

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

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**July 21, 2004 -- 5:30pm**

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

Mayor Weatherby called the meeting to order at 5:40pm.

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

STAFF PRESENT: Bob Cochran, Interim City Administrator  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

**II. DISCUSSION -  
Solid Waste**

Bob Cochran, Interim City Administrator, introduced Randy Burbach, owner of Twelve-Mile Disposal, whose family has been hauling trash in Fairview for over 50 years. Twelve-Mile supports community events such as the Summertime Festival, and provides drop boxes at SOLV events in Fairview at no cost. Administrator Cochran stated that the Council adopted a five-year franchise term with Twelve-Mile which expires in December 2004, and Randy Burbach, owner of Twelve-Mile, has requested an extension of that franchise for an additional five years. Administrator Cochran commented that the Council could renew the contract with conditions, renew the contract without restrictions, or not renew the contract. Administrator Cochran added that the City's Code lists four criteria which need to be reviewed when entering into a franchise agreement.

Councilor Cooper questioned if any complaints had been received on Twelve-Mile's service. Administrator Cochran responded no. Mr. Burbach stated that they have had complaints on the recycling truck as sometimes glass spills out of it and breaks on the ground; however, the haulers are to clean up that glass. Mr. Burbach added that he hopes to replace the recycling truck within the next couple of years.

Mayor Weatherby commented that he has heard nothing but good

things about Twelve-Mile and the service they provide.

Administrator Cochran reported that in 2002, Council had approved a solid waste rate increase based on a study performed by a consultant. At that time, the numbers showed that Mr. Burbach had a loss and an increase of 13% on residential service was proposed, with a 26% increase on drop boxes also being proposed. Mr. Burbach could not justify a 26% increase to his commercial customers, so that rate has never been used for his repeat commercial customers.

Administrator Cochran stated that the City Code allows a 10% rate of return for solid waste haulers; Twelve-Mile has been way below that margin for quite some time. Mr. Burbach had prepared two options for Council to consider regarding rates: one to achieve a 10% rate of return and the other to achieve a 7% rate of return. Mr. Burbach commented that their profit loss was not due to Fairview, but rather due to Gresham when Fairview had an Intergovernmental Agreement with them for solid waste. Gresham controlled the amount of service and many times undercharged for certain items.

Councilor Cooper asked if Twelve-Mile passes along Metro's fees to the consumer. Mr. Burbach responded that he uses a facility in Troutdale which is not tied into Metro and as of yet has not been informed of any increase from them, but they probably will raise their rates when Metro does.

Councilor Raze stated that the Council represents the citizens of Fairview who will not appreciate a large increase in rates, yet he feels a hauler should not be underpaid. Councilor Raze asked if there was any option between a zero and 7% rate of return. Mr. Burbach responded that should the Council opt for no increase, he will still continue to provide the same level of service and return to Council in two years to see how the rates look. Mr. Burbach added that Twelve-Mile has worked with Fairview a long time and he will continue to work with the City. Whatever the Council feels is appropriate was good enough for him.

Councilor Trees stated that it looks like Fairview already pays more than most other areas, and that he would like to see the rates remain the same for another two years and then revisit the cost of service.

Councilor Raze suggested that Council keep in mind that Waste Management is trying to monopolize the business and that their service is not at the high level of Twelve-Mile's.

Councilor Cornelius commented that the franchise agreement allows for a 10% rate of return and that Twelve-Mile was entitled to a

reasonable profit; 3% rate of return did not seem reasonable. Councilor Cornelius stated that the City should review Twelve-Mile's financial statement vs. the formula as stated in the Code. Councilor Owen concurred.

Councilor Owen mentioned that Fairview's solid waste rates are higher than Troutdale and asked if Fairview decided to go with Waste Management as Troutdale does, would our rates be in line with them.

Mr. Burbach responded that if he was to sell his business, whoever bought the business would inherit Fairview's current rates as Council sets those rate. In addition, Waste Management thinks their rates are too low for Troutdale.

Administrator Cochran stated that he would review the financial statement with the City's Finance Director and return to Council in August with additional information.

Councilor Lillard commented that she would like to see any increase in cost occur at small incremental steps instead of large jumps.

**III. DISCUSSION**  
**East Metro Economic**  
**Alliance**

Mayor Weatherby asked John Andersen, Community Development Director, for an update on East Metro Economic Alliance (EMEA).

Director Andersen stated that information was before the Council which provided a background on EMEA. The City of Gresham has opted out of assisting EMEA with a secretary, so EMEA had distributed an announcement seeking assistance. The City of Fairview has prepared a proposal that they would like to submit to EMEA; it is slightly different than what they are asking for. Fairview is not proposing to provide them with secretarial and bookkeeping services, but rather provide them with an Executive Director, Fairview staff member Eric Underwood, who would facilitate meetings and arrange for speakers. This position would be more of a direct person to deal with the executive board and serve as spokesperson for the group. Fairview's motivation in submitting a proposal was to refocus EMEA into a more balanced approach and not focus so much on Gresham. Fairview has proposed to give EMEA 5-7 hours a week at \$32 an hour to cover Eric's salary and benefits.

Councilor Cooper commented that he was in favor of submitting the proposal to EMEA as East County needs representation at Metro in terms of economic development.

Councilor Lillard asked if the City could afford to not have Eric do his work at the City for those 5-7 hours. Director Andersen responded that the job would basically be the same thing that Eric currently does.

Councilor Trees questioned how EMEA was funded. Director Andersen responded that EMEA has a dues structure; the City has agreed to provide EMEA with a desk at City Hall and meeting space in lieu of paying dues.

Councilor Cornelius stated that he was very much in favor of sharing services, but Eric is supposed to work for Fairview and he could be conflicted on obtaining potential businesses in Fairview when he also is working for EMEA. In addition, Councilor Cornelius suggested that EMEA be charged a 30% administrative fee above the \$32.00 an hour we are requesting. Director Andersen commented that there would probably not be a conflict of interest as the protocol with EMEA is that members are allowed to advocate for their own community, but not allowed to steal clients from other communities.

Councilor Owen questioned what the term of the agreement would be with EMEA. Director Andersen responded that it was proposed that a 90-day notice to terminate be included in the agreement. Councilor Owen thought the benefit to Fairview would be great if our proposal was accepted. Mayor Weatherby added that he thought it was a good proposal and that the City could always terminate the agreement if it did not work out.

**IV. DISCUSSION**  
**Village Street**  
**Fire Code Violations**

Mayor Weatherby reported that an architect has been hired by the City to review the businesses along Village Street. The City will also contract with a fact-finder the following week who will put together a chronological order of events which led to the current business code issues.

Councilor Cornelius asked what the City knows about the fact-finder. Director Andersen responded that the fact-finder, Allan Clair, was recommended to the City by the League of Oregon Cities as being one of the foremost specialists in building and fire codes. Mr. Clair stood out above the other fact-finders recommended by the League. Councilor Cornelius questioned whether Mr. Clair had investigator qualities and knew how to dig and ask the right questions. Director Andersen responded that he believed so.

Councilor Trees questioned who made the decision on choosing Allan Clair. Mayor Weatherby responded that Director Andersen had obtained the resumes from the various fact-finders, but it was Councilor Raze, Administrator Cochran and himself who chose Mr. Clair. Councilor Cornelius stated that Director Andersen needed to distance himself from the investigation. Councilor Trees asked who actually spoke with the three possible fact-finders. Administrator Cochran responded that Director Andersen had contacted the fact-finders.

Councilor Cooper questioned the timeline for the fact-finder. Director Andersen responded that the fact-finder would begin his investigation the following Monday and have until mid-August to provide his report to the City.

**V. DISCUSSION**  
**Council Decorum**

Mayor Weatherby stated that there were three issues he wished to discuss: how Council treats each other; how Council treats staff; and, how Council treats the people who testify before them. Mayor Weatherby commented that a few meetings ago, Council had been pretty rough on presenters; the Council is a fine council with good heads and good people, and has the right to disagree, but he felt respect must be a major consideration. In private, Council members will be who they are; whether they like each other or not, they need to keep that personal. Councilor Owen concurred that they have had a few rough sessions, but whenever he has had an issue during a meeting with a fellow Councilor that he has worked things through with them after the meeting.

Councilor Cornelius commented that the Mayor has the gavel; if he feels someone is out of line, he should gavel them down.

Councilor Trees stated that he would like to have time to rebut statements made about him during a Council meeting; he should have an opportunity to respond.

Councilor Cornelius stated that the City Attorney's job is to only speak when they are asked a question or if Council is about to do something unlawful. The City Administrator and City Attorney should not interrupt Council discussions.

**VI. CONSENT AGENDA**

Councilor Owen moved and Councilor Cooper seconded the motion to adjourn. Mayor Weatherby adjourned the Work Session at 7:40pm.

AYES: 5  
NOES: 0  
ABSTAINED: 0

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Mayor Mike Weatherby

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Dated:

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Caren C. Huson Quiniones  
City Recorder