

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

April 20, 2005 -- 7:00pm

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

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

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Barbara Jones
Councilor Steve Owen
Councilor Ken Quinby
Councilor Jim Trees

ABSENT: Councilor Jim Raze

STAFF PRESENT: Jan Wellman, City Administrator
Ken Johnson, Chief of Police
Bob Cochran, Public Works Director
Laura Zentner, Finance Director
John Andersen, Community Development
Director
Caren Huson, City Recorder

Mayor Weatherby stated that Councilor Raze was excused from the meeting.

II. PLEDGE OF ALLEGIANCE

Mayor Weatherby led the Pledge of Allegiance.

**III. RESERVE OFFICER
SWEAR-IN CEREMONY**

Sergeant Bernie Meyer provided a background of what Reserve Officers go through in nine months, spending 400 hours in training on their own time. Sergeant Meyer stated that the officers are to be commended on a job well done and thanked them and their families for giving up those many hours for the City of Fairview. Sergeant Meyer swore in Reserve Officers Daren Taber and Todd McClaughry

Councilor Owen extended the Council's thanks for the time the volunteers have put in, and will put in. Mayor Weatherby congratulated the new Reserve Officers.

**IV. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS**

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

V. CONSENT AGENDA

Councilor Quinby moved and Councilor Jones seconded the motion

to approve the Consent Agenda, consisting of the Minutes of a Liquor License Application for Target and the Minutes of March 2, 2005.

AYES: 6
NOES: 0
ABSTAINED: 0

VI. COUNCIL BUSINESS

**A. PRESENTATION
People for Parks**

Kathy Minden, a volunteer children's advocate in East County for several years, stated that she had spoken with Mayor Weatherby over a year ago and told him at that time that a Parks Community Foundation was developing. Ms. Minden commented that she was present this evening to provide Council with a progress report on that Foundation, adding that in the following week the Foundation would dedicate a children's park which is a result of a community effort in the Rockwood area. Vance Park was a very dangerous park for years; now, this year will mark the sixth annual community garden and a new playground. Ms. Minden explained that a Foundation can do things that a City or a Parks District could not do; they can seek grants that a city can not, and there were a variety of funding sources that a Foundation could tap into. Ms. Minden indicated that they have started a strategic planning process and tonight's presentation was a result of that process. The Foundation has already started working with Chris Marraccini who is on the Fairview Parks Committee, and that partnership will continue. Ms. Minden commented that the Foundation's mission statement was "to promote the health and quality of life of residents in East Multnomah County ...". Ms. Minden presented a PowerPoint presentation to Council.

Councilor Owen stated that he had driven by Vance Park and that it was a major improvement for the entire area and that the Foundation had a lot to be proud of. Ms. Minden commented that the Foundation was not seeking any funds from cities as they wish to remain a freestanding Foundation; however, the cities of East County may use the Foundation to assist in their needs.

Mayor Weatherby thanked Ms. Minden for her presentation.

**B .
INTERGOVERNMENT
AGREEMENT
Aging and Disability
Services**

Paul Iarrobino, Interim Community Services Manager for Multnomah County, introduced Kristina John-Baptiste, Outreach Coordinator, and stated that they were asking the Council to continue their support and revenue in the form of an Intergovernmental Agreement (IGA) for senior services. Mr. Iarrobino reported that the IGA has been in place for several years, and that when Marilyn Holstrom was the City Administrator for Fairview, she had participated with the Meals on Wheels program. Mr. Iarrobino commented that the revenue agreement funds the Access Door for at-risk seniors in Fairview.

Ms. John-Baptiste stated that her office has four case managers who provide case management and assessment for senior citizens. They

have an information and assistance specialist, and an outreach and activity coordinator. Seniors first access services by phoning first; case management will then assist in coordinating in-home assistance, provide case management for transportation, financial assistance information, operate several activities at the senior center, and offer free attorney appointments for seniors. They offer the SHEBA program/health clinic, sponsor a vision support group, and have exercise programs for seniors. Ms. John-Baptist mentioned that Fairview citizen Susan Lanier serves on their Advisory Committee, and that they have worked with City staff member Connie Hansen in the past in bringing activities to the Fairview Community Center.

Mayor Weatherby questioned how many other East County cities participate in IGAs with senior services. Mr. Larrobino responded that Troutdale currently participates, but that they had lost Gresham's participation due to budget cuts.

Councilor Cornelius asked where most of the funding comes from for senior services. Mr. Larrobino responded that most of their funding comes from federal monies, but Multnomah County also contributes some General Fund dollars.

Councilor Owen questioned what happens when a city like Gresham pulls out of the IGA. Mr. Larrobino responded that it definitely affects their budget and they must reduce their staff. It means less money they have to work with for outreach, as what the cities are actually funding is the Access Door for their city. The Gatekeeper program trains businesses to look out for seniors who might be in bad situations, and they have also trained the Police Bureau.

Councilor Owen moved and Councilor Jones seconded the motion to authorize the Mayor to sign the Intergovernmental Agreement with Aging and Disability Services in the requested amount of \$1,750. Mayor Weatherby commented that he appreciated the information that was provided to Council and the breakdown for Fairview.

Councilor Quinby read the following statement he had prepared: "I have always had mixed feelings about this. We all want to assist and be charitable. I don't think there's any question there. I also don't think there's any question about this particular group, nor is there any question that several Fairview citizens are benefitting. However, I have always believed that charity should come from our own pockets and our own hearts. I have never supported any form of socialism, no matter how worthy the cause seems. In my opinion, personal giving, based on personal feelings should be separated from our ability to spend public funds. Coincidentally, I was reading The City of Fairview "Council Rules Of Order". Under Section VIII titled "ETHICS CODE", it states that we are to review and be bound by requirements of the State Ethics Laws. It says we have a general obligation to refrain from: (see line #7) "Actions benefitting special

interest groups at the expense of the city as a whole". Isn't this a special interest group benefitting from the city taxpayers as a whole? How are we to obey the Council Rules Of Order, which we took an oath to uphold, and then justify what appears to me to be a clear violation, no matter how worthy the benefactors may seem." We also are told under section B. that we "shall conduct ourselves so as to bring credit upon the city by respecting the rule of law, ensuring non-discriminatory performance of public services...." Separating ourselves from any feelings regarding this particular cause, I'm just wondering how we justify violating the Council Rules Of Order and our oaths of office?"

Mayor Weatherby called for the vote.

AYES: 5
NOES: 1 (Quinby)
ABSTAINED: 0

**C. DISCUSSION/
POSSIBLE
DECISION**

Jan Wellman, City Administrator, reported that as a result of a Council Work Session, on Thursday, April 7th, he, Councilor Cornelius and Finance Director Laura Zentner met with their counterparts from the City of Troutdale to negotiate two items concerning Fairview's contract with the City of Troutdale for the provision of building inspection services. The first item was the methodology used to calculate the "true-up" amount for Fiscal Years 2003-2004 and 2004-2005. We were successful in reducing the amount of administrative overhead charged to the building inspection contract and, removing of the amount calculated in administrative overhead for debt service. This resulted in the "true-up" amount for Fiscal Year 2003-2004 being adjusted upward, from \$91,208 to \$124,208, in the City of Fairview's favor. The "true-up" amount for Fiscal Year 2004-2005 will be calculated in August 2005 using the same aforementioned methodology. The current agreement between the two cities would be modified by the amendment that was included in the Council's packet. The current agreement and amendment would sunset on June 30, 2005.

Administrator Wellman stated that the second item that was negotiated was a straight percentage split of building inspection fees collected by the two cities. This arrangement would occur after July 1, 2005 and would remain in effect until the two cities cancel or modify the agreement outlining the straight percentage split. In this scenario, Fairview would retain a percentage of the building inspection fees collected and the remaining percentage would be forwarded to Troutdale. There would be no "true-up" under this arrangement. Fairview offered a 65/35 split with Fairview retaining 35%. Troutdale offered a 70/30 split with Fairview retaining 30%. This percentage split is the final item to be negotiated and agreed to.

Councilor Cornelius explained that the review of Building Inspection services was the result of budget hearings two years ago when it was

determined that Fairview was sending Troutdale \$400,000 a year based upon a 1992 agreement that provided for an 80/20 split. Council directed staff to negotiate a more reasonable cost which was more in line with actual expenses; present staff was not involved in those negotiations. The negotiations ended up with what we thought as a Council was that we would pay for the actual compensation cost plus 15% for administrative overhead. There was an agreement written up where the 15% was embodied for subcontracted building inspectors but not for their salaried building inspectors. There was some language in the contract that was vague regarding their salaried people; Troutdale interpreted the agreement differently. Before you is the negotiated settlement of the dispute that myself and Administrator Wellman recommend to you. In the future, the split of 65/35 is something we should hold the line.

Councilor Quinby commented that the strict percentage split could have the potential of granting Troutdale some increases if Fairview increases their building inspection fees. Administrator Wellman responded that both cities would receive a bigger number proportionately; the international building code has a fee schedule associated with it and we would have to see if we were in line with that fee scheduled. If we are operating under an old fee schedule, then we might consider raising our fees.

Councilor Owen stated that he thought at the work session earlier in the evening that they discussed planning fees that Fairview would not split with Troutdale. Administrator Wellman responded that that was correct as it relates to internal building review fees, not inspection fees.

Councilor Cornelius suggested deleting the last paragraph of the Memorandum of Understanding (MOU) as the City of Fairview does not want to HAVE to reach an agreement with Troutdale for future services in Fiscal Year 2005/2006, which is what the paragraph seems to be saying.

Councilor Owen moved and Councilor Cornelius seconded the motion to authorize the City Administrator to sign the MOU as written, but with the deletion of the last paragraph contained in the MOU as submitted to Council.

AYES: 6
NOES: 0
ABSTAINED: 0

VII. CITY ADMINISTRATOR REPORT

Administrator Wellman reported that the City received a letter from Planning Commission member Patricia Martin who was requesting a 3-4 month leave of absence, with the possibility that it could turn into a permanent resignation. Steve Kaufman is the Council appointed alternate and is ready to step in for the 3-4 months and stay longer if

Ms. Martin resigns.

Administrator Wellman stated that he and Community Development Director Tamara DeRidder had been working on parking issues for Bumpers Restaurant and the proposed new Carlino's Restaurant; they are trying to come up with alternatives for both business owners.

Administrator Wellman indicated that he had attended two East Metro Economic Alliance (EMEA) meetings where the major focus was on trying to increase membership on the Alliance. Administrator Wellman reported that the Alliance would be providing more funding for Eric Underwood, Fairview staff member, (from 8 hours to 12 hours) and the City of Troutdale would be paying for 8 hours a week of Mr. Underwood's time.

Administrator Wellman stated that Metro had been holding several meetings in regards to Metro Goal 5 (nature in the neighborhoods proposal). Metro requirements may be placed on the City to create riparian buffers and remove land out of development, thus effecting people's property rights if they have wetlands running through their property; this could raise some Measure 37 claims. Administrator Wellman commented that Fairview continues to work with Metro on their policy.

Administrator Wellman reported that the City of Gresham is supposed to give Fairview its proposal for fire services by April 30th, which would indicate what our contract amount would be. The Fire Services Committee will meet on May 5th and discuss their recommendation for the cities.

Administrator Wellman stated that a quarterly meeting was held with the Port of Portland; the Governor's Office is behind a house bill for supersiting authority. Many meetings have been held in opposition to the bill, and Representatives Minnis and Laurie Monnes-Anderson have been informed.

Administrator Wellman mentioned that he had met with a representative from Multnomah County concerning a proposed sale of right-of-way, to private interests, along 207th Avenue adjacent to the Interstate 84 interchange. Discussions with the County also included their assistance in facilitating a name change for 207th Avenue to Fairview Parkway.

Administrator Wellman reported that he had attended meetings with Gresham regarding Portland's proposal to no longer staff the Mt. Hood Cable Regulatory Commission and MCTV. This is a concern to citizens in East County because if Portland pulled their support, East County cities would have no way to renegotiate our franchise fees and would receive no technical assistance from the Commission. Portland has agreed not to pull their funding for one more year and is asking the communities to assist them in coming up with funding to

keep the Regulatory Commission and MCTV in place.

Administrator Wellman stated that labor negotiations have concluded and that a tentative agreement will be brought before Council for ratification in the near future.

Administrator Wellman commented that the County Commission may transfer County roads to Gresham. A meeting was held with the Mayor and Commissioner Maria Rojo de Steffey to discuss the proposal; maintenance funds would be transferred at the same time. Fairview sent a letter to the Commission in opposition to the roads transfer until it can be discussed further. It is feared that if roads and maintenance funds are turned over to Gresham, that the other cities in East County would probably see a decline in County roads over time. Mayor Thalhoffer of Troutdale would be testifying tomorrow before the Commissioners in opposition to the transfer.

Administrator Wellman stated that the River District Visioning Committee has held several meetings to discuss the Alcoa site; they have retained a consultant to review intermodal rail, NASCAR, and industrial-type facilities for the property. Councilor Cornelius asked if tourism activities were no longer being discussed for that area. Administrator Wellman responded that the Mayor could speak to that question.

Administrator Wellman reported that he and the Police Chief had met with Metro regarding the agreement for police services we provide to their parks in Fairview; we showed them the calls for service and they are now assessing that information.

Administrator Wellman announced that the May 4th Council meeting has been cancelled.

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

Councilor Cornelius stated that the presentation by Aging Services bothers him to some extent as the City gives them money and we also give money to East Metro Mediation. Councilor Cornelius requested that staff really review the agencies that come to the Council for funding as we might want to consider other non-profits who do not receive federal grant dollars to pay for the major extent of their services. At the least, he would like to receive a thorough review of where agencies receive their funding before coming before Council with a request.

Councilor Jones reported that the Citizen/Council Alliance was on hiatus for the time being. The Festival Committee was working on planning the City's summer festival; the headliner will be Nokie Edwards and the event will take place on July 30th. Currently, five vendors have signed up and one sponsor. Volunteers will be needed for the event, and anyone interested was encouraged to contact

Councilor Jones or City Recorder Caren Huson. Mayor Weatherby indicated that he would speak with Junki Yoshida and Mark Garber about sponsorship.

Councilor Quinby commented that he had attended the East Metro Economic Alliance meeting, and a Roads Community Workshop for Halsey Street improvements. There was a concept plan for Halsey Street on display on the second floor of Fairview City Hall. Councilor Quinby reported that he had also attended a Regional Emergency Management Group meeting where the issues covered included the obtaining of homeland security funds, NIMS, and CERT. TopOff will conduct an exercise in May 2007 in Portland.

Councilors Raze and Trees had no reports or concerns.

Mayor Weatherby spoke in regards to the River District Visioning Committee which has representatives from the Chamber, the Port of Portland, and the cities. There are people on EMEA that support all suggestions for the Alcoa site; the Visioning Committee has no power to do anything; they only investigate and report to EMEA. In regards to the transfer of roads from the County to Gresham, it was his personal feeling that it was a done deal and that the three smaller cities needed to go in screaming against the proposal.

IX. ADJOURNMENT

Councilor Owen moved and Councilor Quinby seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 8:30pm.

AYES: 6
NOES: 0
ABSTAINED: 0

Mayor Mike Weatherby

Dated:

Caren C. Huson Quiniones
City Recorder