



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

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**September 21, 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 Councilors Cornelius and Owen were excused from the meeting.
- PRESENT:**
- Mayor Mike Weatherby  
Councilor Barbara Jones  
Councilor James Raze  
Councilor Ken Quinby
- ABSENT:**
- Councilor Darrell Cornelius  
Councilor Steve Owen
- STAFF PRESENT:**
- Jan Wellman, City Administrator  
Tom Sponsler, City Attorney  
Ken Johnson, Chief of Police  
Laura Zentner, Finance Director  
Bob Cochran, Director of Public Works  
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. Minutes – August 31, 2005**
- B. Minutes – September 7, 2005**
- C. METRO – City of Fairview  
IGA – Recycling Program**
- Councilor Quinby moved and Councilor Jones seconded the motion to approve the Consent Agenda.
- AYES: 4  
NOES: 0  
ABSTAIN: 0
- The Council approved the Consent Agenda.
- V. COUNCIL BUSINESS**
- A. RESOLUTION 24-2005 – A  
RESOLUTION REQUIRING  
COMCAST TO ACTIVATE  
THE NINTH PUBLIC  
ACCESS CHANNEL**
- Mayor Weatherby stated that item A. RESOLUTION 24-2005 had been pulled from the agenda at the request of Mount Hood Cable Regulatory Commission.

**B. RESLUTION 22-2005 –  
ADOPTING THE NATIONAL  
INCIDENT MANAGEMENT  
SYSTEM PROGRAM (NIMS)**

Mayor Weatherby called for the staff report on this resolution.

Ken Johnson, Chief of Police stated that President Bush had ordered a review of the National Incident Management System Program (NIMS). The adoption of the NIMS is mandatory in order to receive future grant funds from the federal government. This program has a training component that will be required for police officers and first responders. Chief Johnson stated that the City Councilors would be given the opportunity to attend this training as well in order to become familiar with the emergency response program. Chief Johnson recommends that the City adopt the NIMS.

Mayor Weatherby called for any questions from the Councilors. Councilor Raze asked if the training program had started as yet for the Fairview Police. Chief Johnson stated that training on the AED has been done and other trainings are planned for the future.

Mayor Weatherby called for a motion, as there were no other questions.

Councilor Raze moved and Councilor Jones seconded the motion to approve Resolution 22-2005.

AYES: 4  
NOES: 0  
ABSTAIN: 0

The motion to approve Resolution 22-2005 was passed.

Mayor Weatherby called for the staff report on this ordinance.

**C. ORDINANCE 8-2005 –  
DANGEROUS BUILDING  
ORDINANCE SECOND  
READING**

Jan Wellman, City Administrator, stated that Community Development Director Tamara DeRidder had a family emergency and that he would be giving the staff report.

Administrator Wellman stated that the first reading of this ordinance occurred at the City Council meeting on September 7, 2005 and was approved on the first reading. The Community Development Department has been dealing with potentially dangerous buildings by utilizing several different parts of the Municipal Code. At the August 3, 2005 Council Worksession a sub-committee was formed, consisting of Councilors Quinby and Raze, Director DeRidder, and City Attorney Elsner to develop recommendations for an ordinance and new chapter in the Code. Staff recommends adopting the ordinance by title only.

Mayor Weatherby called for a motion to read ORDINANCE 8-2005 by title only.

Councilor Quinby moved and Councilor Raze seconded the motion to read ORDINANCE 8-2005 by title only.

AYES: 4  
NOES: 0  
ABSTAIN: 0

ORDINANCE 8-2005 was approved for second reading by title only.

Mayor Weatherby called for a motion to adopt Ordinance 8-2005.

Councilor Quinby moved and Councilor Raze seconded the motion to adopt ORDINANCE 8-2005 by title only.

AYES: 4  
NOES: 0  
ABSTAIN: 0

Ordinance 8-2005, Dangerous Buildings was approved.

**D. CONSIDERATION OF AN  
EMEA/FOUR-CITIES  
ECONOMIC  
DEVELOPMENT GRANT**

Administrator Wellman stated that Rich Faith, Community Development Director for the City of Troutdale would present this item as soon as he arrived. Wellman asked for the meeting to continue until that time. Mayor Weatherby and the Council agreed. The meeting continued.

**E. APPROVAL OF THE  
RECOMMENDATION FROM  
THE AD HOC FIRE  
SERVICE STUDY  
COMMITTEE FOR FIRE  
SERVICES**

Administrator Wellman stated that this has been brought before Council in prior meetings, including the one held on September 7, 2005. The Council voted at that time to wait for a recommendation from the Ad Hoc Fire Service Study Committee before making a decision on the Fire Services contract with the City of Gresham. The Ad Hoc Fire Service Study Committee met on September 15, 2005. The Committee recommended approval of the proposed contract counterproposal from Gresham. Wellman reviewed the proposal. The Fire Services contract would be a ten-year contract, with a two-year ramp-up, a 3.5% annual increase in years 3 through 5, a 4% annual increase in years 6 through 10, and a 9.5% “opener” in years 6 through 10. The Ad Hoc Fire Service Study Committee recommended at their September 15, 2005 meeting to accept the counterproposal offer from Gresham and have the three cities proceed with an Intergovernmental Agreement with the City of Gresham for this purpose.

Mayor Weatherby called for discussion or questions from the Councilors.

Councilor Raze asked about the “opt-out” for the contract. Administrator Wellman stated that any of the three cities could choose to end the contract with a two-year written notice.

Mayor Weatherby stated that this recommendation was passed unanimously by the Ad Hoc Fire Service Study Committee and commended the Committee for all their hard work in developing the agreement language.

Councilors Raze and Jones asked about the amounts of the ramp up for the Fire Services. Administrator Wellman stated that the cost for the current year’s services would be \$526,000, then \$621,000 for the second year, and would include a 3.5% increase for years 3 through 5 and a 4% increase in years 6 through 10. If the City finds the contract does not meet expectations then the “opt-out” could be utilized. Additionally, the Ad Hoc Fire Service Study Committee stated that it is prudent to continue to look at all other options.

Councilor Raze stated that it is in the City’s best interest to continue to plan for the future by continuing to research other options that might become available. Administrator Wellman responded that the City and the Ad Hoc Fire Service Study Committee would continue to investigate all other options such as forming a three-city fire district.

Councilor Jones asked about how the monitoring of the recommendation for a mandatory level of service would be benchmarked. Administrator Wellman stated that there would be an IGA for each city with the terms of the level of service, number of personnel, response times, number of stations, and

equipment requirements. The benchmark would be to assure that the services continued at current levels. Councilor Jones also asked about the formation of a user board and how that would be handled. Administrator Wellman stated that would also be part of the IGA with one appointed member who could be either a citizen or staff person, and one elected official from each city. The City Councils would need to determine the length of time/term for those on the user board. Would they be for a one-year term or for multiple years? Wellman noted that each city would make its own determination.

Councilor Raze stated that the real issue for fire services has not been the level of service, but just a matter of cost and if the three smaller cities could afford it. The Gresham Fire Department has provided excellent services over the years.

As there were no other questions or discussion, Mayor Weatherby called for a motion on the Fire Services contract.

Councilor Quinby moved and Councilor Jones seconded the motion to approve the recommendation to enter into a ten year Intergovernmental Agreement with the City of Gresham for Fire Services.

AYES: 4  
NOES: 0  
ABSTAIN: 0

The motion to approve the recommendation to develop a ten-year contract with the City of Gresham for Fire Services passed.

**D. CONSIDERATION OF AN  
EMEA/FOUR-CITIES  
ECONOMIC  
DEVELOPMENT GRANT**

Administrator Wellman provided the background information on the grant. Wellman stated that the East Metro Economic Alliance subcommittee called the Columbia-Cascade River District Steering Committee is requesting a letter of support for a DLCDC grant to develop a cooperative “Action Plan” for the Columbia-Cascade River District Vision document that was accepted by the four cities in 2003. The “Action Plan” proposes development of a collaborative marketing program, policy guidelines and implementation language for the contiguous industrial lands that make up the four cities of Fairview, Troutdale, Wood Village and Gresham. The Port of Portland would also be involved in the process.

Administrator Wellman stated that the City of Troutdale has agreed to take the lead in developing and administering the grant. Wellman noted that Rich Faith, Community Development Director from the City of Troutdale would provide additional information to the Council. Mayor Weatherby asked Mr. Faith for the staff report.

Rich Faith stated that the application for this grant is one more building block in a series to promote economic development in the Columbia Cascade River District. The vision document was an outgrowth of the OSTP II study. Through that effort, which was another grant, the east county cities of Fairview, Troutdale, Wood Village, and Gresham reviewed and developed a common vision and goals for that area. Each city approved the vision document, which was a major step toward a cohesive approach to the industrial lands.

Director Faith stated that the DLCDC Technical Grant would provide a funding mechanism for the next step in refining the vision and goals that were previously developed. This new grant would help to set up the district for development, to attract industry, enable the four communities and the Port to work together to develop the overall action plan with identified steps

to make the development a reality. All of the data for the four communities including zoning, resource lands (wetlands), transportation corridors, infrastructure needs, location within the region and building codes would all be compiled into one document. The goal is to achieve the best industrial development, a cogent development strategy and marketing program for the district. DLCD has indicated that with the letters of support from each of the cities and the Port this would be a strong grant application and would likely be funded. The application has to be sponsored by one municipality for grant administration purposes, but all the cities would be partners in the development of the program and that is an integral part of the grant application.

Councilor Raze asked if there are any strings attached, as most grants seem to have them. Director Faith stated that with the DLCD grant there are very few, if any. Faith noted that this is actually the same program/grant that was used for the OSTP II document development. This new grant, and DLCD's indication that it would most likely be funded, demonstrates that the State is pleased with the progress that has occurred here. This grant would have clearly defined deliverables, but that would be the case with any grant.

Councilor Quinby stated that one of the priorities of this Council is economic development and this grant appears to be a viable opportunity to move that priority forward.

As there was no further discussion Mayor Weatherby called for a motion to authorize a letter of support for the grant.

Councilor Quinby moved and Councilor Raze seconded the motion to approve the letter of support for the DLCD grant.

AYES: 4  
NOES: 0  
ABSTAIN: 0

The motion passed and staff was directed to draft the letter for Mayor Weatherby's signature. .

**VI. STAFF REPORTS**  
**Police (Johnson)**

Chief Johnson stated that after months of work and contributions an Automated External Defibrillator (AED) has been ordered through the Red Cross. The Red Cross helped the City obtain a better price on the AED. Due to Hurricane Katrina, the AED is on back order at this time, but the Red Cross provided one for display at the meeting. Training occurred on Wednesday, September 14, 2005 with all of the officers and reserve officers in attendance. As soon as the AED is received, it will be deployed in the field. The department is seeking funding for additional AEDs with the intent to have one in every police car and at City Hall.

Chief Johnson reported that Officer Keyser broke his ankle and would be on light duty for three months. Keyser will be working on the grant for a new policy manual that needs development, the emergency plan update and other grant possibilities for the additional AED units.

Councilor Raze stated that the addition of an AED is important for the citizens of Fairview and hopes that soon there will be one in each car because the response time for the fire department is longer than for the City's squad cars. Seconds can mean the difference between life and death.

Chief Johnson stated that the donations made the purchase of one unit possible and the representative from the Red Cross would help in identifying other grants for at least 10 more. There is a good chance that a grant can be found to purchase more.

Councilor Jones stated that we also utilized Troutdale police and the Multnomah County Sheriff's office and asked if they have AEDs in their vehicles. Chief Johnson stated that neither of those departments had AEDs. Chief Johnson stated that the Red Cross and the American Heart Association offers a wide variety of classes in addition to the ones for the AEDs. Councilor Jones recommended that classes be researched for offerings at the Community Center.

**Public Works (Cochran)**

Director Cochran stated that currently the City is working on a consolidated sewer agreement with the City of Gresham. Currently there are a number of separate agreements, but it is important to have one formal agreement in place that details how the City operates the conveyance of sewer flows. Director Cochran stated that the City of Gresham is reviewing the various agreements and that the City of Fairview needs to have a committee to review the agreement before it is brought to Council. Director Cochran asked the Mayor and Council to be part of that committee. Mayor Weatherby appointed Councilor Jones and Councilor Cornelius to serve on the committee.

**Community Development (Wellman)**

Administrator Wellman stated that the report for Community Development was in the Councilors' packets. Wellman stated that Director DeRidder had a family emergency and is not present at tonight's meeting.

**Finance (Zentner)**

Director Zentner stated that in 2004 the City entered into an agreement with a collection agency to collect past due citations. Since that time over \$32,000 had been collected. Director Zentner stated that Stacie Perry, the City's Court Clerk had worked hard on this and deserved a special thank you for that work.

Director Zentner stated that the City would be implementing a Positive Pay program due to the increase of identity theft and increase in fraudulent checks. Information will be transmitted to the bank to assure that the bank doesn't cash a check without City approval. Implementation date is scheduled for November 2005.

Director Zentner stated that the external auditor, Robert Yingling, CPA has been working on the FY 04/05 audit since September 6, 2005. The City's new staff accountant, Yelena Fawcett, has completed and balanced many general ledger accounts this year. This is the first time that City staff has balanced many General Ledger accounts. In the past, the external auditor performed many of these duties. The balancing of General Ledger accounts is critical and ensures that the city properly accounts for revenues and expenditures.

**Administration (Wellman)**

Councilor Quinby stated he is concerned about something going wrong with this new Positive Pay program and an employee not being able to have their paycheck cashed over a weekend. Director Zentner stated that there would be the electronic submittal and if that failed staff has her cell phone number and can contact her at any time. Councilor Quinby stated that as long as someone is available to verify a paycheck then he was satisfied with this new process.

Administrator Wellman stated that instead of a report he would go over upcoming dates for Council meetings. As there are no agenda items for October 5, 2005 he recommends canceling that meeting. There is a special

Council worksession and meeting scheduled for October 12, 2005 to interview applicants for the vacant City Council position. The person who is chosen would be appointed at the special Council meeting following the work session on October 12, 2005.

**City Attorney (Sponsler)**

Administrator Wellman stated that there would be a joint Council and Budget Committee Worksession on October 19, 2005 beginning at 5:15 p.m. with dinner. The worksession would provide a financial forecast and the closing reports for the first quarter of the fiscal year. There will also be a presentation by an investment advisory group. They will discuss investing city funds, the level of returns, and the risks involved with different strategies for investment. The regular City Council meeting will begin at 7:00 p.m. and there are several items on the agenda for that meeting.

Tom Sponsler, City Attorney stated that the written report that was provided in the packets detailed the wide range and number of items that the City Attorney's office had worked on over the past month. These included, among other items, an executive session, five special meetings, and the regular Council meetings that were held during the last month.

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

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

Councilor Jones stated that she had no reports, but that she would be out of town on October 19, 2005. On that date she would be available by phone if there were a need.

Mayor Weatherby stated that Hurricane Katrina that destroyed large areas of the Gulf Coast brings home the need for planning on the local level. Currently the Council Public Safety Committee would be changed to the Emergency Preparedness Committee. Mayor Weatherby asked that Administrator Wellman, Director Cochran, and Chief Johnson, along with Councilors Owen, Raze, and Quinby meet to review all emergency plans including the local and regional plans, then report back to the Council with information and recommendations to update the City's plans.

Mayor Weatherby stated that Council would be having a neighborhood fair in the Old Town area of the city this October. These neighborhood fairs are important for the community and an excellent way for the Councilors and staff to connect with the citizens.

Mayor Weatherby stated that he had attended a half-day session for all the mayors in the metro area. Metro coordinated the meeting to review long range planning issues, the 2040 plan, population growth that is expected to rise faster than formerly calculated, how to preserve communities, transportation, maps, needs, resources, the expanded Urban Growth Boundary (UGB) and how to integrate the expected planning issues. Metro will continue to hold meetings on these issues. Mayor Weatherby noted that it was an excellent informational meeting and he looks forward to the additional upcoming meetings.

Councilor Raze stated that he had attended the Parks Committee meeting and there were several items to report. Representatives from the homeowners' associations in the Village presented their ideas for the \$500 they raised for play equipment in the Community Park. The intended use would be to purchase some type of play equipment for very young children. Planning and Public Works will work with the citizens to determine an appropriate piece of equipment. Another concept that was put forth to the Parks Committee is

to begin having movies in the parks next summer. This would provide family oriented recreational opportunities for the entire city. Planning staff is working on putting this program on. The Bonita Jenkins Plaza at the Community Center is now complete. Councilor Raze stated the Plaza is a wonderful addition to the city and increases the useable space for the Community Center. Councilor Raze noted that the Woodland Elementary School soccer field that was a collaborative effort between Reynolds School District, the City, and local soccer organizations would be ready for use by next year. However, there is a need for netting to prevent balls from entering two local busy streets. Raze finalized his report by asking for anyone who might have contacts with golf course owners/personnel for possible donations of their old netting for the purpose of safety for both the children using the field and the motorists driving past to please contact the City.

Chief Johnson had one final comment as a result of the comments by Mayor Weatherby on emergency preparedness. There is a series of trainings through the Gresham CERT training program that offers basic first aide, how to help your neighbors, what is needed in the way of supplies for an emergency, and other similar subjects. It is important not just for the first responders to be trained, but as Katrina has shown, it is important for everyone to be able to help themselves and their neighbors in an emergency situation.

**XI. ADJOURNMENT**

Mayor Weatherby called for a motion to adjourn.

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

The meeting was adjourned at 7:54p.m.

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**Mayor Mike Weatherby**

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**Dated:**

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**Jan Wellman  
City Recorder**

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**Dated:**