



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

December 7, 2005 – 7:00 p.m.

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

Mayor Weatherby called the meeting to order at 7:00 p.m. and noted that Councilor Owen was excused from the meeting.

PRESENT:

**Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor James Raze
Councilor Ken Quinby
Councilor Barbara Jones
Councilor Larry Cooper
Councilor Steve Owen (arrived at 7:25 pm)**

STAFF PRESENT:

**Jan Wellman, City Administrator
Paul Elsner, City Attorney
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 to address the Council, as there was no one the meeting continued.

IV. CONSENT AGENDA

- A. MINUTES –
November 2, 2005**
- B. RESOLUTION 27-2005 –
WATER MANAGEMENT AND
CONSERVATION PLAN**

Mayor Weatherby called for any questions on the Consent Agenda.

Councilor Raze moved and Councilor Cornelius seconded the motion to approve Items A and B on the Consent Agenda.

**AYES: 6
NOES: 0
ABSTAIN: 0**

V. COUNCIL BUSINESS

- A. APPROVAL OF ADDENDUM
NUMBER ONE TO THE
INTERGOVERNMENTAL
AGREEMENT BETWEEN
THE CITY OF FAIRVIEW
AND THE CITY OF WOOD**

The Council approved Consent Agenda Items A and B.

Mayor Weatherby called for the staff report on Item A of Council Business.

Administrator Wellman stated that staff had presented the information, about a change in the IGA with Wood Village, to Council previously for the Alternate 4 sewer flow infrastructure improvements. Wood Village would temporarily connect to Fairview's sewer system to allow for system tests. Once the parallel line along Sandy Blvd. is installed, the connection would

**VILLAGE FOR THE
CONSTRUCTION OF THE
ALTERNATE 4 SEWER
PROJECT.**

become permanent. Public Works and Administrative staffs of Wood Village and Fairview, respective attorneys, and engineers have been working through the agreement process. The additional sewer lines have been determined to be a necessary improvement by Wood Village, as their existing sewer line is at or above capacity. In order to help facilitate this project, Fairview will allow Wood Village to connect and test the Alternate 4 sewer connection at Sandy Blvd. and 223rd Avenue once this agreement is finalized. This test connection will then be plugged until such time as the agreement can be finalized.

The attorneys for both cities have been working on the amendment to the IGA language to include set timelines and benchmarks for the construction of the lines in order to protect Fairview's long term interests for sewer flow. City Attorney Paul Elsner stated that on page three of Addendum #1 the default clause provides assurance that if Wood Village fails to accomplish the proposed project Fairview would have recourse to compel the completion of the sewer line or receive the funding to oversee the completion of the line. Administrator Wellman stated that Wood Village has set aside funding from SDCs and applied for OECDD loan funds for completion of this project. Attorney Elsner noted that the specific tasks are detailed on page two of the addendum. The date by which the Sandy Line Project must be substantially complete is September 1, 2007.

Discussion by the Council brought forward concerns that the timeline might be too short considering the past problems with the rock layer in that area which has caused construction delays on other projects. Administrator Wellman stated that this is a relatively simple project, and the new line would be laid next to the existing one so the area should be less problematic as a result. The engineers on this project are very experienced. They have indicated that both the estimated cost analysis and timelines are appropriate for a project of this type. Other concerns were the level of involvement that would be required for Fairview's Public Works staff. Administrator Wellman stated that staff would review the plans and designs and provide some oversight once the project begins and throughout completion. However, the estimated time is not expected to be extensive.

The capacity of Fairview's lines to absorb the additional flow was discussed, as the Townsend Business Park is continuing to attract more businesses. Administrator Wellman stated that there is sufficient capacity for the interim and, unless Fairview experiences substantial growth before September 2007, there should be no issues. Mayor Weatherby asked if this would also be the case if Wood Village pursues plans for a casino at the old Multnomah Greyhound Park because that type of facility would have a large impact on the sewer flow. Wellman stated if that became a reality Gresham's waste treatment plant would be heavily impacted as well as the line through Fairview. This would necessitate impact mitigation discussions and agreements between all three cities.

Council also asked if there is assurance that the funds for this project are secured and could not be used elsewhere. Attorney Elsner stated that the loan documents direct that the funds may only be used for this specific project and cannot otherwise be diverted. This agreement provides Fairview with assurance that the funding would remain stable through completion. Attorney's fees and recovery of those costs for Fairview are also part of this agreement should there be a need to pursue legal action. Additionally, if any damage to Fairview's lines or equipment occurs those costs would be

paid by Wood Village.

Mayor Weatherby called for a motion to approve Addendum Number One to the Intergovernmental Agreement Between the City of Fairview and the City of Wood Village for the Construction of the Alternate 4 Sewer Project.

Councilor Quinby moved and Councilor Raze seconded the motion to approve Addendum Number One to the IGA between the City of Fairview and the City of Wood Village for the Construction of the Alternate 4 Sewer Project.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion was passed unanimously to approve Addendum Number One to the IGA between the City of Fairview and the City of Wood Village for the Construction of the Alternate 4 Sewer Project.

B. PRESENTATION AND APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT AND PROPOSED SCOPE OF WORK BETWEEN THE CITY OF FAIRVIEW AND THE CITY OF GRESHAM CONCERNING CHANGES TO THE POLICE RECORDS MANAGEMENT SYSTEM.

Mayor Weatherby called for the staff report on the Intergovernmental Agreement and Proposed Scope of Work between the City of Fairview and the City of Gresham Concerning Changes to the Police Records Management System.

Chief Johnson stated that over the last several months, staff has conducted extensive research on records management systems. Currently the Fairview Police Department contracts with the Multnomah County Sheriff's Office, but the Sheriff has discussed contracting law enforcement services with other jurisdictions. This would mean their law enforcement records function would be eliminated leaving the Fairview Police Department without a records management system. Chief Johnson also noted that the current system is inadequate and outdated. Fairview has been paying Multnomah County to enter the data into their system, which is connected with Portland. Fairview's staff has evaluated working with the Portland Police Department, which is reviewing a possible new system. Most of the alternatives under consideration would cost millions to upgrade or buy. The Cities of Gresham and Troutdale are partners in a records management system (Data 911) that is working well for both departments. Fairview has been invited to join this system. By doing so Fairview would gain local control, it would enhance east county law enforcement through increased connectivity, electronic access to police reports, improved search capabilities, and enhanced crime analysis reports. Upgrades are included as part of the annual maintenance costs and a bar-coded evidence program is also included. The bar-coded evidence program is at no additional charge and will result in a significant savings to the City of Fairview.

The approximate cost for the startup and agreement is \$19,965. A Homeland Security Grant for \$15,600 can be used towards the configuration costs. The remaining \$4,365 will be paid for through a refund received from the City of Portland for radio access fees and is in the current budget. The yearly on-going costs for our current system are \$6,280. The proposed on-going records management system charges will be \$6,600. This results in only a projected \$320/year cost increase.

Chief Johnson stated that Gresham has offered to provide free training on the new system in January so that when the switch, from the old system to

the new system, occurred it would go smoothly. The Fairview Police Assistant would input the data into the system, which would take about one hour a day. This new system would not take any more of the officers' time.

The data from the old system would be maintained in the Portland system. Council questioned the close out clause with Multnomah County and asked about the costs associated with canceling the contract. Johnson stated Multnomah County is aware that this is in process and the closeout clause is three months. For the first quarter of 2006 the City of Fairview would pay for the services, but after that there would not be any other charges. The timing for closeout and joining Gresham's system is best done at this point with the funding that is in place for the conversion.

Chief Johnson asked for direction and approval from the Council on entering into an IGA with Gresham for the records management. Council discussed and approved the IGA and directed staff to proceed.

Mayor Weatherby called for a motion on the IGA with the City of Gresham for police records management.

Councilor Raze moved and Councilor Jones seconded the motion to approve the Intergovernmental Agreement and Proposed Scope of Work between the City of Fairview and the City of Gresham Concerning Changes to the Police Records Management System.

AYES: 6
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve the Intergovernmental Agreement and Proposed Scope of Work between the City of Fairview and the City of Gresham Concerning Changes to the Police Records Management System.

Mayor Weatherby called for the staff report on the Proposal to Move the Municipal Court from Nights to Days and Add a Court Session.

**C. DISCUSSION AND APPROVAL
OF A PROPOSAL TO MOVE
THE MUNICIPAL COURT
FROM NIGHTS TO DAYS AND
ADD A COURT SESSION**

Director Zentner stated that staff is asking for Council's input and approval to move the night court session to the daytime. The City of Fairview's Municipal Court currently holds two court sessions per month. Arraignments are held on the third Tuesday of each month at 6:00 p.m. and trials are held on the fourth Friday of each month at 2:00 p.m. The City is currently paying overtime and compensation time at time and one-half for both Administrative staff and Police staff to hold court on Tuesday evening. In an effort to continue to reduce staff expenditures, the City of Fairview staff is requesting that the City Council consider moving the arraignments to daytime hours, which would result in an annual savings of approximately \$3,200. Research discovered that most other jurisdictions do not have night court.

Director Zentner, Judge Sam Asbury, Chief Johnson and Stacie Perry (court clerk) discussed other issues relating to night court. Security is an important concern, as there can be as many as 75 people present for court. During the daytime hours there are more staff around, but at night it is usually only the court clerk, the judge, and one police officer. Another consideration is that the court cases are increasing, which means that there may become a need for additional court sessions. Staff would like to have approval to hold

another daytime session in the near future if citations continue to increase.

Councilors Raze and Owen stated that this should be an administrative decision, but support the proposal. Councilor Cornelius asked if the duty officer for the evening could be present thereby eliminating the need to pay another officer overtime. Chief Johnson stated that the officer could be called away for an emergency, leaving the clerk and judge without security.

Councilor Raze moved and Councilor Jones seconded the motion to approve a Proposal to Move the Municipal Court from Nights to Days and Add a Court Session.

AYES: 5
NOES: 1
ABSTAIN: 0

The motion passed by 5 AYES to 1 NO. Councilor Cornelius voting no.

**D. APPOINTMENT OF TWO
APPLICANTS TO FILL
PLANNING COMMISSION
VACANCIES #2 AND #4**

Mayor Weatherby called for the discussion and Appointment of Two Applicants to Fill Planning Commission Positions #2 and #4. Mayor Weatherby stated that Councilor Owen did telephone interviews with the three applicants, as he was not able to attend tonight's work session when the applicants were interviewed.

Administrator Wellman stated there are two ways to make the appointments. Council can either make a motion or by ballot. Council decided to make a motion for the appointments.

Councilor Jones moved and Councilor Raze seconded the motion to approve the reappointment of Jan Shearer to position #4 on the Planning Commission.

AYES: 6
NOES: 0
ABSTAIN: 0

Council reappointed Jan Shearer to position #4 on the Fairview Planning Commission.

Councilor Raze moved and Councilor Jones seconded the motion to approve appointment of Bradley Fudge to fill out the term for position #2.

AYES: 6
NOES: 0
ABSTAIN: 0

Council appointed Bradley Fudge to complete the term for position #2 on the Fairview Planning Commission.

**VI. CITY ADMINISTRATOR
REPORT** events, meetings, and projects.

Administrator Wellman stated he has announcements about upcoming events, meetings, and projects. On December 12, 2005 the staff and Council holiday party would be held from 6:00 p.m. to 8:00 p.m. The annual Volunteer Appreciation event would be held on December 15, 2005 in the Council Chambers from 6:30 p.m. to 8:30 p.m.

Traditionally Council has cancelled the second meeting in December and

the first meeting in January would fall right after the New Year's holiday. Staff is requesting Council's guidance to cancel both the last meeting in December and the January 4, 2006 meeting. Council approved these cancellations. The next Council meeting would be held on January 18, 2006 in the Council Chambers at 7:00 p.m.

Administrator Wellman stated he had attended the Metro Parks Bond meeting. Metro is proposing a 2006 metro wide bond with the hopes to provide 220 million dollars for parks and open spaces. Part of the proposal is a local share allocation set aside. The City of Fairview could see an estimated \$461,000 for parks and recreation if the bond passes. Portland, Troutdale, Wood Village, and Fairview all approved the proposal. Gresham opposes the set aside for small cities. As the proposal stands Portland and Gresham would get the most. If this bond is approved with the set aside it could be very beneficial to the citizens of Fairview.

Staff has been working on an amendment to an agreement with Wood Village for a cul-de-sac at Arata Road and 223rd Avenue. Multnomah County Transportation Department staff along with the Council and staff of Fairview and Wood Village have been working on a different configuration for that area. The plan is to have Wood Village Blvd. go through the Halsey Street thereby diverting most of the Wood Village Town Center traffic. Arata Road would then have a right hand turn only at 223rd Avenue. Funds for this change are available due to savings from a project in Corbett. If Council concurs Multnomah County Transportation can proceed with the design and implementation of the project. The IGA would be amended to have this project be substantially complete before the opening of the Kohl's store. The Council approved this plan and directed staff to proceed with the amendment to the IGA.

Discussion about a lawsuit filed by Michael Morasch, a citizen who lives on Wistful Vista and 205th Avenue, ensued. Mr. Morasch filed a lawsuit against his neighbors and a local developer. The issues are a sewer connection, easements, and fire access. Attorney Elsner stated this case is a civil matter and not a City matter.

Councilor Cornelius asked about the status of the pending Fire Services and Sewer IGAs with the City of Gresham. Administrator Wellman stated that the arbitration language is still under review for those contracts and it is anticipated that we can finalize these IGA's in January.

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

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

Councilor Cornelius stated that recently a suggestion was made to have a Councilor work with staff on the City newsletter and he agrees that would be beneficial. Cornelius complemented staff on the increased detail in the Council minutes and hopes this would continue. Councilor Cornelius wished everyone Happy Holidays.

Councilor Jones stated that planning for the annual Summer on the Green Festival would begin in January. Staff, volunteers, and Council members would work on the project, which has been changed to occur in September instead of July. More information will be coming and volunteers are directed to call Connie Hansen at 503-674-6230 if they are interested in helping.

Councilors Owen, Raze, Quinby and Cooper wished everyone a Happy New Year.

Mayor Weatherby noted he would be meeting with TriMet to discuss the Blue Lake line for the summer and, with other local mayors about the proposed casino at the Greyhound Park in Wood Village.

VIII. ADJOURNMENT

Mayor Weatherby called for a motion to adjourn.

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

The meeting was adjourned at 8:19 p.m.

Mayor Mike Weatherby

Dated:

**Jan Wellman
City Recorder**

Dated: