



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

April 19, 2006 – 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 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
Ken Johnson, Chief of Police
Connie Hansen, Secretary

II. PLEDGE OF ALLEGIANCE

Mayor Weatherby led the Pledge of Allegiance.

III. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Mayor Weatherby called for any citizens wishing to address the Council on non-agenda items to come forward. Hearing none the meeting continued.

IV. CONSENT AGENDA

A. MINUTES – MARCH 1, 2006

Mayor Weatherby called for a motion on the Consent Agenda.

Councilor Quinby moved and Councilor Cooper seconded the motion to approve the Consent Agenda.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion to approve the Consent Agenda passed by a unanimous vote of the Council.

VI. PUBLIC HEARINGS – LAND USE ACTION

A. MAP REFERENCE CORRECTION IN THE MUNICIPAL CODE FOR THE SEC OVERLAY ZONE – SCRIVENER’S ERROR

1. ORDINANCE 11-2006 – CLARIFYING THAT AREAS PROTECTED BY THE SEC OVERLAY ARE MAPPED AS PART OF THE COMPREHENSIVE PLAN AND DECLARING AN EMERGENCY

Mayor Weatherby opened the public hearing and read the opening statement for land use decisions. He called for any exparte, bias, or personal interest by the Council. Hearing none the meeting continued.

Mayor Weatherby called for the staff report on this agenda item.

Director DeRidder stated that staff is proposing an amendment to the Municipal Code, Title 19, Section 19.100.020 to read as follows: “This section shall apply to those lands designated SEC on the Natural Areas Protected by the Significant Environmental Concern Overlay Map in the Fairview Comprehensive Plan.” The reason for this amendment is to correct a remnant error that was found that states that the SEC Overlay applies to those areas designated as SEC on the Fairview Zoning Map. However, staff has found that no such designation currently exists on the current edition of the Fairview Zoning Map. Staff thoroughly researched City records and has determined that the City did adopt the SEC Overlay as part of the Zoning Map in 1990. However, subsequent revisions to the Zoning Map did not include this Overlay in the map adoption process.

The SEC Overlay map and language has gone through a series of revisions through various adoptions and the Periodic Review process with DLCDC. The revised language and corrected SEC Overlay map are reflected in the current municipal code and the 2004 edition of the Comprehensive Plan.

The Planning Commission held a public hearing on this matter on April 11, 2006, at which time the Commissioners voted unanimously in favor of the proposed amendment.

Since two land use applications are pending, relating to this SEC Overlay, this ordinance needs to take effect as soon as is legally possible. For this reason, Section 3 of the ordinance contains an emergency clause so the ordinance may take effect upon adoption.

Mayor Weatherby called for anyone in favor of the ordinance to address the Council, hearing none he called for anyone in opposition to come forward. As there was no public testimony, the public hearing was closed. Council asked staff if this amendment changed the SEC Overlay or if it would stay the same. Staff responded that there would be no change in the SEC Overlay areas.

Mayor Weatherby called for a motion to read Ordinance No. 11-2006 by title only. Councilor Owen moved and Councilor Jones seconded the motion to read Ordinance No. 11-2006, by title only.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion to read Ordinance No. 11-2006, by title only was unanimous. Administrator Wellman read Ordinance No. 11-2006 – Amending the Fairview Municipal Code, Title 19, Section 19.100.020 subject to the conditions of approval in the staff report into the record by title only.

Mayor Weatherby called for a motion to approve the first and second reading of Ordinance No. 11-2006 – Amending the Fairview Municipal Code, Title 19, Section 19.100.020 subject to the conditions of approval in the staff report.

Councilor Raze moved and Councilor Jones seconded the motion to approve Ordinance No. 11-2006 for first and second reading – Amending the Fairview Municipal Code, Title 19, Section 19.100.020 subject to the conditions of approval in the staff report.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve Ordinance No. 11-2006 for first and second reading – Amending the Fairview Municipal Code, Title 19, Section 19.100.020 subject to the conditions of approval in the staff report.

VI. COUNCIL BUSINESS

A. APPROVAL OF THE IGA BETWEEN THE CITY OF FAIRVIEW AND MULTNOMAH COUNTY FOR AGING AND DISABILITY SERVICES – GRADY TARBUTTON AND ABBY KENNEDY TO BE IN ATTENDANCE

Mayor Weatherby called for Grady Tarbutton and Abby Kennedy to address the Council.

Mr. Tarbutton, Multnomah County Aging Services and, Ms. Kennedy, YWCA Aging Services, provided a program overview of the services that are provided through their agencies to help individuals to remain independent in their homes. Services such as Loaves and Fishes, transportation, housekeeping, personal care, activities, and special workshops are part of the programs. The need for these services has also increased over the years and they are seeing more residents requesting services within Fairview than in the recent past. Mr. Tarbutton and Ms. Kennedy noted that when the Community Center is remodeled they would work with staff to have workshops and program activities available for the community in the Community Center.

Council discussion noted that this program is very cost effective and that the citizens of Fairview benefit from the help they receive. The cost to Fairview is \$1,750.00.

Mayor Weatherby called for a motion on the IGA for Aging and Disability Services.

Councilor Owen moved and Councilor Raze seconded the motion to approve the IGA between the City of Fairview and Multnomah County for Aging and Disability Services.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion to approve the IGA between the City of Fairview and Multnomah County for Aging and Disability Services passed unanimously.

B. RESOLUTION 12-2006 – AWARD OF CONTRACT – COMMUNITY CENTER REMODEL PROJECT

Mayor Weatherby called for the staff report.

Director DeRidder stated that the Community Center interior remodel has been a goal of the City of Fairview and the Old Town residents for some

time. It is listed in both the Renaissance Plan and the 2022 Visioning Document. In 2005 the City completed the construction of the Bonita Jenkins Plaza, which surrounds the Community Center. In 2005 the City received a Community Development Block Grant (CDBG) for the design and construction of the interior remodel of the Community Center. This grant totaled \$94,000. In the past two weeks, the City was awarded an additional \$13,000 for this project through the CDBG program.

The project was put out to bid and the City received five bids. The project was bid as a base bid for the remodeling to include bid design of the plumbing, electrical, mechanical, and construction of interior walls. The fire suppression system and security systems were not included in the base bid and were bid separately. The low bidder for the base bid project was Colamette Construction Company of Sherwood, Oregon with a base price of \$119,970. Staff contacted references and received excellent recommendations on the work that has been performed by the company.

Staff is asking Council for approval to award the contract for this project. The City has adequate funds (CDBG and Parks SDC's) to complete this project.

Mayor Weatherby called for a motion on Resolution 12-2006 for the interior remodel of the Community Center.

Councilor Cornelius moved and Councilor Owen seconded the motion to approve Resolution 12-2006 – Award of Contract – Community Center Interior Remodel.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve Resolution 12-2006 – Award of Contract – Community Center Interior Remodel.

C. ORDINANCE 10-2006 AND RESOLUTION 06-2006 – AMENDING SECTIONS 13.05.050(A) OF THE FAIRVIEW MUNICIPAL CODE TO REQUIRE A CONTRACT WITH PROPERTY OWNERS FOR WATER AND SEWER SERVICES AND DECLARING AN EMERGENCY

Mayor Weatherby called for the staff report on this agenda item.

Director Zentner stated that the City of Fairview's Municipal Code does not provide for the collection of delinquent water and sewer fees from property owners on their rental properties. Although some property owners willingly pay delinquent fees for their tenants, this is not the standard. The City has

lost revenue in the past and will continue to lose revenue unless the City Code is modified.

Staff held a work session on January 18, 2006 to discuss this issue and review a *DRAFT* Ordinance. At the work session, it was decided to establish a committee including Councilor Raze, Councilor Cornelius, City Attorney Parsons, and Director Zentner to discuss and modify the *DRAFT* Ordinance. The updated Ordinance 10-2006 and Resolution 06-2006 would give the City clear authority to collect outstanding water and sewer service fees from property owners in the event tenants fail to pay. At the time the property owners/tenants sign up for utility services, an application will be required to be signed which will make the owners and customers agree to be jointly and separately liable for all usage and other applicable fees. Resolution 06-2006 clearly outlines the steps to be taken by staff to ensure that the City will first make all reasonable attempts to collect outstanding usage and other applicable fees from tenants before attempting collections from the property owner.

Staff recommends the adoption of Resolution 06-2006 and Ordinance 10-2006. Administrator Wellman noted that Ordinance 10-2006 should be adopted first and then Resolution 06-2006.

Mayor Weatherby called for a motion to read by title only Ordinance 10-2006.

Councilor Owen moved and Councilor Jones seconded the motion to read by title only Ordinance 10-2006 – Amending Sections 13.05.050(A) and 13.10.090(A) of the Fairview Municipal Code to Require a Contract with Property Owners for Water and Sewer Services and Declaring an Emergency.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to read into the record by title only Ordinance 10-2006. Administrator Wellman read into the record, by title only, Ordinance 10-2006.

Councilor Owen moved and Councilor Jones seconded the motion to approve Ordinance 10-2006 for first and second reading.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve Ordinance 10-2006.

Mayor Weatherby called for a motion to approve Resolution 06-2006.

Councilor Owen moved and Councilor Jones seconded the motion to approve Resolution 06-2006.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve Resolution 06-2006.

VII. STAFF REPORTS

Mayor Weatherby called for the staff reports.

A. POLICE

Chief Johnson stated that currently the staff is working on a number of items. The Department is having an open house on Monday, April 24, 2006 and he invited the Council to attend. The bicycle safety program will be a focus now that the spring and summer months are approaching.

The Department is also providing targeted enforcement and has been recently focusing on the Fairview Woods and Oaks Apartments due to the problems that continue to be habitual at that site. Staff has also increased the four wheeler and foot patrols for the Salish Ponds trail. These patrols have proved successful and staff will continue targeted enforcement around the city.

Chief Johnson announced that staff had met with the Multnomah County Emergency Services program to address concerns about the level of services that Fairview needs to implement to enhance their Emergency Plan in order to become NIMS compliant by September. If Fairview is not NIMS compliant by that time, the city would not be eligible for federal grant money. As a result of those meetings, the city will have a person assigned to the Department, from County Emergency Services, for 16 hours a week. That person would also assist in updating the disaster preparedness plan, which will improve the city's emergency operations.

Councilor Cooper also mentioned the PALS auction, that is scheduled for May 13, 2006, that Chief Johnson is planning and commented on the great benefits this program provides to after school and summer programs for children.

B. PUBLIC WORKS

Director Cochran stated that staff continues to work with citizens on the street tree trimming project. Many of the trees that needed trimming (approximately 50%) have been done, and staff is following up on the remaining issues. John Bricker and Grant Baughman had a good suggestion to create a "thanking-you-card" to give to those citizens who have complied with the street tree trimming request. This has been well received.

Councilor Raze stated that he has concerns about the tree trimming because this is not the season to trim trees that are blooming and have new growth. He also shared concerns about new subdivisions with immature trees that might be damaged by trimming at this time. Cochran replied stating that the requests were sent out in March, before the trees began developing their foliage. Councilor Cornelius noted that the canopy type trees in his neighborhood do not look very good once they have been trimmed and the neighbors are upset. Director Cochran stated that staff is some-what flexible with the trimming, but also there is a need to have access for the street sweepers and for pedestrians to walk on the sidewalks.

Staff is working on the stop sign modifications and replacement in the Old Town neighborhood. The older wooden posts are being replaced with steel posts and new signs. Additional stop signs are being installed in those locations that are currently unprotected. "Traffic Control Changes Ahead Signs" have been put up to notify drivers of the traffic changes.

Public Works will be sending out the annual newsletter next week. The newsletter will include the annual water quality report, updates on current projects (both city and county), articles on water conservation and recycling, and the annual spring cleanup event and SOLV event to be held on May 20th.

C. COMMUNITY DEVELOPMENT

Director DeRidder stated that Costco, which was one of the main projects for the Townsend site, has now backed out. The CEO toured the site and did not find it suitable, as there were concerns about distribution times between this site and the store on 138th Avenue and, he apparently had concerns about the need to have the new store placed closer to the major growth in east county around the Damascus area.

The cities of Troutdale, Wood Village, Gresham, and Fairview have been awarded a \$70,000 grant for the Columbia Cascade Economic Development plan. This will include developing consistent land use language for all four cities for the area north of I-84 to help with economic

development. The Planning Commission and City Council will review all the documents that are developed in this project.

Director DeRidder announced that John Gessner has been hired as the Senior Planner for Community Development and reviewed his background in planning.

D. FINANCE

Director Zentner stated the proposed budget for fiscal year 2006/07 was approved by the Budget Committee on April 10th and will now go to the Tax Supervising and Conservation Commission for certification. The budget will be advertised in the Gresham Outlook as required by Oregon Budget Law and will come to the Council for final approval in the regular Council meeting session of June 7, 2006.

Staff has continued to work with Valley Credit Services and has collected over \$53,000 since 2004. Director Zentner thanked Stacie Perry, the City's Court Clerk, for her continued efforts on this project. It was also noted that for the month of April 2006, the City collected over \$5,300.

Director Zentner stated that staff has also been working to reduce debt principal and interest expense whenever possible. This week, the City prepaid another \$250,000 on the City's Fairview Lake LID Debt and since 2004, the City has prepaid \$1.6 million. The original amount of this debt was \$2.8 million and the balance is now \$900,000. The City has saved over \$500,000 in interest expense by monitoring this debt very closely and prepaying principal whenever possible, as allowed under the bond covenants.

E. CITY ADMINISTRATOR

Administrator Wellman reported that a meeting was held with the Housing Authority of Portland, concerning the Fairview Woods and Oaks Apartments, to request an increase in the yearly payment for PILOT. The police department has a significant number of calls to that site and the funding from HAP has not been increased for a number of years. HAP has agreed to increase their payment to \$25,000 beginning in April of 2007, which is the beginning of their fiscal year. There was also a generic discussion about the property in back of the development, which is partially owned by the City, with the balance owned by the Housing Authority. It is not known what will be done with the property at this time.

Director Cochran and Administrator Wellman met with the Drainage District concerning the assessment the City received for street and impervious surfaces. This is property that the City does not have title to. The City Attorney's office is reviewing this concern and staff will report back to Council.

Administrator Wellman and Director DeRidder met with a representative from the Governor's office for a discussion and tour of a possible bio fuel facility. Staff will continue to remain in contact with the representative and work on this possible facility for the City.

Administrator Wellman stated that the Chair of the Parks Advisory Committee is leaving and Council will be presenting a plaque to Schuyler Goodrich at the May 3, 2006 Council meeting. This leaves a vacancy on the Committee and a notice will be developed for a volunteer to fill this position. Councilor Raze stated that Mr. Goodrich has been a great contributor to the Parks Advisory Committee and deserves recognition for his tenure.

F. CITY ATTORNEY

Administrator Wellman noted that a report from the City Attorney's office was provided to the Council.

VIII. MAYOR/COMMITTEE REPORTS & COUNCIL CONCERNS

Mayor Weatherby called for reports or Council concerns.

Councilor Jones reported that the planning for the Chili on the Green event, which will be held on September 16, 2006, is well underway. The event will include a car show, a run/walk, live music, and a children's area. A full report, and a request for a permit for a beer and wine garden, will be presented to Council in June.

Councilor Raze announced there would be a Parks Advisory Committee meeting tomorrow at 6:00 p.m. in the Council Chambers.

Councilor Quinby stated that he had testified before Multnomah County on the need for a Justice Facility in East County so that the officers would not have to go all the way to Portland for booking purposes. This is a concern and takes a great deal of extra time from patrols of the local municipalities. Councilor Quinby stated he is gratified to learn that assistance from the Emergency Management program would be assisting our Police Department for 16 hours a week.

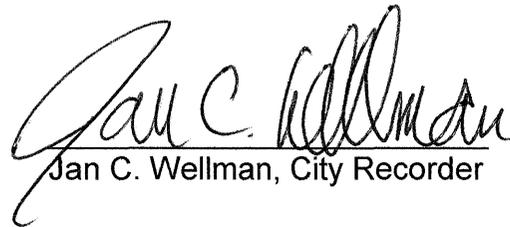
Councilor Cooper stated that the City's website is very well done and thanked staff person Tammy Shannon for her work on that project.

IX. ADJOURNMENT

Mayor Weatherby called for a motion to adjourn. Councilor Owen moved and Councilor Cooper seconded the motion to adjourn.

The meeting was adjourned at 8:20 p.m.


Mike Weatherby, Mayor


Jan C. Wellman, City Recorder

May 4, 2006
Date of Signing