

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

June 16, 2004 -- 7:00pm

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

Mayor Weatherby called the meeting to order at 7:00pm.

PRESENT: Mayor Mike Weatherby
Councilor Sherry Lillard
Councilor Steve Owen
Councilor James Raze
Councilor Larry Cooper

ABSENT: Councilor Jim Trees
Councilor Darrell Cornelius

STAFF PRESENT: Mary Jo Briggs, City Administrator
Bob Cochran, Public Works Director
Laura Zentner, Finance Director
John Andersen, Community Development
Director
Melissa Slotemaker, Associate Planner
Linda Hulme, Engineering Technician
Pam Beery, City Attorney
Caren Huson, City Recorder

Mayor Weatherby announced that all testimony is to be limited to three minutes, and stated that Councilors Cornelius and Trees were excused.

**II. CITIZEN
COMMUNICATIONS**

Mayor Weatherby 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 Lillard seconded the motion to approve the Consent Agenda, consisting of: Resolution 18-2004, A RESOLUTION REGARDING INSURANCE FOR CITY RESERVE POLICE OFFICERS; Ordinance 7-2004, AN ORDINANCE CREATING A NEW SECTION IN THE FAIRVIEW MUNICIPAL CODE (1.01.110) ESTABLISHING THE LEGAL RATE OF INTEREST IMPOSED BY ORS CHAPTER 82 AS THE INTEREST RATE FOR MONEY OWED THE CITY; an Intergovernmental Agreement with Reynolds School District; and, Resolution 15-2004, A RESOLUTION APPROVING THE THIRD (2004) REPORT

REGARDING METRO'S TITLE 7, AFFORDABLE HOUSING..

AYES: 5
NOES: 0
ABSTAINED: 0

IV. PUBLIC HEARING

A. Draft Comprehensive Plan

Melissa Slotemaker, Associate Planner, reported that the City Council had concluded its review of all sections of the Draft Comprehensive Plan on April 21, 2004, and gave staff their final comments. Staff has now incorporated all comments received from the City Council into the June 2004 updated copy of the Draft Comprehensive Plan. In addition, the following new information was included in the June draft: a list of support documents at the end of each chapter; a description of each support and reference document in the Appendix; a glossary of common planning terms and acronyms; and, a new category of Action Items under the Policy section. Planner Slotemaker stated that final comments received tonight on the draft document would be received and incorporated into the Plan for formal adoption in July 2004.

Mayor Weatherby opened the public hearing.

Helen Maguire, Fairview, complimented staff on compiling the Draft Plan. Ms. Maguire commented that she had reviewed the June 2004 copy of the Draft Plan and had placed Post-It notes throughout the document where she believed items had been omitted from the final version. Ms. Maguire asked the Council to postpone their final decision for one more meeting so that her concerns could be reviewed; her changes were not items such as typographical errors and wordsmithing, but rather what she believes are important changes.

Councilor Cooper asked whether staff had reviewed Ms. Maguire's materials. John Andersen, Community Development Director, responded that he had not seen the latest changes proposed by Ms. Maguire. Councilor Cooper stated that he believes staff has addressed all those items that Council directed staff to change, and acknowledged that Ms. Maguire may have other items she would like to bring to staff's attention, but that he was satisfied with the final version of the Draft Comprehensive Plan.

Councilor Owen questioned if there were specific issues that Ms. Maguire would like to mention as he was surprised that she would have so many more substantial changes since Council held public hearings for two months on the Draft Plan. Councilor Owen added that the Plan was a living document and could change at the pleasure of the Council. Councilor Owen added that he believed everything

has been covered in the Plan and was in favor of making a decision on adoption of the Plan tonight.

Councilor Raze stated that what has been assembled together in the Plan is the feeling of the Council today; he was not saying the document was perfect, but Council was always open to amendments.

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

Councilor Lillard commented that she was very impressed with the total scope of the Plan document and commended the Planning Department as this document would be an asset to the City. Councilor Lillard moved and Councilor Cooper seconded the motion to read Ordinance 10-2004 by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 10-2004 by title only.

Councilor Lillard moved and Councilor Owen seconded the motion to adopt Ordinance 10-2004, AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FAIRVIEW.

AYES: 5
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

A. RESOLUTION 17-2004 Master Water Revenue Bond Declaration for Refunding of the 1994 Water Revenue Bonds

Laura Zentner, Finance Director, reported that in 1994, the City adopted Resolution 11-1994 which authorized the City to issue Water Revenue Bonds. In October 1994, the City issued \$1,725,000 in Water Revenue Bonds to construct improvements to the City's Water System. The coupon rates on the Water Revenue Bonds are between 5.5% and 6.375%. The current debt outstanding is \$1,305,000. Since interest rates have decreased significantly, it is prudent for the City to refinance the outstanding debt to achieve savings in debt service. Director Zentner added that Resolution 17-2004 would authorize the issuance of Water Revenue Refunding Bonds. Director Zentner introduced Harvey Rogers of Preston, Gates and Ellis who would act as the City's Bond Counsel.

Mr. Rogers reported that current interest rates were around 4.8% and that the savings to the City were calculated using that amount. Mr. Rogers added that the interest rate could change between now and

the day of bid opening.

Councilor Lillard thanked Director Zentner for her due diligence and for always trying to find ways to save the City money.

Councilor Lillard moved and Councilor Owen seconded the motion to approve Resolution 17, 2004, A RESOLUTION AUTHORIZING THE ISSUANCE OF WATER REVENUE REFUNDING BONDS AND A MASTER WATER REVENUE BOND DECLARATION.

AYES: 5
NOES: 0
ABSTAINED: 0

**B. ORDINANCE 4-2004
Second Reading**

Director Andersen distributed an annotated Ordinance 4-2004 which depicted the language that was being deleted or added. Director Andersen reminded Council that the first reading of Ordinance 4-2004 had occurred on June 2, 2004.

Councilor Owen moved and Councilor Raze seconded the motion to adopt Ordinance 4,2004, AN ORDINANCE AMENDING THE FAIRVIEW ZONING ORDINANCE AND DEVELOPMENT CODE REGARDING TOWN CENTER PARKING STANDARDS AND AMENDING ORDINANCE 6-2001.

AYES: 5
NOES: 0
ABSTAINED: 0

**C. ORDINANCE 6-2004
Second Reading**

Mary Jo Briggs, City Administrator, stated that at the Council's June 2nd meeting, Police Chief Ken Johnson had provided information on Ordinance 6-2004, and that a first reading of the ordinance had been held.

Councilor Owen moved and Councilor Raze seconded the motion to adopt Ordinance 6-2004, AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 9.30, "ALARMS".

AYES: 5
NOES: 0
ABSTAINED: 0.

**D. ORDINANCE 8-2004
Control of Non-
Stormwater
Discharge**

Bob Cochran, Public Works Director, introduced Linda Hulme, Engineering Technician. Director Cochran reported that on March 2, 2004, the Oregon Department of Environmental Quality issued a stormwater discharge permit (NPDES Permit #101315) to the Cities of Gresham, Fairview and Multnomah County. A requirement listed in that permit was that the cities and county maintain adequate legal authority to control the discharge of pollutants to the stormwater

system and demonstrate that authority by June 30, 2004. The City Attorney performed a substantive review of the City's existing codes and found that although the City has some underlying legal authority to manage stormwater through existing ordinance and regulations, not all of the criteria had been addressed. Director Cochran stated that Ordinance 8-2004 would provide the legal authority to control the contribution of pollutants and the quality of stormwater discharges. In addition, the ordinance prohibits illicit discharges, requires compliance, and allows the City to carry out monitoring when necessary and allows for enforcement when necessary.

Director Cochran added that a change should be noted to the proposed ordinance; the Ordinance should read as Chapter 13.40 throughout the document, not 13.20 as written. In addition, the reference in Section 13.20.100 to Chapter 16.10.XXX should read 16.10.010.

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 8-2004 by title only.

AYES: 5
NOES: 0
ABSTAINED: 0

Recorder Huson read Ordinance 8-2004 by title only. Councilor Lillard moved and Councilor Owen seconded the motion to adopt Ordinance 8-2004, AN ORDINANCE ADOPTING REGULATIONS TO CONTROL NON-STORM WATER DISCHARGES TO THE CITY OF FAIRVIEW MUNICIPAL SEPARATE STORM SEWER AS REQUIRED BY THE CLEAN WATER ACT AND OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY ACTING THROUGH ITS NPDES PERMITTING PROGRAM; AND AMENDING ORDINANCE 3-1989, with the proposed numbering amendments.

AYES: 5
NOES: 0
ABSTAINED: 0

**E. RESOLUTION 16-2004
Intergovernmental
Agreement with
Gresham NPDES
Stormwater Permit**

Director Cochran reported that with the obtaining of the City's new NPDES permit, new tasks were required by the lead permit agency, the City of Gresham. That, along with the mutual understanding agreements, are the basis of the new Intergovernmental Agreement (IGA) with Gresham. The IGA was written for the duration of the permit term, and provides for three things: 1) the jurisdictions agree to minimize their contribution of pollutants to each other's stormwater systems to the maximum extent practicable through implementation of an approved Stormwater Management Plan; 2) each jurisdiction

may provide services related to water quality protection to the other upon mutual agreement, at full cost. Two specific services are assigned to the City of Gresham - water quality sampling, analysis and reporting (for waters within City of Fairview boundary only), and coordination of and compilation of the groups annual stormwater reports into one document to be sent to DEQ; and, 3) the IGA includes a dollar limit, which can only be exceeded upon mutual agreement of \$7,500 per year or \$37,500 for the five-year permit term.

Councilor Lillard commented that she thought the City performed its own sampling. Director Cochran responded that the City performs its own sampling for drinking water, but not for stormwater. Linda Hulme added that Fairview does have a monitoring program in place for stormwater and that we know what the associated costs should be.

Councilor Owen moved and Councilor Lillard seconded the motion to approve Resolution 16, 2004, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FAIRVIEW AND THE CITY OF GRESHAM FOR JOINT SERVICES UNDER A MUNICIPAL NPDES SEPARATE STORM SEWER PERMIT.

AYES: 5
NOES: 0
ABSTAINED: 0

VI. STAFF REPORTS

A. Public Works

Director Cochran reported that the concrete was poured for the new reservoir, and the steel would be arriving for the reservoir next week. Director Cochran stated that a meeting with an engineer was scheduled to begin addressing water quality issues in the City. In addition, Bonita Plaza Phase 2 was being reviewed.

Councilor Lillard asked if vendors were required to clean up after the Farmer's Market on Thursday evenings. Director Cochran responded that he assumed the vendors were cleaning up as staff was not being required to do so.

B. Community Development

Director Andersen reported that the Community Development monthly report shows that permits were up once again which is the norm for the early part of the building season. Staff has been working with the Reynolds School District for the new soccer field to be placed at Woodland Elementary School.

C. Finance

Director Zentner reported that the City's 2004/2005 adopted budget had gone to the printer earlier in the day, and that staff continues to work on saving money and improving efficiencies for the City.

D. City Administrator

Administrator Briggs stated that this would be her last Council meeting with the City and offered many thanks: to the Council for their wisdom and deliberations as it was obvious they take their positions very seriously; to the Executive Team as they have been the shoulders of the operation; and to the employees who are the muscle and heart of the association.

Mayor Weatherby commented that Administrator Briggs was a special lady and a special boss and it had been great to work with her.

E. City Attorney

Tom Sponsler, City Attorney, stated that their written report was before the Council.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Raze reported that the Heslin House porches were framed and sheeted and needed to be roofed, decked, and painted.

Councilor Cooper thanked Administrator Briggs for her service to the City as she had proven her ability to get things done.

Councilors Lillard and Owen had no reports or concerns. Mayor Weatherby again thanked Ms. Briggs.

VIII. ADJOURNMENT

Councilor Owen moved and Councilor Lillard seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 7:53pm.

AYES: 5
NOES: 0
ABSTAINED: 0

Mayor Mike Weatherby

Dated:

Caren C. Huson Quiniones
City Recorder