding the Law Enforcement Data System. Chief Jackson commented that he was part of an original meeting of Mayors and Police Chiefs, followed by a East Metro Cities Regional Issues Forum, regarding gangs in East Multnomah County. Chief Jackson stated that this issue would need to be handled on a regional basis, and that he would update the Council regularly. In response to a question from Councilor Raze, Chief Jackson reported that the situation at Salish Ponds Park has improved greatly, partly due to the weather; however, the Police do continue to write Park Exclusions, but that those exclusions are basically due to alcohol use in the park. Chief Jackson added that activity has also slowed down in Blue Lake Park and Chinook Landing.

**A. Public Works**

Director Cochran reported that staff had reviewed the Stormwater Master Plan and would meet with the consultant. Public Works was also working on the contract for the new City well, and the Public Works Crew had been focusing on irrigation and topsoil in Pelfrey Park. The contractor was currently finishing up the waterline in Crestwood Street and would be starting the line in Shaw Street.

**C. Community Development**

Director Andersen reported that building activity has remained constant and that much staff time had been spend with the construction of the Community Park and the Pavilion construction.

**D. Finance**

Roy Wall, Finance Director, reported that the City audit continues and that he was beginning preliminary work on the following year's budget.

**E. Administration**

Since announcing her retirement and the hiring of Mary Jo Briggs as the new City Administrator of Fairview, Administrator Holstrom stated that this was her last official night in the City Administrator chair at the Council meetings and thanked the Council and City for many memories.

**F. Legal**

Mr. Elsner stated that his written report was before the Council.

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

Councilor Raze reported that the Parks Committee would be revising their recommendation for the Community Center fee schedule, and that the Heslin House should have the drywall completed.

Councilors Lillard and Edwards thanked Administrator Holstrom for all the years she gave to Fairview and added that they would miss

her.

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

Mayor Vonderharr thanked Council for the work they performed in the hiring of the new City Administrator.

VII. EXECUTIVE SESSION  
ORS 192.660(1)(h)

At 9:04pm, Councilor Owen moved and Councilor Lillard seconded the motion to adjourn into Executive Session per ORS 192.660(1)(h) to consult with counsel regarding current litigation or pending litigation.

AYES: 7  
NOES: 0  
ABSTAINED: 0

At 10:10pm, Councilor Quinby moved and Councilor Owen seconded to adjourn out of Executive Session and back into Regular Session.

AYES: 7  
NOES: 0  
ABSTAINED: 0

VIII. ADJOURNMENT

Councilor Owen moved and Councilor Lillard seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:11pm.

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