

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

November 20, 2002 -- 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 James Raze
Councilor Barbara Jones

ABSENT: Councilor Len Edwards

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

**II. CITIZEN
COMMUNICATIONS**

Mayor Vonderharr asked the Council to excuse Councilor Edwards due to a family medical situation. Mayor Vonderharr welcomed Darrell Cornelius and Jim Trees who were elected to the Fairview Council at the November 5, 2002 General Election.

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

III. CONSENT AGENDA

Councilor Owen moved and Councilor Raze seconded the motion to approve the Consent Agenda, consisting of the Minutes of November 6, 2002.

AYES: 6
NOES: 0
ABSTAINED: 0

IV. PUBLIC HEARINGS

**A. ORDINANCE 12-2002
Adopting a Wellhead**

Bob Cochran, Public Works Director, reported that for two years, the cities of Fairview, Gresham, and Portland had been working on new,

**Protection Plan and
Replacing Chapter
16.10, Groundwater
Protection Plan, of
the Fairview
Municipal Code**

revised regulations that would better protect the groundwater resources that are used by all three jurisdictions for drinking water. The groundwater beneath the cities is highly susceptible to contamination from chemical spills, leaks, and irresponsible business practices. These new regulations will replace the existing ordinance already in the Fairview Municipal Code. The new ordinance will meet the goals of increased protection of the groundwater resource, better reporting standards, and enforcement. The Wellfield Protection Committee has cooperatively worked with business and industry groups impacted by the new regulations to develop a program that not only meets the groundwater protection requirements, but is manageable for these businesses. The City of Fairview's largest industrial business, NAACO Material Handling Group, has been involved throughout the development of the new program.

Once the work was complete, and the ordinance and manual finalized, the Cities held open houses with property owners (both residents and businesses) within the impacted area. This, along with direct mailers, ensured all property owners were notified of the new regulations.

Director Cochran stated that before the Council was Ordinance 12-2002. This ordinance will repeal Ordinance 7-1990 and insert new language in the Fairview Municipal Code 16.10 – Groundwater Protection Plan. The adoption of this new ordinance lays the foundation for two additional items: 1) the adoption of the Wellfield Protection Manual through resolution, and 2) the Intergovernmental Agreement (IGA) with the City of Gresham for the inspection and reporting aspect of this program. Both the resolution and IGA are proposed to come to Council in January.

Councilor Owen asked what feedback had been received from business owners. Director Cochran responded that no business owner had voiced any concern. Councilor Owen questioned what Fairview would be charged by Gresham for enforcing the new ordinance. Director Cochran responded that there would be a very minimal fee as the majority of the enforcement would occur on common areas shared by Gresham and Portland. Mayor Vonderharr commented that it was his understanding that the cost for inspections would be only for that area depicted as shared with Fairview, and since the property shared with us was primarily residential, the cost for inspections will be very minimal.

Mayor Vonderharr opened the public hearing.

Director Cochran read an Email which he had received from Patty McCoy of the Columbia Corridor Association who stated the Association fully supported the wellhead protection ordinance.

Dale Shamp of NACCO stated that he had been involved in the project for the last two years, and that it primarily deals only with those chemicals that are involved in the wellfield area. Councilor Lillard asked if Mr. Shamp was satisfied with the proposed ordinance.

Mr. Shamp responded that it adds about seven more columns to his database and that it would be a little more time consuming, but that it really was part of what they had regularly been doing.

Councilor Raze commented that it was nice that a good, responsible business in the community was concerned about the quality of our water.

Mayor Vonderharr mentioned that everyone understands how critical it is to keep our wellfields safe, as years ago we had TCE plumes heading towards our wells which could have affected our water. In regards to the Gresham Fire Department conducting the inspections, it is very cost effective as they need to know what chemicals are being stored in structures anyway.

Receiving no further testimony, Mayor Vonderharr closed the public hearing.

Councilor Owen moved and Councilor Raze seconded the motion to read Ordinance 12-2002 by title only.

AYES: 6
NOES: 0
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 12-2002 by title only.

Councilor Owen moved and Councilor Raze seconded the motion to adopt Ordinance 12, 2002, AN ORDINANCE REPEALING ORDINANCE 7-1990, ADOPTING A WELLHEAD PROTECTION PLAN, AND REPLACING CHAPTER 16.10, GROUNDWATER PROTECTION PLAN OF THE FAIRVIEW MUNICIPAL CODE.

AYES: 6
NOES: 0
ABSTAINED: 0

**B. ADOPTION OF RESOLUTIONS
Rate Increases for Sanitary Sewer, Water, Stormwater, and Municipally Owned Franchise Fees**

Roy Wall, Finance Director, reported that before the Council were the results of the rate analysis for utilities and the proposed increase for the municipally-owned franchise fee. Director Wall introduced Ray Bartlett of Economic Financial Analysis who had prepared the Utility Financial Plans document.

Mr. Bartlett stated that nothing in his report had changed from the Council's Work Session of November 6th on this issue; his report recommends a four percent increase in sanitary sewer charges (Resolution 9-2002) in both January 2003 and January 2004, a three percent increase in both the water (Resolution 10-2002) and stormwater (Resolution 11-2002) charges in both January 2003 and January 2004, and an increase in the franchise fee for municipally owned utilities (Resolution 12-2002) from 5% to 6% of gross revenues in January 2003. The overall increase to a residential

customer with average usage is \$1.86 per month. The two year rate recommendations are in response to the direction of the Budget Committee; this better aligns the utilities financial decisions with the budget process. Mr. Bartlett added that his report entitled, "Wastewater, Water, and Stormwater Financial Forecasts and Rate Recommendations" details the reasons that necessitate these changes.

Councilor Raze questioned if staff had taken Rockwood Water into consideration also, as they pay a privilege tax to use our system. Director Wall responded that they only took into account city-owned utilities. Mayor Vonderharr stated that the Council had agreed that Rockwood Water users would pay the same amount as a Fairview citizen, and asked why their privilege tax was not being increased. Pam Beery, City Attorney, responded that the City would actually have to approach Rockwood Water PUD and request the increase, we could not simply impose it. In addition, the report only deals with city-owned utilities, not non-city-owned utilities, but that the issue should be reviewed with Rockwood Water in the future.

Councilor Owen commented that in reviewing City funds, he believes it would be in the City's best interest to raise rates as proposed.

Councilor Raze mentioned that the City has been able to pay cash for Capital Improvement Projects due to the funds that have been able to be saved; the Council had experienced some rough times in the past as we were not increasing rates annually, and it was recommended then that we perform more small increases so that the impact wouldn't be as great to the consumer.

Mayor Vonderharr opened the public hearing.

Jim Trees, 1505 NE Village Street, Fairview, questioned what the proposed \$1.78 increase was based on. Mr. Bartlett responded that it was based on each water meter in the City (about 1400 water meters). Director Wall added that that was only for residential customers, but there were similar increases for commercial and industrial businesses.

Mike Townsend, Townsend Farms, stated that they were currently trying to develop their property for commercial/industrial use and asked if more consumers were added to the system if rates would then decrease. Mr. Bartlett responded that the Hospital Laundry may move out of Fairview, which is the major water user in the City, and as growth occurs revenues increase but costs do not increase nearly as much, so increases may be avoided. Receiving no further testimony, Mayor Vonderharr closed the public hearing.

Councilor Owen moved and Councilor Jones seconded the motion to approve Resolution 9-2002, A RESOLUTION REVISING SEWER SERVICE CHARGES RELATING TO THE FAIRVIEW SEWER

SYSTEM.

AYES: 6
NOES: 0
ABSTAINED: 0

Councilor Owen moved and Councilor Jones seconded the motion to approve Resolution 10-2002, A RESOLUTION REVISING WATER SERVICE CHARGES RELATING TO THE FAIRVIEW WATER SYSTEM.

AYES: 6
NOES: 0
ABSTAINED: 0

Councilor Owen moved and Councilor Jones seconded the motion to approve Resolution 11-2002, A RESOLUTION REVISING STORMWATER SERVICE CHARGES RELATING TO THE FAIRVIEW STORMWATER SYSTEM.

AYES: 6
NOES: 0
ABSTAINED: 0

Councilor Owen moved and Councilor Jones seconded the motion to approve Resolution 12-2002, A RESOLUTION SETTING PUBLIC UTILITY FEES CONSISTENT WITH THE TERMS OF FAIRVIEW CITY CODE SECTION 3.20.

AYES: 6
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

**A. TOWNSEND AGREEMENT
Townsend Business Park**

John Andersen, Community Development Director, reported that the appropriate development of the Townsend Business Park is a critical issue for the citizens of Fairview. The potential businesses that is hoped will locate within the business park will provide jobs, services and taxes to allow services to be provided by local governments, including the City. In order for those benefits to happen, the Townsend Business Park needs to have a portion of their property available for commercial development. This was identified and provided for in the original Master Plan approval provided by the City. Because Metro's Framework Plan does not allow large commercial buildings in industrial areas, it is necessary to convince Metro to change its map designation from industrial to employment, which will allow the City to zone the land for commercial development.

Director Andersen stated that the City has agreed to undertake the

task of obtaining Metro's agreement to the changes in the Framework Plan Map if the Townsends provide an agreement which assures the City that the development in the Business Park will produce the jobs and tax base the city needs. An agreement has been drafted and signed by the Townsends and is presented tonight for the Council's approval.

Mike Townsend, Townsend Farms, thanked the Council for the efforts of Director Andersen and Mayor Vonderharr in working together with them to develop a large piece of property for industrial use; both parties were open to each other and our positions. Commercial property will be much more advantageous to obtain cash in order to develop the industrial portion of the property, as they want to attract a high profile user to the property. Mr. Townsend stated that he was excited about the agreement and that Fairview has done well in representing itself.

Councilor Raze commented that the agreement was the best thing that could happen for all of the parties involved; business is needed in that particular area of the City and he felt that the City should move forward with its support.

Mayor Vonderharr mentioned that coming to agreement had been a long process as staff had to work with Metro and make them understand the uniqueness of Fairview and our needs; we want to develop what is best for the City.

Councilor Owen moved and Councilor Lillard seconded the motion to approve the Townsend agreement and authorize the Mayor to sign the document as the City's representative.

AYES: 6
NOES: 0
ABSTAINED: 0

VI. DEPARTMENTAL REPORTS

A. Police

Sergeant Doug Aden reported that before the Council was the October 2002 Police Report, and stated that the department continues to actively recruit lateral reserve officers. Sergeant Aden added that the department continues to participate on a limited basis with the Gresham Gang Task Force which has made 40 arrests (one in Fairview) and recovered five stolen firearms.

Mayor Vonderharr questioned if the significant increase in gang activity as depicted in the October report was due to our association with the Gresham Task Force. Sergeant Aden responded that that was a part of it, but gang activity is being reported differently on the report itself; the officers are being trained to accurately report an issue if it was a gang activity. Mayor Vonderharr mentioned that Community Activity and Relations also showed a significant increase in the report. Sergeant Aden stated that that was due to the School

Resource Officer and more community activities such as the Fairview Business Association meetings and the Apartment Managers Association.

Councilor Lillard asked if the Police Department had any special plans in place for the holiday season. Sergeant Aden responded that the City does not have any special programs planned, but more officers will be patrolling on New Years Eve.

Councilor Raze questioned if there was a specific officer that dealt with Neighborhood Watch. Sergeant Aden responded that he believed Officer Pemberton was handling the Neighborhood Watch Program and that meetings may be scheduled either through Chief Jackson or himself.

B. Pubic Works

Director Cochran reported that on Monday he had interviewed two engineering firms for the design of Reservoir 3, and that Councilor Quinby had sat on the interview panel. Director Cochran stated that a meeting had been held on the new pump house and that it was anticipated that the entire project would be completed by mid-April 2003.

C. Community Development

Director Andersen reported that a small increase in building activity had occurred last month, but that land use activity continues very slowly which he felt was reflective of general economic conditions. Director Andersen commented that he had been spending quite a bit of time on economic development.

Councilor Owen questioned how things were going with the Fairview Lake Property Owners Association. Director Andersen responded that things were going very well and that he attended the monthly Board meetings; the Board has taken on a number of sensitive issues and is taking on a responsible role.

D. Finance

Director Wall stated that he is trying to keep updated on the PERS issue as there is a rumor that cities may have to increase their contribution to the system by 40%. Councilor Raze commented that the Council needs to see factual information and prepare.

Director Wall commented that Director Andersen had been able to obtain a grant for mediation for the Fairview Lake issue from the State Division of Lands in the amount of \$10,000. Director Wall stated that the City was able to double their internet speed at no cost thanks to our vendor who wanted to retain our business.

E. Administration

Mary Jo Briggs, City Administrator, reported that staff continues to plan for the worse but hope for the best on the PERS issue; Council will continue to be updated and involved. Administrator Briggs asked the Council to remember two dates on their calendar: December 6, 2002 for new Council member orientation, and December 18, 2002, which will be the City Holiday Party and Volunteer Appreciation event.

F. Legal

Pam Beery, City Attorney, stated that her written report was before the Council and that she had received word that RCN has announced its bankruptcy and the next step needs to be determined.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Quinby reported that he had attended the League of Oregon Cities Conference which included a course on leadership.

Councilor Lillard reported that she had attended to East Multnomah County Transportation Committee meetings and that they had voted on the MTIP funding agreement for 2006/2007.

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

Mayor Vonderharr reported that he had also attended the League of Oregon Cities Conference and Fairview had received the Gold Safety Award.

Mayor Vonderharr commented that part of the discussion tonight was on the agreement with Townsend Farms, adding that that piece of property was vital to the fiscal stability of the City. Metro's significant lands inventory was not beneficial to Fairview, and we had to work hard to maintain our flexibility.

Councilor Lillard mentioned that one of the Council goals for the year was to increase community involvement, and that she felt that goal was coming to fruition as seven applications had been received from citizens to serve on the Planning Commission.

VIII. EXECUTIVE SESSION - Per ORS 192.660(1)(I) - Performance Evaluations of Public Officers and Employees

At 9:05pm, Councilor Owen moved and Councilor Lillard seconded the motion to adjourn into Executive Session per ORS 192.660 (1)(I).

AYES: 6
NOES: 0
ABSTAINED: 0

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Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder