

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

May 5, 2004 -- 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 Larry Cooper
Councilor Jim Trees

STAFF PRESENT: Mary Jo Briggs, City Administrator
Ken Johnson, Chief of Police
Laura Zentner, Finance Director
John Andersen, Community Development
Director
Caren Huson, City Recorder

Mary Jo Briggs, City Administrator, stated that the parking issue that Council was supposed to hear on May 19th was accidentally advertised to be heard tonight. Administrator Briggs asked Council to hear the issue on May 19th as staff was not prepared tonight to give a presentation. Councilor Owen commented that he would not be able to attend the Council meeting of May 19th and requested that the parking issue be deferred to the June 2nd meeting. Council consensus was to hear the parking issue at their June 2nd meeting.

**II. CITIZEN
COMMUNICATIONS**

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

**III. VOLUNTEER
APPRECIATION
Budget Committee**

Mayor Weatherby stated that one of the things he enjoys in being Mayor is having good citizens who volunteer on behalf of the City. Mayor Weatherby presented Certificates of Appreciation to the following Budget Committee members: Helen Maguire, Todd Johnsen, and Cara Phillips were all in attendance. Other members include Bill Buss, Mike Howell, Robb Pierson, and Carl Malone. Mayor Weatherby thanked the entire Budget Committee for their hard work and a job well done.

IV. CONSENT AGENDA

Councilor Owen moved and Councilor Lillard seconded the motion to approve the Consent Agenda, consisting of Resolution 8-2004, A RESOLUTION ADOPTING A PREMIUM CONVERSION, MEDICAL REIMBURSEMENT AND DEPENDENT CARE REIMBURSEMENT FLEXIBLE SPENDING ACCOUNT BENEFIT PLAN FOR ITS EMPLOYEES.

AYES: 7
NOES: 0
ABSTAINED: 0

V. PUBLIC HEARING

**A. RESOLUTION 10-2004
Amending Section 10
of the Fairview Local
Contract Review
Board Administrative
Rules**

Caren Huson, City Recorder, stated that before the Council was Resolution 10-2004 which would revise the City's Purchasing Rules, previously adopted by Council in 1999 by Resolution 12-1999. Every few years, the State Attorney General revises its rules for public contracting. City Attorney Paul Elsner had drafted the revisions that are before Council and which are consistent with the current State Attorney General Rules.

Recorder Huson added that under Oregon Rules and Statutes 279, certain contracts may be exempt from the public bidding process, and those 19 types of contracts are clarified in Resolution 10-2004. Current state law does not require contracts less than \$5,000 to be competitively bid. Staff was recommending approve of Resolution 10-2004.

Councilor Trees asked if a report could be given to Council of everything that receives bids. Recorder Huson responded that that could be done, but it would require extra staff time. Councilors Owen and Lillard were not in favor of staff preparing an extra report.

Mayor Weatherby opened the public hearing; receiving no response, Mayor Weatherby closed the public hearing.

Councilor Owen moved and Councilor Raze seconded the motion to adopted Resolution 10-2004, A RESOLUTION OF THE FAIRVIEW CITY COUNCIL, ACTING IN ITS CAPACITY AS THE CITY'S LOCAL

CONTRACT REVIEW BOARD (PURSUANT TO THE TERMS OF ORS 279.015(2)) ADOPTING BOTH FINDINGS ALLOWING FOR THE CREATION OF EXEMPT CLASSES OF PUBLIC CONTRACTS FROM COMPETITIVE BIDDING AND ADOPTING RULES REGARDING THE SAME.

AYES: 6
NOES: 1 (Trees)
ABSTAINED: 0

VI. COUNCIL BUSINESS

A. Fairview Planning Commission Annual Report

Maureen Zehendner and Ken Heiner, both of the Planning Commission, presented the Planning Commission's Annual Report to the Council, which was contained in the Council's packet.

Councilor Raze stated that it was admirable that they served on the Planning Commission and have stayed on it for quite a while as there is a huge learning curve for Planning Commissioners. Councilor Raze added that they were appreciated and that they do a great job.

Councilors Owen and Lillard both commended the Planning Commission on the work they do.

B. ORDINANCE 5-2004/ RESOLUTION 9-2004 Amending Fairview Municipal Code Section 2.40 of Emergency Management

Ken Johnson, Chief of Police, stated that the ordinance before the Council was simply an attempt to update Ordinance 11-1991 regarding Emergency Powers. Chief Johnson commented that Ordinance 5-2004 would bring the City up to date with surrounding jurisdictions. The most significant change proposed by the ordinance was having the Chief of Police as emergency manager instead of having a regional planning group; also clarified is the City Administrator declaring an emergency in the case a Council quorum could not be obtained to declare an emergency. Chief Johnson reported that also before Council was Resolution 9-2004 which would adopt the City of Fairview's Emergency Program Directive.

Councilor Lillard questioned what the hierarchy was for emergency manager. Chief Johnson responded that he, as emergency manager, would be responsible for planning emergency management; if an emergency were to occur, the City would activate the Incidence Command System in which he would be responsible for the Emergency Operations Center.

Councilor Owen moved and Councilor Lillard seconded the motion to read Ordinance 5-2004 by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Recorder Huson read Ordinance 5-2004 aloud by title only.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Ordinance 5-2004, AN ORDINANCE AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 2.40, "EMERGENCY POWERS".

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Resolution 9-2004, A RESOLUTION ADOPTING THE FAIRVIEW EMERGENCY PROGRAM DIRECTIVE.

AYES: 7
NOES: 0
ABSTAINED: 0

C . DISCUSSION
Multnomah County
Roads Study

Administrator Briggs stated that in Council's work session heard earlier in the evening, a discussion had occurred regarding the Multnomah County Roads Study. The County was asking Council to provide feedback of the Study to them in written form.

Councilor Raze commented that there are many issues with the Roads Study that need to be addressed, but he thought it was the direction the City needed to go.

Councilor Trees stated that he was in favor of Fairview taking over the County roads in its city limits, but continue to contract with the County for road maintenance. Councilor Trees mentioned that a further discussion needed to be held on the voting group associated with taking over the roads. Councilor Raze concurred, stating that he did not want any one city to be overrun by the others in the roads decision process; all decisions need to be made in the best spirits with all of the cities working together.

Councilor Owen commented that his overriding concern was the

estimate of costs for an actual study to be performed on the cities taking over the roads; who would come back to Council, when, and what will the City have to pay towards the study?

Councilor Lillard stated that she was ready to move to the next step on the roads issue, but there are some division of power and liability issues, and the County Commission should have an open mind and provide ideas to the cities on how they could limit their decision making powers. If Fairview will be taking over our roads, we should have some power over those roads. Administrator Briggs clarified that the voting group should be empowered by the County.

Councilor Cornelius suggested that a letter be written to the County with a list of specifics.

Councilor Raze commented that he did not want the individual Mayors to have the policy power; all Mayors should seek their Council approval before they vote.

Mayor Weatherby stated that any contract should state that Gresham will be bound and if they pull out of the contract, that no funds will be given to them.

VII. CITY ADMINISTRATOR REPORT

Administrator Briggs reported that the City was currently advertising for entry level Police and Reserve Officers, as the City will be adding one additional officer on July 1, 2004, and hope to add 3 or 4 more Reserves.

Administrator Briggs commented that one City goal was to have a soccer field placed by the end of summer in conjunction with the School District.

Councilor Lillard stated that she was interested in the Fire Department Study and asked if the rumors were true that Fairview would be asked to pay twice as much for fire service. Administrator Briggs responded that a Council workshop would be held soon on the issue, adding that the fire issue worries her as there has been some indication that Gresham would like the three smaller cities to pay at the same level they are paying. The Mayors of Fairview, Troutdale and Wood Village have been working on this issue for weeks; no matter how you dice it, it will cost Fairview citizens more in the future than it has in the past for fire services. Several options were being reviewed. Councilor Lillard commented that Gresham was asking too much and she volunteered to serve on a Council sub-committee to

review the issue.

**VIII. MAYOR/COMMITTEE
REPORTS AND COUNCIL
CONCERNS**

Councilor Owen reported that the next Citizen/Council Alliance meeting would be held on May 12, 2004, at 7:00pm. Councilor Owen thanked Public Works Director Bob Cochran for his assistance in dealing with a water issue on the north side of the City.

Councilor Raze reported that the Council had an Action Plan for the Heslin House before them with a thank-you note from the Historical Society for the Council's \$1,000 donation.

Councilor Lillard congratulated staff for the successful Spring Clean-Up.

Councilor Cooper stated that he would be attending the Columbia Corridor Networking Faire in which the City will have a booth.

Councilor Trees reported that volunteers were needed for the Children's Theatre Group. The Fairview Summertime Festival Committee continues to meet; entertainment have been firmed up. The Anti-Graffiti Committee would meet the following week and do some hands-on graffiti removal.

Mayor Weatherby reported that a lull is occurring on the proposed Intermodal Rail Facility; his feeling was that the Port of Portland seemed to be ignoring the veto that Fairview has put on the facility. Representative Karen Minnis is watching to see if the Port will go to the legislature to create a special economic district. She has given her word to the East County Mayors that that piece of legislation will never go to the floor of the House. Mayor Weatherby commented that perhaps the Port does not realize that someone can say no to them. He thought it was important for Fairview to step up and state our concerns for whatever is placed on the property; whether it be congestion on the roads, trucks on the roads, noise pollution, etc., it will be an impact on the residents around the Lake are.

IX. ADJOURNMENT

Councilor Owen moved and Councilor Raze seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 8:13pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Mike Weatherby

Dated:

Caren C. Huson Quiniones
City Recorder