



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

August 3, 2005 – 7:00 p.m.

- I. CALL TO ORDER/
ROLL CALL** Mayor Weatherby called the meeting to order at 7:00 p.m.
- PRESENT:** Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Barbara Jones
Councilor Steve Owen
Councilor James Raze
Councilor Ken Quinby
Councilor Jim Trees
- STAFF PRESENT:** Jan Wellman, City Administrator
Tamara DeRidder, Community
Development Director
Connie Hansen, City of Fairview Secretary
- II. PLEDGE OF ALLEGIANCE** Mayor Weatherby led the Pledge of Allegiance to the Flag.
- III. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS** Mayor Weatherby called for anyone wishing to speak on a non-agenda item to come forward, as there were none, the meeting continued.
- IV. CONSENT AGENDA** Mayor Weatherby called for any questions on the Consent Agenda, as there were none, he called for a motion to approve the consent agenda.
- A. APPOINTMENT OF
WOOD VILLAGE
RESIDENT, MICHELLE
STURDAVANT, TO THE
PORTLAND
INTERNATIONAL AIRPORT
CITIZEN NOISE ADVISORY
COMMITTEE** Councilor Owen moved and Councilor Raze seconded the motion to approve the Consent Agenda.
- AYES: 7**
NOES: 0
ABSTAIN: 0
- The Council approved the Consent Agenda.
- V. COUNCIL BUSINESS** Mayor Weatherby called for the staff report.
- A. BUILDING INSPECTION
CONTRACT** Administrator Wellman stated that the proposed contract with Troutdale for Building Inspection Services was reviewed at the last Council meeting. The Council directed staff to obtain additional information and bring the contract back to Council. In the Councilors' packets there is a memo that summarizes the discussion from the last Council meeting. Wellman stated that tonight the Building Official,

Dick Bohlmann is present to answer any questions the Council might have.

Administrator Wellman stated that the Councilors have an additional item for the packet, the Fairview Manufactured Dwelling Permit Application. The Councilors now have a full packet.

Wellman stated that one of the main concerns from the last meeting concerned the fee schedule and that the Councilors wanted the City to retain the right to charge higher fees than Troutdale if they deemed it appropriate; that modification has been inserted into the contract on page three, section five. The Council also asked how the plan review fees are calculated. Those fees are based on valuation and are set by the State of Oregon, and therefore we have no recourse on those charges. The Council has copies of the draft permit applications with the associated fees on them that Troutdale has proposed to the State for increasing their fees. The City of Fairview would be required, once Troutdale's fee increase request to the State is approved, to adopt the same fee structure within 45 days.

Dick Bohlmann, City of Troutdale, 104 SE Kibling Ave, Troutdale, Oregon 97060, was called forward to answer the Council's questions.

Councilor Cornelius asked Mr. Bohlmann why the proposed fees are so much higher than what Fairview currently has in place. Mr. Bohlmann stated that some of those fees are years old and those fees do not reflect the cost of providing the inspection services. The fees for the incidental items are what are so low, especially the mechanical ones. These increases would bring Troutdale and Fairview closer to the fees charged by other jurisdictions. They were determined by a survey of other jurisdictions to assure that they were appropriate charges.

Councilor Cornelius stated that he understands that Fairview pays Gresham Fire Department for the applicable fire and life safety permits. Mr. Bohlmann stated that can be confused with the Fire Prevention permit, which covers such things as sprinklers, alarms, and flammable storage tanks. The building inspection review covers fire, life, and safety measures such as emergency exits, the swing of the doors, proper door releases, and proper placement of electrical panels so they are not blocked or have poor access. There is a separate process for the Fire Prevention Permits and those fees are separate from the building plan review, which does include those fire, life and safety factors.

Councilor Cornelius noted that there had been some problems on Village Street and asked who had done the analysis of those structures. Mr. Bohlmann stated the Troutdale building program staff had reviewed those for fire, life and safety. Cornelius asked what determined the occupancy on those structures at the time of the plan review. Mr. Bohlmann stated that those were built to residential standards, with a small front area for office or commercial purposes. Otherwise, they were intended for residential use. If an owner decides to take a residence and convert to commercial, then that structure must be brought up to code before a commercial occupancy can be allowed.

Councilor Trees noted that building permit fees are only supposed to cover the cost of the program, but what Troutdale is going to charge includes more than just the cost of the inspections. Mr. Bohlmann stated that the State allows a large contingency fund for equipment,

staffing, etc.

Mayor Weatherby called for any other questions for Mr. Bohlmann. As there were none he called for a motion on the contract.

Councilor Owen moved and Councilor Raze seconded the motion to approve the contract with Troutdale for Building Inspection Services.

Council discussion was called for. Councilor Quinby stated that he has a concern with one sentence that was added about our rates not being allowed to fall below those of Troutdale. Quinby asked why Fairview had to keep pace if we are covering our costs as this just gives Troutdale a raise. Administrator Wellman stated that our in-house costs are similar to Troutdale with staff salaries, benefits, etc., but our costs are not being covered under the current fee schedule. Councilor Quinby stated if that is the case he has no problem with increasing our fees.

Councilor Trees noted that it had been stated that the program can't make a profit, but asked if there is an audit that includes all of the expenses. He asked if an audit was done and if the two cities programs were combined or maintained a separate accounting.

Administrator Wellman stated that Fairview maintains their own budget and audits that program for building revenue and expenditures. It is prudent to always operate under the threat of an audit. The City of Fairview currently collects the fees for our own building program, then performs the accounting and sends Troutdale their portion while maintaining our own portion of the fees. Councilor Trees asked if we receive an accounting of the contingency fund from Troutdale and what would happen if they built up a large fund. Wellman stated that at that point the City of Fairview would want to review the amounts and possibly renegotiate the contract. Mr. Bohlmann stated that part of the purpose of that fund is to carry you through the lean times, so that you can maintain your staff, and thereby your program. Trees stated that there has to be a point where you do not need to continue to build up that fund and that should be considered. Mr. Bohlmann noted that would be difficult to do on these fee increases alone, as they are not the major building fees, only minor ones.

As there was no further discussion, Councilor Owen called for the question to approve the contract.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion to approve the Building Inspection Contract with the City of Troutdale was approved.

VI. CITY ADMINISTRATOR REPORT

Administrator Wellman stated that there is an item for the agenda that came in late so instead of the City Administrator's report he is presenting the request from Shawn & Jodie Schmidtke who live at 3768 NE Fairview Lake Way. They are requesting a temporary permit to park a 25-foot travel trailer in front of their home from August 18th through September 4, 2005. Under the Fairview Municipal Code it is up to the Council to decide on special permits for RV's being used for

temporary living quarters. Two of the neighbors have sent in letters of opposition to this request.

Administrator Wellman asked Ken Johnson, Chief of Police, to review this request. Chief Johnson's response letter is attached. In that letter Johnson stated that he does not recommend approval as the house is on a curve, the trailer would block the bicycle access if parked in the street, which would be a violation of the Oregon Vehicle Code. It would also be a potential hazard for vehicular traffic. If parked in the driveway, the length could block pedestrian access of the walkway.

Administrator Wellman asked Council for direction on this request.

Mayor Weatherby asked about the sidewalks being accessible and what code that would potentially be violating. Administrator Wellman stated that sidewalks have to be left open under the ADA regulations. Mayor Weatherby stated that as it would block the bicycle access, sidewalks and is against the vehicle code then there is no option and the request should be denied.

Councilor Raze noted the request is for a good cause, but the neighbors are against it, the Code doesn't support the request and there are potential hazards related to the request. Councilor Cornelius stated there are other options for the trailer, such as an RV park, and the potential hazards would not be an appropriate risk to take. Councilors Owen, Jones and Trees agreed that the request should be denied.

Councilor Owen stated that the Council has provided the direction to deny this request.

Administrator Wellman had no other items.

**VII. MAYOR/COMMITTEE
REPORTS & COUNCIL
CONCERNS**

**A. UPDATE REPORT ON
THE SUMMER ON THE
GREEN FESTIVAL –
COUNCILOR JONES**

Mayor Weatherby called for Committee Reports and/or Council concerns.

Councilor Cornelius stated that during the last session of the Budget Committee it was decided there should be quarterly meetings. Cornelius sent an email to Administrator Wellman requesting that this be done and the response was that a meeting would be held in October. Councilor Cornelius noted that the Committee had thought that the first one should be in September. Administrator Wellman stated that the new fiscal year began in July and if the meeting were held in October there would be an accounting of the first full quarter for review. Cornelius stated he believes it is important to have those meetings and they were supposed to have happened last year, but they did not. He wants to be sure that does not happen again.

Councilor Jones reported that the Summer on the Green annual event was a great success. The event was held on July 30th from 11:00 a.m. to 8:00 p.m. in the Community Park. There was a large children's area with a lot of crafts, a jumper sponsored by La Petite Academy, and carnival games. There were over 30 vendor booths, a classic car show, KISN radio's DJ Scott Tom was there and, there was fabulous entertainment throughout the day. The last group of the day was the Nokie Edwards group – he was formerly with the Ventures and is still a huge draw for people of all ages. The sponsors included Target, 12 Mile Disposal, Townsend Farms, Pelfrey Dirt & Aggregate, the Fairview Minit Mart and Chevron Station, Bumper's Bar and Grill and many

others in the community. It was truly a community event. The volunteers were commended for their efforts and time, without them the event would have been less successful. Jones thanked the volunteers by name. The Festival Committee members Stacie Perry, Connie Hansen, Steve Richards, Chief Johnson and Faith Wellman were instrumental in making this a successful event. She stated that Faith Wellman did an extraordinary job in coordinating the advertising and helping with the planning for the event.

Councilor Jones stated that the planning for next year's event is already underway and the Committee would like to have a much bigger "local talent" component to the event and other changes are being considered.

Councilor Owen commended Councilor Jones for organizing the event and that he appreciated all of her hard work. Owen stated that he also appreciated all the hard work that Administrator Wellman and the staff put in to make this event a real success.

Mayor Weatherby stated that Councilor Jones did a fabulous job, that the event was very well done and a credit to the City and Council. Weatherby stated that the staff also did a fine job and commended them for their work.

Councilor Raze stated that he also commends everyone for a great job. He mentioned that not only was Administrator Wellman and his wife there to help, but their daughter, son-in-law, and grandchildren helped out as well. Everyone is looking forward to next year.

Councilor Quinby commended the staff, Councilor Jones and the volunteers for making this a very successful festival. Quinby also stated that Nokie Edwards is a world class act and we were very fortunate to have him.

Councilor Trees stated that part of Jan Wellman's response to the email from Councilor Cornelius about the Farmers' and Artisans' Market stated that some of the issues had been resolved. Trees stated that the Market was actually started by the Village Street Merchants Association and a Committee was formed with the thought that it would help advertise the local merchants by bringing in people to the area. Eric Underwood, Economic Development Specialist for the City of Fairview helped with the start up. The Committee oversaw the Market and Peter Tuomala was to manage it and receive \$5.00 per vendor for doing that. The rest of the money went toward the cost of advertising and promotions. There was no written agreement with Tuomala, just a verbal one. The Committee was set to do this again this year, but Tuomala has taken it over completely, is keeping all the booth fees, and is not working with the merchants this year. This is a concern for the merchants.

Administrator Wellman stated that some of the issues were resolved, but there is a difference of opinion on how this was set up. Last year the start up was worked out with the merchants, but this year the Council approved Mr. Tuomala's permit and had the Market move further down the street. Wellman stated he had encouraged Mr. Tuomala to talk with some of the people on Village Street and he had done so to resolve some of the issues. Perhaps this needs to be brought to Council or, if Council would like staff to facilitate a meeting, that might also be an option. Administrator Wellman asked Connie Hansen to provide

other information as she has worked with Mr. Tuomala on a couple of the issues.

Connie Hansen, Administrative Assistant for Community Development stated that she works on a variety of community events and has helped with some of the Market issues. The booth fees help to pay for the advertising, insurance, and promotions in the Market, the musicians that come every week, the porta-potty, and other incidentals. Mr. Tuomala does all the setup for the Market and at times hires local teenagers to help with the set up and other Market needs, plus some of them are able to use the time for their community service hours. The Market also provides space, rent free, for a variety of non-profits and other community groups. Ms. Hansen found out that the booth vendors are charged either \$20 or \$25 per week (a few of them helped with the Plaza dedication at the Community Center and received free booth space for a month for coming to the event). Additionally, non-profits are given free space at the Market and every week there is music and those musicians are paid out of those booth fees. The letter that the City received was from two of the merchants on Village Street. Councilor Quinby stated that he understood there was another letter signed by other merchants, however, that letter has not been received at City Hall. Councilor Trees stated that he has concerns as well and would like to see the Market moved back up the street to help those businesses.

Councilor Trees stated that he had heard that the musicians were not being paid. Hansen responded that she had heard that was a concern and checked with the musicians the last four markets and was told that they get paid. The rate varies, but some go as high as \$450.

Councilor Trees stated that one of the main issues is that the merchants have been excluded from the Market. There seems to be no one assisting with this and Eric Underwood used to help with the meetings, but the City doesn't seem interested in helping with this problem. Last year the merchants had some oversight of the Market, but this year it is only the Market manager and there seem to be some issues. For example: the Market is further down the street at the intersection of Village and Park Streets instead of in front of the businesses on Village. Another concern was that there was competition for the Village merchants from one of the vendors who was selling hats and red hat items.

Discussion on the Market brought up the fact that one of the merchants had complained last year and that is why the Market was moved further down the street at the direction of the Council. Michelle Class of Catfish Treasures brought the issue, of the person in the Market selling the same merchandise, to her attention. Ms. Hansen, as she is involved in community activities, spoke with Mr. Tuomala and that vendor was taken out of the Fairview Market and is now elsewhere.

Mayor Weatherby stated that he thinks that the Market is a good addition to the City.

Councilor Raze stated that the Market is not just for the Village, it is for the entire community. People in his neighborhood come to the Market all the time and they would not be in the Village otherwise. Raze suggested that perhaps the Farmers' Market would be a good way to segue into the Summer on the Green event by having local talent competitions held on Thursday evenings and the winners go to the main

event competition. Discussion with the Market manager would be helpful to see if that could be coordinated.

Councilors Owen, Cornelius and Jones noted that the Market is a good addition to the City and would like to see it continue. Perhaps having more dialogue between the merchants and the Market manager would be beneficial to help resolve the issues. The discussion brought up the point that if the issues continue then perhaps a work session, or having Mr. Tuomala come to the City Council meeting, would be helpful.

XI. ADJOURNMENT

Mayor Weatherby called for a motion to adjourn.

Councilor Owen moved and Councilor Raze seconded the motion to adjourn the meeting. There was a consensus to adjourn.

The meeting was adjourned at 8:14 p.m.

Mayor Mike Weatherby

Dated:

Jan Wellman
City Recorder

Dated: