

**MINUTES**  
**FAIRVIEW CITY COUNCIL WORK SESSION**  
**FAIRVIEW CITY HALL**  
**1300 NE VILLAGE STREET**  
**FAIRVIEW, OREGON 97024**

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**May 15, 2002 -- 5:30pm**

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

Mayor Vonderharr called the meeting to order at 5:30pm.

PRESENT: Mayor Roger Vonderharr  
Councilor Ken Quinby  
Councilor Sherry Lillard  
Councilor Steve Owen  
Councilor Len Edwards

ABSENT: Councilor James Raze  
Councilor Barbara Jones

STAFF PRESENT: Mary Jo Briggs, City Administrator  
Gilbert Jackson, Chief of Police  
Bob Cochran, Public Works Director  
Roy Wall, Finance Director  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

**II. DEPARTMENTAL  
REPORTS**

**A. Police**

Gilbert Jackson, Chief of Police, reported that Officers had been attending Honda ATV training and hope to use the ATVs in the Salish Ponds area. Chief Jackson added that an arrest had been made of the person they suspected of mail theft.

**B. Public Works**

Bob Cochran, Public Works Director, reported that two tests had been done for the water from the new Well No. 8; 2400 gallons of water per minute was being produced with little impact occurring to the Interlachen Wells. Director Cochran stated that the City's Spring Clean-up Event was very successful with 60 yards of garbage, 30 yards of metal, 200 tires, and 29 appliances being disposed of. Director Cochran reported that Mt. Hood Community College and the Department of Fish and Wildlife had released fish in West Salish Pond the previous day.

Councilor Quinby questioned how smoke testing had gone. Director Cochran responded that the smoke testing of sewer lines went very well with only one cross connection being discovered.

**C. Community Development**

John Andersen, Community Development Director, reported that grass had been planted in the Fairview Community Park, and that staff had started receiving more building permit applications; Code enforcement issues had also risen.

Mayor Vonderharr asked if staff had been receiving any response to the Visioning process. Director Andersen responded that staff had received about 30 phone calls of interest.

**D. Finance**

Roy Wall, Finance Director, reported that a survey was conducted of the Budget Committee about the budget process staff had used; 11 of 14 responses were received, with overall comments being very positive. Staff did receive requests to move the meeting time up an hour next year to 6:00pm, and requests were also made that staff estimate end of year amounts vs. year-to-date which was currently used. Also, it is hoped that information would be sent to the Budget Committee two weeks sooner.

**III. DISCUSSION  
Solid Waste Rates and  
Ordinance Rewrite**

Mayor Vonderharr reminded the Council that no decision would be made tonight on solid waste rates; it would be discussion only.

Director Cochran introduced Randy Burbach of Twelve Mile Disposal and Steve Donovan of Donovan Enterprises which had performed our solid waste rate review. Director Cochran mentioned that the City's franchise agreement with Mr. Burbach would expire in December 2004.

Mr. Donovan stated that he had performed a cost of service analysis based on data submitted by the licensee (Mr. Burbach). Through the rate making process that is commonly used, Mr. Donovan was recommending a 13% increase on residential rates, and a 26% increase in drop box rates; no increase in commercial rates were being recommended. Mr. Donovan reported that for 2001, based on the figures submitted, Twelve Mile Disposal had lost \$119,000 in Fairview. Mr. Donovan reviewed all their costs and they were acceptable, except for administrative costs such as management salaries, rent, postage, advertising, etc. Mr. Donovan stated that Fairview's solid waste ordinance was written as a cost-plus contract (operating ratio approach) which allows a 10% pre-tax profit. Metro will be raising their tipping fees from \$62.50 to \$67.00 a ton on July 1, 2002, but that was not included in the rate study as Twelve Mile has negotiated a \$40.00 per ton agreement with a transfer station in Troutdale. Mr. Donovan recommended that Council again review

solid waste rates again next year to see whether there is an effect from the Metro rate increase.

Mayor Vonderharr asked if the surcharge per ton being proposed by the City of Troutdale was taken into account in the rate study. Mr. Donovan responded no, as he did not know where the Troutdale Council was in the process.

Mr. Burbach stated that he was concerned about not taking into consideration the proposed Metro increase and also the possible Troutdale surcharge. Also, as far as he was concerned, office equipment, staff, etc. were a cost of doing business and should be taken into consideration when looking at rates. Mr. Burbach added that if the rates were to reflect his cost of doing business that he would request a rate of \$25.00 per month for residential, but he understands that that would make rates in Fairview the highest in the metro region.

Administrator Briggs stated that it was not her intent to negotiate the contract today.

Councilor Owen asked if the rates today would be the same for Gresham and Fairview. Mr. Donovan responded yes, and that he had included that information in the rate study. Mr. Burbach commented that Mr. Donovan had compared Twelve Mile Disposal to larger solid waste haulers and asked the Council if larger corporations provide as good as service as Twelve Mile; he has received phone calls from past Gresham customers who would like to have him back as their hauler.

Councilor Lillard stated that when she first joined the Council, Fairview had more than one hauler, and we specifically wanted Twelve Mile as our sole hauler. Councilor Lillard thought it was hard to pass on a large increase to the public. Mr. Burbach stated that he realized he needed to be in the rate range of neighboring cities.

In conclusion, Mr. Donovan reported that he was proposing a rate of \$20.40 per month for residential customers ; Mr. Burbach requested the rate be \$20.71 a month which was what the City of Portland haulers were charging.

Director Cochran stated that he had reviewed the current City ordinance in regards to solid waste, and that he was suggesting changes as noted in the Council's packet. Council and staff reviewed the proposed changes. Administrator Briggs commented that staff would return at a later date with a rate proposal and ordinance rewrite for Council's consideration. The new ordinance would include change of ownership language, and language stating that rate review periods would continue annually until 2004 and then occur every two

years.

**IV. DISCUSSION**  
**Fairview Lake Update**

Administrator Briggs reported that the before Council was a draft request to the City asking that we hold the permits for Fairview Lake. Fairview Lake property owners know they will also have to assume some responsibilities in terms of the Lake, but they hope to have property owners sign the request and receive a majority of signatures so that a formal action could be before the Council at a later date. Administrator Briggs mentioned that she had contacted the City's insurance provider to see whether there would be additional charges to the City in terms of liability should we decide to hold the permits for Fairview Lake; she had not yet received a response from the insurance provider.

Pam Beery, City Attorney, stated that Fairview Lake property owners had come a long way in realizing that they will have some responsibility in regards to the Lake. The City has stepped up and has agreed that it would hold the permits as long as it receives a management set of liability. Staff worked through different scenarios in making this work; we need a mechanism to pay for the Lake management, and we don't have the legal authority to collect the fee from Lake residents. The two taxing entities that can collect the fee are Multnomah County and the Multnomah County Drainage District. Our concept is that the City would be a part to two agreements: with the Fairview Lake Property Owners Association and the Multnomah County Drainage District. There would be an assessment of lakefront property, the Drainage District would levy the special assessment, and the City would continue in its riparian review and hold the permits; Water Resources should be supportive of this. The Fairview Lake Property Owners Association has retained an attorney, which is a good thing. The other approach would be for the County to levy the assessments, but staff believes that the entity who is creating the problem (the Drainage District) should be the first option to levy the assessments.

**V. ADJOURNMENT**

Councilor Owen moved and Councilor Edwards seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:15pm.

AYES: 5  
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