



**MINUTES
CITY OF FAIRVIEW
CITY COUNCIL WORK SESSION
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024**

April 19, 2006 – 5:35 P.M.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Jim Raze
Councilor Larry Cooper
Councilor Barbara Jones
Councilor Ken Quinby
Councilor Steve Owen

STAFF: Jan Wellman, City Administrator
Laura Zentner, Finance Director
Tamara DeRidder, Community Development Director
Bob Cochran, Public Works Director
Connie Hansen, Secretary

I. CALL TO ORDER

Mayor Weatherby called the meeting to order at 5:35 p.m.

II. SOUTH MARKET SQUARE – VESTED PROJECT

Mayor Weatherby called for the staff report.

Tamara DeRidder, Community Development Director stated that staff is bringing this item to the Council as a reminder of past land use actions that have preserved/impacted a pending development action. The Planning Commission, through a Design Review hearing on November 24, 1994, approved the South Market Square project. The project encompasses the vacant property on the southwest and southeast corners of Village and Market Streets, as well as properties that have

already been developed that include the Fairview Library and the mixed-use units on Village Street. On May 18, 2004, then City Administrator Mary Jo Briggs stated that the original Design Review was “vested” under common law, based on an interpretation by City Attorney Joan Kelsey. The criteria for “vesting” of a project are based on issuance of a percentage of building permits for the site. Another aspect of vesting is the completion of the sidewalks and parking areas associated with the site. Due to the determination that an appropriate percentage of the site has been developed, the developer can now proceed to obtain building permits to complete the build out of those properties.

Given past concerns about development in the Village area, staff thought it would be prudent to alert the Council to the fact that this approved land use action is still active and could result in construction permits on these sites in the near future.

The Councilors asked if staff had received any indication about possible tenants for the site and what type of development this would be. Staff stated that the units would be live/work units similar to what was developed across from the Post Office. Council noted that in the past there have been significant issues with parking in that area of the Village and directed staff to be very careful in assuring that the parking requirements are met. This would include on and off street parking areas to accommodate the residential and commercial uses approved for the site. Council also directed staff to be sure to have the Fire Department review the parking prior to final approval for construction, as there had been an issue with access for the fire trucks in the development across from the Post Office.

Director DeRidder stated that the developer would need to follow the conditions of approval as defined in the final decision for the original 1994 Design Review application. If they deviate from those conditions then the project would need to be brought before the Planning Commission for approval.

Administrator Wellman stated that once this site has been developed, the developer would do the final lift on the large parking lot behind the proposed development. This lot is part of the shared parking for the site. Staff will keep the Council informed when the building permit applications are acquired through the Community Development Department.

III. OLD TOWN INFLOW AND INFILTRATION SEWER PIPE REPLACEMENT

Mayor Weatherby called for the staff report.

Bob Cochran, Public Works Director stated that staff had brought this proposed project to the Council in February 2006 and Council had two major concerns and asked staff to return with more information: 1) Council did not want to fund the private lateral replacement and 2) Council asked staff to research financing options for residents (the private portion). Cochran stated that he had found the City of McMinnville had a great program for a sewer lateral replacement program. Staff has modified McMinnville's program to be similar for the Old Town area.

Staff is proposing that the City design, call for bids, and construct the main lines and replace the lines from the mains to the private property lines (right-of-way line). The private property owners would then be responsible for replacement of the laterals from the house to the property line. Using this method, the street would then be torn up one time and could be paved without further cuts in the pavement. All other utilities would be notified and a two-year moratorium would be in place for any cuts into the pavement. In conjunction with this, the connection to the private lateral pipe would be exposed, at which time the City staff would have access to the lateral to send a camera through it to determine the existing condition of the private laterals. The private lateral would be rated, receiving a ranking of poor to good. The ones that receive a "poor" rank would need to be replaced.

Once the City has replaced the main sanitary pipes and laterals within the right-of-way, and a determination has been made on the existing conditions of the private laterals, staff would monitor the system through the winter months in order to have time to evaluate the amount of I/I reduction that has been achieved. If the amount reaches an acceptable percentage of 80% (for example), then a determination could be made that the private property owners may not need to replace their laterals.

If the amount of reduction is not adequate then a program, to work with the property owners whose laterals were rated poor or in need of replacement, would be implemented. The McMinnville program begins with notification to the property owner by certified mail. The owner is given a 90-day grace period to have the work done. If the owner replaces the lateral within the 90-day period, a 10% rebate of the construction cost is granted to the homeowner by the city. A homeowner may ask for an extension of up to 10-months, but the rebate is no longer available. If the homeowner does not replace the lateral within the 90-day period, or ask for an extension, a \$50.00 per month charge/fine would go into effect for one year. If nothing is done, then they city would take the owner to court (as a nuisance) to have the work done seeking reimbursement through a lien. Council asked if staff could assess the private laterals now to determine which ones would potentially need to be replaced. Director Cochran stated this would require staff time to work with each homeowner

to gain access to their private property in order to perform the necessary testing.

Staff estimates that between 45 and 55 homes would need to have their laterals replaced. Staff researched the cost to the individual property owners to have their lines replaced to the connection in the right of way. The cost is estimated to be between \$1,500 and \$2,500. The financing options are as follow:

1. The owner hires a contractor to perform the work.
2. The owner gets a private loan.
3. Possible lien on the property if City has to have the work done.
4. CDBG funds: this is a possibility, but the funding for this program is diminishing and may not be adequate.
5. Rural development funds, but Fairview does not qualify.
6. DEQ/SRF funds (do not apply for private projects similar to lateral replacement)

The City's cost for the Harrison Street replacement project is estimated to be between \$276,000 and \$331,000. Depending on the condition of the existing mainline pipe, some of the pipe can be lined with cast in place pipe (CIPP), but other areas will require the street to be excavated and pipe replaced. After the "Pilot Project" on Harrison Street, the other areas in Old Town that have been identified for replacement are, in order of priority, Lincoln, Cedar, Main, and Depot streets.

The timeline for the project to begin, if Council agrees, is to have the bid out by May, with construction to begin in August or September. It is estimated it will take six to eight weeks for completion. The testing of the private laterals would take place and a list compiled of those needing replacement. The paving would be completed before the temperatures drop too low. After the winter monitoring of the system, a determination on the private laterals would be made and staff would bring the information to Council in April, 2007.

Council asked what the estimated cost to replace the private laterals from the street to the property line. Director Cochran noted that would be approximately \$78,000 for the Harrison Street Pilot Project. Councilor Quinby asked about working with the property owners to coordinate the replacement at the same time the City is working on the main line. Cochran noted that would take an enormous amount of staff time and contractor coordination potentially making for monetary contractor delays. Council discussed the ordinance that indicates that the lateral from the main line to the structure is the responsibility of the property owner and if that ordinance would need to be changed. Administrator Wellman noted that the Council could issue a "findings of fact for the public good", which

allows the City to deviate from the ordinance. The findings would apply only to the Old Town I & I replacement project.

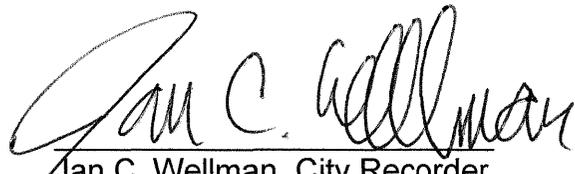
Council concurred with staff's recommendation to proceed with the project replacing the mainline sewers and lateral within the right-of-way. Council also directed staff to consult with the City Attorney on this code issue and be sure it is clarified before the project begins.

IV. ADJOURNMENT

Mayor Weatherby called for and received a consensus to close the work session.

The work session was adjourned at 6:34 p.m.


Mike Weatherby, Mayor


Jan C. Wellman, City Recorder

May 4, 2006
Date of Signing