

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

December 3, 2003 -- 7:00pm

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

Mayor Weatherby called the meeting to order at 7:05pm.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Sherry Lillard
Councilor Steve Owen
Councilor James Raze
Councilor Jim Trees

STAFF PRESENT: Mary Jo Briggs, City Administrator
Bob Cochran, Public Works Director
John Andersen, Community Development
Director
Caren Huson, City Recorder

**II. CITIZEN
COMMUNICATIONS**

Mayor Weatherby called for persons wishing to speak on non-agenda items.

Gus Lian, Gresham Fire Marshall, stated that he had been appointed the Fire Marshall a few months ago and thanked Fairview for the commitment they have to the community; he was proud of the Fire Department's relationship with Fairview and the contracts that they have had with the City. Marshall Lian reported that he was personally dedicated to foster the relationship and work on the common goals we have; they continue to be committed in providing the best possible service they can to Fairview. Marshall Lian commented that if Council or staff ever had any comments, questions or suggestions for him, to please phone him. Councilor Owen stated that it makes him proud to have the Gresham Fire Department serve Fairview as they are very professional and do excellent work; they are greatly appreciated.

Shawn Stanfill, Fairview, stated that for some months there has been talk of a supposed parking problem in Fairview Village; it has cost Village property owners value; and it has affected real estate sales. Mr. Stanfill commented that he had met with the Mayor, City Administrator, and Community Development Director and discussed the issue. The Mayor had indicated that he would do all he could to

be fair in the issue. Mr. Stanfill mentioned that in July 2003, his father was diagnosed with a terminal disease, and to be burdened with a real estate issue which became apparent after their property failed to sell, added to his stress. Mr. Stanfill suggested that the Planning Department and Planning Commission get out of the business of the parking issue; he would like to see the leadership of the City Council deal with the issue and leave the supposed parking problem alone. Mr. Stanfill added that Fairview needs a parking problem, and that it does not have one currently. Mr. Stanfill asked the Council to please deal with the issue quickly and try to be fair. Mayor Weatherby commented that the only issue before the Council so far has been the Holt & Everhart appeal; the parking subject is currently being dealt with by the Planning Commission in public hearings. The Planning Commission recommendations will be brought to the Council on December 17th. Mayor Weatherby stated that he appreciated Mr. Stanfill's concern and feelings he has, along with the sorrow in the death of his father. Mr. Stanfill stated that the hearsay on the streets is that the City is going to limit the use of the business and homes on Village Street. Village Street needs to be left along for a number of years; he does not see the City having any parking problems for years to come. The community needs to develop at its own rate.

Councilor Lillard apologized if the parking issue had any bearings on Mr. Stanfill's father's health; she, too, did not see a parking problem at this point. The steps Council has taken on the issue have been logical and not overbearing. Mr. Stanfill mentioned that the Village is in its infancy.

Councilor Owen stated that Council was anxious to stop talking about parking; the Planning Commission is doing a great job in listening and their recommendations will be to Council on December 17th.

Councilor Raze stated that the parking issue itself was a problem and the Council needs to solve it; however, what may satisfy Mr. Stanfill will not satisfy everyone. Parking was a very complex issue.

Greg Feigion, Fairview, stated that he and his wife recently opened a day spa in Fairview Village and that he has spoken to quite a few people regarding the parking issue. It was his understanding that the Planning Commission had other ideas about the issue and was thinking of rezoning the area. Mr. Feigion read a statement into the record and it is attached hereto. Councilor Raze commented that he had spoken to Mr. Feigion and had told him to bring any information he had to Council. Mr. Feigion stated that he was only speaking on his own behalf, and that a link to the parking issue was running a business in the Village. At the Planning Commission meeting, there was a comment made that Village business owners would not be

able to renew their business license for 2004. Personally, Mr. Feigion did not see a parking problem in the Village.

Councilor Lillard referenced going to the Bible for answers and information.

III. CONSENT AGENDA

Mayor Weatherby announced that there was a staff request to remove Item B from the Consent Agenda as a new dollar amount is requested. Councilor Trees requested that Item D also be removed from the Consent Agenda for discussion.

Councilor Raze moved and Councilor Owen seconded the motion to approve the amended Consent Agenda consisting of Resolution 26-2003, A RESOLUTION FOR A CONTRACT ADDENDUM APPROVAL FOR AMENDMENT NO. 2 WITH MURRAY, SMITH, AND ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION FOR RESERVOIR #3 and the Minutes of October 15, 2003 .

AYES: 6
NOES: 0
ABSTAINED: 0

Bob Cochran, Public Works Director, reported that in reviewing Resolution 27-2003, the dollar amount needs to be changed from \$148,479 to \$162,169 as that would include the cost of adding a chlorine room for Reservoir #3.

Councilor Raze moved and Councilor Lillard seconded the motion to approve Resolution 26, 2003, A RESOLUTION FOR A CONTRACT ADDENDUM APPROVAL FOR AMENDMENT NO. 2 WITH MURRAY, SMITH, AND ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION FOR RESERVOIR #3, with the amended dollar amount of \$162,169.

AYES: 6
NOES: 0
ABSTAINED: 0

In regards to the Intergovernmental Agreement with Metro and recycling, Councilor Trees commented that he was confused about payment to the contractor. Director Cochran responded that the City was the contractor and that Metro would pay us. Councilor Trees asked how Metro received the funds to pay the City. Director Cochran responded that the funds were part of the tipping fees paid by the solid waste haulers. Councilor Trees questioned what the

funds would be applied to. Director Cochran responded that the money will go straight into the City's General Fund which pays for part of the City's recycling program. Councilor Cornelius asked if the amount the City receives from Metro pays for all of Fairview's recycling program. Director Cochran responded that it pay for most of it; Fairview does not have many businesses, so we do not need to spend a lot of staff time in outreach.

Councilor Trees moved and Councilor Raze seconded the motion to approve the Intergovernmental Agreement with Metro to fund the Metro and Local Government Partnership Plan for Waste Reduction: Planned Maintenance Activities for Year 14.

AYES: 6
NOES: 0
ABSTAINED: 0

IV. COUNCIL BUSINESS

A. AGREEMENT Building Inspection Program

John Andersen, Community Development Director, reported that Council had directed staff to review the contractual relationship with the City of Troutdale regarding the Building Inspection Program to insure equity. Staff member Roy Wall stated that on October 1, 2003, Council had held a Work Session to discuss the Building Inspection Program. The contract the cities were working under was from 1989 and needed to be reviewed for a number of reasons. Mr. Wall explained that there were four areas to be highlighted in the new agreement: 1) a two-year truing up of payments vs. cost has been added; 2) a requirement of quarterly reports by Troutdale on revenues vs. expenditures has been added; 3) a 90-day termination clause has been added; and, 4) the agreement would be effective e as of July 1, 2003. Mr. Wall concluded that staff was recommending that the Mayor and City Administrator enter into an updated intergovernmental agreement with the City of Troutdale for the provision of building inspection services.

Councilor Trees asked about the 15% administrative overhead. Mr. Wall responded that the 15% was an expense component and had nothing to do with the 80% that is paid to Troutdale; it has to do with the contract inspectors and the facilities that Troutdale provides them. It is not an additional 15%, but within the 80%. Councilor Trees questioned Item 8 of the agreement. Mr. Wall responded that if injury occurred to a building inspector due to Fairview's neglect, then we would hold harmless the City of Troutdale; if it is due to Troutdale's neglect, then Fairview would be held harmless.

Councilor Cornelius questioned if Fairview pays Troutdale the 80% charge up front before the inspections occur, and that every three

months Troutdale provides us with a report, do we also pay an additional 15% up front. Mr. Wall responded that Fairview will pay Troutdale 80% of the permit fee, but that the 15% comes out of the 80%. Councilor Cornelius asked if, after two years, Troutdale would reimburse Fairview for any amount we have overpaid them. Mr. Wall responded yes. Councilor Raze commented that it was basically a form of debit and credit accounting over a two year period. Councilor Cornelius stated that, so far, Fairview has paid Troutdale \$300,000 for inspections that will be done in the future; that money will go into Troutdale's General Fund and accrue interest. The agreement before the Council tonight will not allow Fairview to recoup any interest gains that Troutdale has made on the money they owe us. Councilor Raze responded that there may be a little lead time between Troutdale receiving the funds and actually having to pay them back out for expenses, but it will be very slight. Councilor Cornelius stated that he was concerned about the completeness of the reports that Fairview will receive from Troutdale and asked who will oversee the reports. Mr. Wall responded that Fairview's Finance Director, Laura Zentner, would oversee and review the reports.

Councilor Trees mentioned that during the Council Work Session, Council had spoken briefly about a reinspection program and asked if that should be a part of this agreement or a separate function. Director Andersen responded that he did not believe the City had budgeted for such a program, so we would have to look into doing a supplemental overhead item for the City, subject to the State's approval. Councilor Trees stated that he would like to see a Reinspection Program come back to Council after it has been more thoroughly reviewed.

Councilor Owen moved and Councilor Raze seconded the motion to authorize the Mayor and City Administrator to enter into an intergovernmental agreement with the City of Troutdale for the provision of inspection services.

AYES: 6
NOES: 0
ABSTAINED: 0

**B. Columbia-Cascade
River District Vision**

Director Andersen reported that the City of Fairview has participated with Gresham, Troutdale, and Wood Village, as well as other private sector members of the East Metro Economic Alliance, in the development of a Vision for the area north of I-84, between 185th and the Sandy River. During the preparation of this document, Mayor Weatherby had been an active participant, and a report on a draft version of the document was provided to the Council at a previous

meeting. The intent of the document is to improve our ability to have a coordinated approach to economic development in this area. Further, the Vision provides a description of how this area sees its future; thereby facilitating our communication with others regarding what we see as appropriate and in seeking funding sources for needed projects. Director Andersen stated that staff was asking that the document be “accepted” rather than “adopted” because that will maximize our ability to use the Vision as a living document, while not creating the more stringent conditions created with formal adoption.

Councilor Trees questioned whether the Vision document deals with the Port of Portland and their proposal to purchase the Alcoa property. Director Andersen responded that the issue with the Port is a freight facility; the Vision discourages distribution facilities, but also states that there is a need for improved intermodal facilities.

Councilor Cornelius asked where in the Vision document it would allow for an intermodal rail facility as he found the document to say it would not permit such a use. Director Andersen responded that page 4 of the document would allow an intermodal facility. Councilor Cornelius stated that should he vote to accept the Vision document, it does not mean that he accepts the Port’s proposal of an intermodal rail facility.

Councilor Lillard commented that she thought recreational use would be encouraged near the Columbia River, but obviously if the Port moves forward with an intermodal facility, there would not be access to the site for recreational opportunities. Director Andersen responded that the Port’s basic concept was for a looped facility that would occur north off Marine Drive and south of the dyke; the area identified for commercial tourism is north of the dyke, so there would not be a conflict. Councilor Lillard stated that she was very much in favor of the Vision document.

Councilor Raze mentioned that the key to the Vision document is that it will be “accepted” and not “adopted”. It is a good vision and open mindedness must remain.

Councilor Owen commented that, at this point, the Council has not received enough information on the Port’s proposal, and we need to be open to what they have to say. Councilor Owen did not see the Port’s proposal as interfering with the Vision document.

Councilor Owen moved and Councilor Raze seconded the motion to accept the Columbia-Cascade River District Vision as a guiding document for economic development in the portion of the East Metro Area north of I-84.

AYES: 6

NOES: 0
ABSTAINED: 0

**C. PLANNING
COMMISSION
RECOMMENDATIONS
Village Street Parking**

Director Andersen reported that the Fairview Planning Commission has been holding hearings and meetings on the Village Street parking issue and would have recommendations to the Council at their December 17th meeting. The Commission is asking that the Council table this item until that date.

Councilor Lillard stepped down from the dais at this time.

Councilor Cornelius questioned if the Planning Commission had concluded their public hearings. Director Andersen responded that they have closed the public hearings on Ordinance 7-2003, but held another hearing to accept comments from citizens.

Councilor Raze moved and Councilor Owen seconded the motion to table the Village Street parking issue and other related parking concerns until reviewing the Planning Commission's recommendation at the December 17, 2003 Council meeting. Councilor Lillard was not at the dais to vote.

AYES: 5
NOES: 0
ABSTAINED: 0

**D. Draft Comprehensive
Plan**

Director Andersen reported that staff was presenting Council with a copy of the Draft Comprehensive Plan and presented a basic overview of the Plan. Director Andersen stated that staff was still in discussions with the Planning Commission regarding the Plan; it is a very important document and State land use laws require every jurisdiction to have a Comprehensive Plan. The City's current Comprehensive Plan was initially approved by the State in 1979.

Councilor Lillard returned to the dais. Director Andersen reviewed all of the chapters of the Draft Comprehensive Plan. Director Andersen also displayed the new Comprehensive Plan Map.

Councilor Raze asked if there were any changes as to what was already on the books. Director Andersen responded no; the Comprehensive Plan was simply a compilation of all Fairview land use documents.

Councilor Cornelius questioned if it was safe to assume that there were no inconsistencies with what has already been adopted; the history is what the history is and if there was a mistake in history, that same mistake would appear here. Director Andersen responded that if staff had missed something, that would result in an amendment and

there would be a mechanism to correct that.

Councilor Owen asked if the Planning Commission had reviewed the Draft Plan. Director Andersen responded that the Commission has been reviewing the Plan for the last six months and had also held public hearings on the Plan. In addition, when the Final Plan comes to Council for adoption, the Council will have the ability to clarify and change the Plan.

E. Honoring Len Edwards

Mary Jo Briggs, City Administrator, stated that over the last couple of months, Council and staff have had discussions on how to honor very special people and volunteers. For Bonita Jenkins, Council chose to dedicate the Community Center Plaza to her; other discussions have since occurred on how to honor Councilor Len Edwards. Staff would like some indication of how Council would like that done.

Mayor Weatherby stated that there needs to be guidelines put in place on who should receive special recognition. Councilor Owen commented that Council has already decided that the Community Center Plaza would be dedicated to Ms. Jenkins and he would not want to see that changed. Councilor Owen thought that one way to honor Mr. Edwards could have something to do with Salish Ponds and the stocking of fish; perhaps another dock could be placed at the Ponds.

Councilor Lillard mentioned that as the Council looks at honoring individuals that they need to be consistent in the process. Councilor Raze indicated that he would like to tie an honor to a "special" person.

Mayor Weatherby stated that he would appoint Councilors Owen and Lillard, along with Administrator Briggs, to a sub-committee to take a look at ideas and guidelines for honoring individuals and Mr. Edwards, and to return to the Council on January 21st with their ideas.

V. CITY ADMINISTRATOR REPORT

Administrator Briggs reported that a tour of the Alcoa property would occur on December 19th at 1:30pm. Councilor Owen mentioned that he found it interesting that the Port has already taken Gresham officials on a tour of the site when they are adamant that all other Council members receive the same information at the same time. Administrator Briggs reminded the Council that the City's Volunteer Reception would occur on December 18th at 6:30pm.

VI. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Cornelius reported that at the November 5, 2003 Council meeting, Peggy Trees had appeared and spoke to Council about Planning Commission not following the rules of Resolution 11-2003.

Her concern was in respect to the VMU/Commercial complex on Market Street that had been approved by the Planning Commission; she questioned whether the Planning Commission had followed the guidelines of the resolution regarding off-street parking. Councilor Cornelius stated that he reviewed the Planning Commission decision and then met with Ms. Trees and gave her his opinion. He found that no on-street parking spaces would be credited and the Planning Commission's action was consistent with Resolution 11-2003. Councilor Cornelius believed that Ms. Trees was somewhat satisfied.

Councilor Lillard reported that the East Multnomah County Transportation Committee meeting had been cancelled and mentioned that she had attended the Fire Feasibility Study meeting.

Councilor Owen asked about the Fairview Business Association Open House Event to be held on December 5th. Councilor Trees responded that the Open House would begin at 7:00pm, that there would be caroling and Santa would attend. Everyone is to meet at the Pavilion at 7:00pm for the official tree lighting ceremony.

Councilors Raze and Trees had no reports or concerns.

Mayor Weatherby stated that Planning Commissioner Steve Mayes had not been able to attend Commission meetings for the past six months and thanked him for his service to Fairview. Mayor Weatherby announced that Commissioner Mayes' position was now vacant.

Mayor Weatherby commented that the City's participation in the Fairview Village Business Association's Open House was based on a recommendation from Council, and now it appears no Councilors would be able to attend. Councilors Owen and Trees indicated that they would be in attendance. Mayor Weatherby suggested that next year it may need to be handled differently due to lack of Council participation this year.

Mayor Weatherby stated, on the issue of the Port, that it was a very complex issue; a lot of politicking was occurring, with the Governor supporting the Port. Gresham has an interest in the proposal in terms of the Science and Technology Park, but his greatest pressure was from the cities of Wood Village and Troutdale who expect him to march in lock step with them in their disagreement of having the Port come in. Mayor Weatherby stated that he would not do that as this Council will make their decision based on what is best for Fairview once all of the information is in.

Councilor Cornelius commented that he has concerns about the Port; when they appeared before us, they told us they intended to make an

offer on the property. Despite the fact that they came before us, they have done nothing to tell us what the impact would be on the cities and they have no intention of doing that prior to the time they purchase the property. Councilor Cornelius thought the Council should take a vote on whether or not they support the Port's proposal as he did not think it could wait any longer. Councilor Cornelius urged the Council to have the topic on their agenda no later than January 2004. Councilor Owen concurred that the Council does need to make a decision, but a tour of the Alcoa site is planned for December 19th and hopefully that would be beneficial. Councilor Owen recommended that all information be presented to the Council by the second meeting in January so that they may make a stance on the issue. Councilor Lillard added that one of the greatest issues of the Port proposal would be the impact to the transportation system and the ways of the roads; we need to have a number on how many trucks to expect.

VII. ADJOURNMENT

Councilor Owen moved and Councilor Raze seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 9:10pm.

AYES: 6
NOES: 0
ABSTAINED: 0

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Mayor Mike Weatherby

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Dated:

Caren C. Huson Quiniones
City Recorder