



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

January 18, 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 Weatherby
Councilor Darrell Cornelius
Councilor Barbara Jones
Councilor Steve Owen
Councilor Jim Raze
Councilor Ken Quinby
Councilor Larry Cooper

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

II. PLEDGE OF ALLEGIANCE

Mayor Weatherby led the Pledge of Allegiance.

III. CITIZENS WHISHING TO SPEAK ON NON-AGENDA ITEMS

Mayor Weatherby called for any citizens wishing to address the Council on non-agenda items to come forward.

Rich Goheen, 1717 NE 205th Avenue, Fairview, Oregon 97024 came forward. Mr. Goheen stated that he is very concerned about the possibility of a non-tribal casino that developers are proposing for the old Multnomah Greyhound Park in Wood Village. If this ultimately becomes a viable project, the impacts to the City of Fairview would be significant. The negative affect on city roads, traffic, police enforcement, water, sewer, and noise levels would change the quality of life in the city forever. Mr. Goheen stated that he is asking that the City Council and the citizens of the City of Fairview stand against a casino.

Councilor Cooper stated that everyone has concerns and questions about the possibility of a casino because of the impacts to public safety, traffic control, stormwater, and sewer and water. Councilor Cooper stated in his discussions with Chief Johnson of the Fairview Police Department, additional officers and equipment would most likely be required. It will be very important to obtain information from the developers who are trying to promote a casino. The legal concerns and issues are enormous and must be taken into consideration by all of the parties that would be affected.

Councilor Cornelius stated that it would be prudent to invite the promoters of the project to make a presentation to the Fairview City Council. Councilor Cornelius suggested that the staff and officials of Wood Village and Gresham be invited to hold a roundtable discussion to obtain the necessary information for a larger public meeting. Cornelius stated that as there would be strong opinions on all sides, the Council would need to be able to represent the best interests of the citizens if the casino becomes a reality.

Councilor Raze agreed that the impacts to Fairview would be significant and felt that more information would be needed before a public meeting is held. State, federal and local blockades to this type of development would be difficult to overcome. The Indian tribes with casinos would more than likely fight this development as it would have an impact on their business.

The other Councilors agreed that more information would be needed and noted that they would closely monitor the project.

IV. STATE OF THE CITY ADDRESS BY MAYOR WEATHERBY

Mayor Weatherby stated that the City of Fairview has made meaningful progress in several areas over the last year that has improved the quality of life for its citizens. Highlights of his address are as follows:

- The Police Department has added an officer, enhanced enforcement of serious traffic offenses, increased training and professionalism, played a role in the East Multnomah County Gang Enforcement team, and increased the scope of criminal investigations within the City.
- The City has made expenditure reductions through staff changes and implementation of good management practices throughout the city, which has resulted in significant savings and more efficient service delivery to our citizens.
- The Public Works Department completed an additional water storage facility and a new water well is being brought on-line.
- The efforts in the area of economic development within the City have been rewarded by quality commercial and industrial development in the Townsend Business Park.

- Major strides have been made towards resolving concerns about the permit issues in the Village Street commercial district.
- The coming year, improvements to the City's road infrastructure, such as the construction and installation of a new signal system at 207th and Sandy, intersection improvements at Sandy Blvd. and 223rd Avenue, and the building of the new rail road undercrossing on 223rd near Sandy were expected.

Mayor Weatherby stated that, in the year to come, the threat of having a huge gambling casino constructed in Wood Village is something that everyone on the Council is taking very seriously. Mayor Weatherby stated that he is unequivocally opposed to the placement of a casino, as it would impact the quality of life for everyone in Fairview. The Council will hold public meetings if or when this becomes a more viable project.

V. CONSENT AGENDA

A. MINUTES – NOVEMBER 16, 2005 AND DECEMBER 7, 2005

Mayor Weatherby called for any changes or discussion 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 unanimously.

VI. PUBLIC HEARINGS

A. RESOLUTION 01-2006 – BUILDING PERMIT INSPECTION FEE INCREASE

Mayor Weatherby opened the public hearing on Resolution 01-2006 and called for the staff report.

Tamara DeRidder, Community Development Director, stated that this item was brought forward to the Council in the August 3, 2005 regular session of the Council meeting. This resolution is part of the contractual agreement with the City of Troutdale, which provides Fairview's building inspections program. Dick Bohlmann, Building Official with the City of Troutdale, stated at that time that Troutdale had notified the State of Oregon of their proposed fee increases and Troutdale was waiting for final approval. As part of Fairview's agreement with Troutdale, once that fee increase has been approved by the State, then Fairview would increase those fees as well. The fees under discussion tonight are the same fees that were presented in the August 3, 2005 meeting. The changes are largely due to the changes in the specialty codes and that fee page had not been updated since 1979. Director DeRidder stated if Council approved Resolution 01-2006, staff would submit the proposed fee increases to the State of Oregon. Once the State approved them, the new fee structure would be implemented.

Council discussed that these fees are consistent with the City of Troutdale's recently adopted fees and had no further questions of staff.

Mayor Weatherby called for anyone in the audience who wished to address this Ordinance to come forward. Hearing none, Mayor Weatherby closed the public hearing.

Mayor Weatherby called for a motion on RESOLUTION 1-2006 – BUILDING PERMIT INSPECTION FEE INCREASE.

Councilor Owen moved and Councilor Jones seconded the motion to approve RESOLUTION 1-2006 – BUILDING PERMIT INSPECTION FEE INCREASE.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion to approve RESOLUTION 1-2006 – BUILDING PERMIT INSPECTION FEE INCREASE was passed unanimously by the Council.

B. ORDINANCES 01, 02, 03, 04, 05, AND 06 – 2006 – VACATION OF RIGHT OF WAYS ALONG WISTFUL VISTA DRIVE

Mayor Weatherby opened the public hearing and called for any exparte, conflict of interest, or personal prejudice from the Council on these Ordinances.

Councilor Raze stated that he had been approached, unsolicited, by a property owner in that area to possibly purchase his land. As a result, Councilor Raze stepped down from this public hearing.

Mayor Weatherby called for the staff report.

Bob Cochran, Public Works Director stated that these Ordinances were for the partial vacation of the right-of-way along Wistful Vista Drive to the adjacent property owners. Director Cochran discussed the fact that a right-of-way is for transportation and other infrastructure needs that a City might have when an area develops or redevelops.

The origin of Wistful Vista Drive began in the early 1900's when the Portland Railway Light and Power Company (which later became Portland General Electric) owned and operated a passenger railway connecting downtown Portland with East County and beyond. The rail line that was constructed later became Wistful Vista Drive. Automobiles later became readily available to the public, eliminating the need for the rail line. The rail lines were then transferred for a public right-of-way.

Director Cochran stated that the majority of the right-of-way had been vacated all along the original rail line. Several years ago, the Public Works Department identified several right-of-ways that were of no use to the City, and could be vacated without impacting public transportation or infrastructure needs. The right-of-way along Wistful Vista was one of the areas that were identified, as well as right-of-ways along 213th Avenue, 6th and 7th Streets to name a few. The current right-of-way along Wistful Vista Drive is 100-feet in width. The proposal before the Council was to vacate 25-feet on each side of Wistful Vista, which would leave a 50-foot of right-of-way, thereby meeting the minimum residential roadbed standards.

The City of Fairview vacated a portion of the right-of-way in the year 2002 under Ordinance 4-2002 when the Schatz property at the corner of 205th and Wistful Vista Drive was partitioned into two lots. One of those lots was donated to the City at that time. In 2004 and 2005, City staff was approached by several of the property owners along Wistful Vista Drive who were interested in improving or subdividing their properties. Discussions between the property owners and City staff determined that, due to the number of requests, the City undertake the vacation process in order to conserve city staff time, control costs, and simplify the process. City staff agreed to manage the vacation process with the understanding that the owners would reimburse the City (prior to recording) for the expenses incurred during the process.

City staff followed the process of setting up the vacation of Wistful Vista that has been established through the Oregon Revised Statutes – Vacation (271.080 through 271.120). The statute requires a petition of agreement for the vacation to be signed by two-thirds of the affected property owners within the defined boundary. The ORS defines the affected properties to be 200-feet each side of the proposed vacation and 400-feet on each end of the proposed vacation. The City of Fairview sent out notices to the affected property owners within those boundaries to give them the opportunity to agree with the proposed vacation and, if their property was located adjacent to the right-of-way, to request that the right-of-way adjacent to their property be vacated. Five property owners requested that the right-of-way adjacent to their property be vacated. Sixty-nine percent (69%) of the property owners within the defined boundaries agreed to the vacation, thus exceeding the two-thirds requirement as defined in the ORS.

Director Cochran stated that at the October 19, 2005 Council meeting, staff presented the petition of this vacation proposal for council to accept. Council raised questions concerning the interpretation of “2/3’s” but approved the petition. Council directed staff to obtain further clarification from the City Attorney and to bring the request back to Council. The City Attorney and staff reviewed the ORS and determined that a two-thirds percent of the adjacent property owners were in agreement with the vacation of the Right of Way was area based and not ‘by property’. The area is consistent with the ORS of 200-feet in each direction of the vacation and 400-feet from the end. Cochran stated that using the ORS and the attorney’s interpretation, 69% of the property owners agreed

with the Vacation. Cochran also discussed the public notification process and the posting on the site of the vacation and in the Gresham Outlook.

Cochran reported that to accommodate the different needs and development timelines of the ten property owners along Wistful Vista, six separate ordinances have been developed. Ordinance 1-2006 vacates the Right of Way to the five property owners who have requested the property vacation at this time. If Council approves this ordinance the City would be reimbursed by those property owners for their fair share of the costs of surveying and application fee.

Ordinances 2, 3, 4, 5, and 6-2006 would approve the vacation of the Right of Way next to those property owners who do not want to obtain the right of way at this time. The City would have the mechanism in place when those owners request the right of way and reimburse the City for associated costs. Upon receipt of those fees, the vacation would be recorded with Multnomah County.

Mayor Weatherby called for Council questions. Councilor Cornelius stated that in the October 19, 2005 discussion on this item, Mr. Morasch raised the concern that staff did not have a sufficient percentage of property owners to move forward with the vacation of the right of way. Director Cochran stated that the City Attorney had helped to clarify the State requirements, as determined by the square footage of the adjacent property owners. Council asked about the costs for the surveying and recording. Staff responded that the percentages ranged from \$110.00 to \$2,000 depending on the length of the right of way to be vacated. Council also questioned if those property owners would be able to subdivide their properties without the proposed vacation of the right of way. Staff responded that those properties could be subdivided without the right of way.

Mayor Weatherby opened the public hearing for testimony and stated that there was a three-minute time limit per person for testimony. Weatherby called for anyone opposed to adoption of the ordinances to come forward.

Mr. Dick Taug, 1625 NE 205th Avenue, Fairview, Oregon asked for a waiver of the three minute time limit. Mayor Weatherby added one additional minute for Mr. Taug.

Mr. Taug provided a letter as part of his testimony and read the letter to Council. Mr. Taug's concerns were that the City should maintain control of the 100-foot right of way for the future. These ordinances only benefit a very limited number of people and it is improper for the City to advocate for this vacation of right of way. Mr. Taug stated that he has been in contact with Multnomah County and has received information that the City does not have fee title to the right-of-way along Wistful Vista. Instead, Portland General Electric was the holding company and the City could not legally vacate what it does not own. Mr. Taug also contended that in the October 19, 2005 Council meeting, staff only presented this as part of a staff report, not as an agenda item as it should have been.

Mayor Weatherby asked Paul Elsner, City Attorney to respond. Attorney Elsner stated that the documentation he reviewed showed that the property was properly titled and the public notices were published correctly for this public hearing. Elsner stated that if conflicting information was available, it should be presented for review.

Mike Morasch, 20401 NE Wistful Vista Dr., Fairview, Oregon stated that it appeared as if City staff was trying to rush through this process. It appears that the City does not have fee title for the ROW under discussion tonight and it would be improper to continue until ownership has been established. Mr. Morasch stated he had contacted his title company and their interpretation is that Multnomah County owns the right of way. He recommended that further research be done to address the information received in Mr. Taug's testimony.

Arthur Fix, 2240 NE 205th Avenue, Fairview, Oregon stated that it appears that further information must be gathered prior to approving these ordinances. He stated that his deed shows that his land extends to the middle of the County road, but he is not taxed on that since it is a right of way. Mr. Fix stated he is concerned that the property owners who receive the right of way might find that their property taxes will go up. Under Measure 5 those taxes are limited, but with this change of property lines and value, the property owners may find that they would be charged for the additional assessed value.

Michael Whitton, 20736 NE Wistful Vista Drive, Fairview, Oregon stated he also has concerns about this process. The perception is that property owners would gain something from this if they receive the right of way, but this does not increase the ability to develop the property further, although it could help when the property was subdivided for lot averaging. He stated he would have to pay his mortgage holder \$370 as well to process the paperwork for the vacation, but that he is interested in having this property. Mr. Whitton also questioned the vacation of the ROW in 2002 to the Schatz property and that it appears to have been done differently.

Rich Goheen, 1717 NE 205th Avenue, Fairview, Oregon stated that it is important for the City Council to follow the proper procedures. He stated that he also signed the letter submitted by Mr. Taug and that he does not believe the City has the legal right to vacate the right of way.

Mayor Weatherby called for anyone wishing to speak in favor of the adoption of the ordinances to come forward to address the Council.

Greg Hood, 34215 NE Chamberlain Road, Corbett, Oregon stated he is in favor of this application. He owns property along Wistful Vista and has plans to develop it into five lots, but even without the vacation of the right of way that property could still be subdivided into five lots. The benefit would be that those lots would be larger. Mayor Weatherby called for Council discussion, as there was no further testimony. Council discussion of the testimony, questions of the City Attorney and staff found that further information would be needed before a

decision could be made on the ordinances. Council asked for clarification on the terminology of dedications, easements and vacations, as they would apply to these ordinances. Council also directed staff to research more in depth the history of the conveyance of the right of way to be sure that the City has a legal right to vacate the property. The Council asked Attorney Elsner how long it would take him to issue an opinion on these ordinances, and he responded it would take three weeks before he could provide that information.

Council recommended tabling the discussion and decision on the ordinances at this time. Staff was directed to bring this forward to Council when the requested additional information has been obtained from both the attorney's office and through a more extensive title search.

Mayor Weatherby called for a motion on Ordinances 1-2006, 2-2006, 3-2006, 4-2006, 5-2006 and 6-2006.

Councilor Owen moved to table the decision on Ordinances 1-2006, 2-2006, 3-2006, 4-2006, 5-2006 and 6-2006. Councilor Cooper seconded the motion.

AYES: 6
NOES: 0
ABSTAIN: 1 (Jim Raze)

The motion was passed with one abstention to table Ordinances 1-2006, 2-2006, 3-2006, 4-2006, 5-2006 and 6-2006.

C. ORDINANCE 7-2006 – COMPREHENSIVE PLAN MAP AMENDMENT FROM FAIRVIEW VILLAGE/"VILLAGE APARTMENT" TO "VILLAGE MIXED USE" ZONE MAP AMENDMENT FROM "VILLAGE APARTMENT" (VA) TO "VILLAGE MIXED USE" (VMU) – 1510 – 1516 NE MARKET DRIVE – LAND USE ACTION

Mayor Weatherby opened the public hearing and read the opening statement for Quasi-Judicial Public Hearings. Mayor Weatherby called for any exparte contact, conflict of interest, or personal prejudice from the Council on this land use decision. Hearing none he called for the staff report.

Director DeRidder stated that this application is being forwarded to the Council from the Planning Commission, which recommends approval based upon the facts, findings, and conclusions in the staff report. The applicant requested an amendment to the Comprehensive Plan map and zoning map from Fairview Village/Village Apartment to Fairview Village/Village Mixed Use. The applicant also requested approval of a minor subdivision and site design review for four mixed-use units on four lots. The Planning Commission voted unanimously to approve those two land use applications contingent upon approval of the Comprehensive Plan and zoning map changes, as proposed, by the City Council.

The applicant proposes to construct four row houses, with approximately 3,000 square feet, with a two-car garage to the rear of the row house. The preliminary configuration is for approximately 1,000 (+ or -) square feet of retail/commercial on the ground floor and approximately 2,000 (+ or -) square feet of residential row house space above the ground floor. There will be no connection between the residential and ground floor space. The ground floor space is intended for uses similar to the uses found at the MarketPlace Mixed Use project across from the Post Office and allowed under the VMU code. Parking for the site has been addressed with 16 on-site spaces. The application meets the requirements of the Fairview Municipal Code and Comprehensive Plan.

Councilor Cooper asked if there was any opposition to this application at the Planning Commission hearing. Director DeRidder stated that no one came forward to oppose the application.

Mayor Weatherby called the applicant forward to address the Council.

Garth Everhart, 954 NE Clear Creek Way, Fairview, Oregon stated that the property could be used for apartments (8 to 12 units could be constructed), but due to the interest level for the Village Mixed-Use across from the Post Office, this type of use would appear to be the best use for the property. The division between the retail/commercial space and the residential would eliminate the problems that arose along Village Street. The proposed configuration for the row houses would allow the leasing-out of the retail/commercial space with no impact to the residential units because there is no physical connection. Mr. Everhart stated that this develop would appear to be the best fit for the area.

Mayor Weatherby called for those in favor of the application to come forward, hearing none he called for those opposed to come forward to address the Council. Hearing none Mayor Weatherby closed the public hearing and called for Council questions.

Councilor Quinby noted that he approves of four units, with retail space, more than he approves additional apartments in the Village. However, he is concerned that there won't be enough parking for the project and commented that even though there are two car garages for each unit it is rare that people use both slots for parking their cars. The fact that there are more spaces than the Code calls for is appreciated. Councilor Quinby stated he is in favor of this application. The other Councilors indicated they were in agreement with the application.

Mayor Weatherby called for a motion on ORDINANCE 7-2006 COMPREHENSIVE PLAN MAP AMENDMENT FROM FAIRVIEW VILLAGE/"VILLAGE APARTMENT" TO "VILLAGE MIXED USE" ZONE MAP AMENDMENT FROM "VILLAGE APARTMENT" (VA) TO "VILLAGE MIXED USE" (VMU) – 1510 – 1516 NE MARKET DRIVE – LAND USE ACTION.

Councilor Raze moved and Councilor Owen seconded the motion to approve ORDINANCE 7-2006 - COMPREHENSIVE PLAN MAP AMENDMENT FROM FAIRVIEW VILLAGE/"VILLAGE APARTMENT" TO "VILLAGE MIXED USE" ZONE MAP AMENDMENT FROM "VILLAGE APARTMENT" (VA) TO "VILLAGE MIXED USE" (VMU) – 1510 – 1516 NE MARKET DRIVE – LAND USE ACTION by title only.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve Ordinance 7-2006 by title only.

Administrator Wellman read into the record by title only Ordinance 7-2006.

Mayor Weatherby called for a motion on a second reading of Ordinance 7-2006 by title only.

Councilor Raze moved and Councilor Owen seconded the motion to approve a second reading by title only ORDINANCE 7-2006 - COMPREHENSIVE PLAN MAP AMENDMENT FROM FAIRVIEW VILLAGE/"VILLAGE APARTMENT" TO "VILLAGE MIXED USE" ZONE MAP AMENDMENT FROM "VILLAGE APARTMENT" (VA) TO "VILLAGE MIXED USE" (VMU) – 1510 – 1516 NE MARKET DRIVE – LAND USE ACTION.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve ORDINANCE 7-2006 - COMPREHENSIVE PLAN MAP AMENDMENT FROM FAIRVIEW VILLAGE/"VILLAGE APARTMENT" TO "VILLAGE MIXED USE" ZONE MAP AMENDMENT FROM "VILLAGE APARTMENT" (VA) TO "VILLAGE MIXED USE" (VMU) – 1510 – 1516 NE MARKET DRIVE – LAND USE ACTION.

VII. COUNCIL BUSINESS

Mayor Weatherby called for the staff report on item A under Council Business.

A. APPROVAL OF AMENDMENT NUMBER ONE TO THE EAST METRO GANG ENFORCEMENT TEAM IGA

Chief Johnson stated that Council had formerly approved the IGA for the formation of the East Metro Gang Enforcement Team. Additional funding in the amount of \$750,000 has now been obtained to allow the program to be in place through June of 2007. These additional funds will allow the City to charge for the overtime and training needs associated with the grant. Staff is asking for Council approval to amend the IGA to include the additional funding and continuance of the IGA through June 2007.

Councilor Owen moved and Councilor Raze seconded the motion to approve AMENDMENT NUMBER ONE TO THE EAST METRO GANG ENFORCEMENT TEAM IGA.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve AMENDMENT NUMBER ONE TO THE EAST METRO GANG ENFORCEMENT TEAM IGA.

B. DISCUSSION AND APPROVAL OF THE SEWER AGREEMENT WITH THE CITY OF GRESHAM

Director Cochran stated that this IGA consolidates all previous agreements and reflects the current operation practices between the cities of Gresham and Fairview. The City of Fairview was also very concerned with the drastic increases and fluctuations that have been occurring in the sewer bills. These fluctuations have caused extreme problems, both with remaining within current budget and forecasting future sewage treatment budgets. When the final draft agreements were discussed, Fairview required that the new agreement be written such that the billings for sewage treatment are predictable and fair. As a result, sampling methodology and procedures were changed to better reflect the concentrations sent to the Waste Water Treatment Plant. This sampling and billing methodology is reflected in the agreement consolidation. Additionally, during the development of the draft agreement, the City of Gresham recommended using a two-year running average to determine Fairview's billing in an effort to remove the peaks and valleys from the City of Fairview's monthly bills. Fairview staff has reviewed this proposal and concurs that this method is both fair and assists in the predictability of the invoices from Gresham.

Mayor Weatherby called for Council discussion, as there was none he called for a motion on the Sewer Agreement with the City of Gresham.

Councilor Owen moved and Councilor Jones seconded the motion to approve the Sewer Agreement with the City of Gresham.

AYES: 7
NOES: 0
ABSTAIN: 0

The motion was unanimous to approve the Sewer Agreement with the City of Gresham.

VIII. STAFF REPORTS

Mayor Weatherby called for the staff reports.

A. POLICE

Chief Johnson reported that the new records management system development is proceeding and should be completed over the next month. The officers and police clerk have been receiving training on the system. The program should be in place and in use by mid-February.

The policy review is continuing to show progress towards completion. There will still be numerous drafts and legal opinions to work through, but the end result will be a professional document that can serve the department well over the next few years.

Council asked if the new data management system could be utilized to track trends in crimes, traffic and other police related activities. Chief Johnson responded that this would be a valuable tool for that purpose and the tracking of gang activity will be very helpful to local officers. Councilor Cornelius noted that traffic citations have increased significantly over the last four months and asked staff for information. Chief Johnson stated that the three new officers that were hired are now on solo patrol; the department hired an officer who has a great deal of experience in traffic control and investigation. The staffing has been changed as well, but patrols for the neighborhoods have remained consistent.

B. PUBLIC WORKS

Director Cochran stated that the stormwater system is working very well. The amount of rain that has occurred gave the improvements to the system a good trial. Linda Hulme, Engineering Technician has completed the Stormwater Plan document, which will be available starting January 27, 2006. The completion of this document is a requirement for the City's storm water permit. The final item to report is that the City received the CIS safety award for a successful safety year. This means there was less time lost due to work injuries.

C. COMMUNITY DEVELOPMENT

Director DeRidder reported that the City has almost reached the \$200,000 mark for building permits, at which time the ratio paid to Troutdale changes and the City of Fairview retains more of the fees collected.

The department has a significant number of land use applications that will be brought to the Planning Commission over the next few months. These include several small subdivisions, a Comp Plan Amendment and Zone Change for Depot Street, and a pre-application has been received for a Costco in the Townsend Business Park. The Townsend Farms are also proposing to relocate their migrant worker quarters and processing facilities in the Townsend Business Park.

The Green Streets Committee has been appointed with Councilor Raze and Councilor Cornelius, Commissioner Stonewall and Commissioner Kaufman, and a citizen member Dick Taug.

Councilor Cornelius asked about traffic impact if a Costco is built in the Townsend Business Park. Director DeRidder stated that staff has requested a new traffic impact study be completed as part of the requirements of the design review. A new city wide traffic study will be needed in the near future, as part of the regularly scheduled planning documents that have to be completed.

D. FINANCE

Director Zentner stated that the annual financial audit had been completed for Fiscal Year 2004/05. The audit report indicated that the City had done a very good job in maintaining the accounting records.

Director Zentner also reported that the recruitment for the Utility Billing Clerk position was in process. To date, fifteen applications had been received and the position was expected to be filled by the end of February.

Staff is working on preparing the budget for the Fiscal Year 2006/07. Materials were distributed to the Department Directors on January 10, 2006 with a first rough draft due on January 21st. Administrator Wellman and Director Zentner will then meet with each director to review and adjust the draft budgets. The Budget Committee will meet in April to finalize next year's budget.

Council congratulated Director Zentner and her staff for their excellent work and the results of the audit.

E. CITY ADMINISTRATOR

Administrator Wellman stated that he and Chief Johnson have a meeting with the Housing Authority of Portland to discuss the agreement for payment of PILOT fees by the Housing Authority for their housing units in Fairview. The current agreement has remained static since 1993. The need for police services to the Fairview Woods and Oaks has increased over the years and it is time to update this agreement in order to continue to provide services. Those apartments represent the bulk of the police calls to apartments in the city.

Wells Development will be holding a community meeting about International Trucking moving into the Townsend Business Park. That meeting is being held tomorrow, January 19, 2006, in the Council Chambers, at 5:30 p.m.

Staff has been working on the issues and costs for a new well and treatment plant, which should assist in remedying the brown water problems that Fairview Lake residents have been experiencing.

Other meetings that staff are scheduled to attend include those with Reynolds School District and the Mt. Hood Community College Business Summit fostering public and private partnerships.

Discussion from Council on the Costco store noted that this would bring excellent employment opportunities into the City. The store would open up a large number of jobs. The proposed casino in Wood Village opened up the discussion on Multnomah County's plans for the cul-de-sac at Arata Road, or a right turn only at the intersection of 223rd and Arata Road. Councilor Cornelius asked if Fairview would receive impact fees from the casino development and where those fees would come from. Administrator Wellman stated that Fairview staff would develop a report on the impacts to the water, sewer, traffic, police, streets and other services to help facilitate the agreement on how much those impact fees might be. The fees would come from the developers of the project, not necessarily Wood Village. Attorney Elsner stated that the IGA with Wood Village requires coordination on development impacts. Fairview would have opportunities to participate during the land use process for Wood Village should this project become a reality.

Mayor Weatherby noted that in a meeting with the other four mayors and the developers addressed the proposed casino project and it was noted that the MOU with Wood Village expires next year. The city needs to be firm in assuring that needs of the citizens of Fairview are protected. The developers indicated in their presentation that the casino would go into an existing building and that would not be part of the MOU. Attorney Elsner stated that an analysis could be done once the required number of signatures is obtained to move this proposal forward.

F. CITY ATTORNEY

City Attorney Elsner stated his report was in the Council packets, much of the legal staff's time has been dedicated to the water rights issue with Wood Village. He had nothing further to report.

IX. MAYOR/COMMITTEE REPORTS & COUNCIL CONCERNS

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

Councilor Cornelius did not have further comments.

Councilor Jones stated that the Fairview Festival would be held in September instead of the last Saturday in July. This decision was based on weather, as well as, to create a more unique type of festival for the city and surrounding communities. This year the festival will be held on September 16, 2006 and the event will now be a Chili Cookoff, Cruise-in and feature live music.

Councilor Owen had no report. Councilor Raze noted that tomorrow, January 19, 2006 the Parks Committee would be meeting. Councilor Quinby had no report. Councilor Cooper stated he is assisting with the "Fairview on the Green" event and would be planning the car show.

Mayor Weatherby stated that Councilor Cornelius had been assigned to the Fire Contract Committee and had been a great asset. Councilor Cooper would now

also serve on that committee. Mayor Weatherby stated that he would also be meeting with the Housing Authority of Portland along with Administrator Wellman and Chief Johnson.

X. ADJOURNMENT

Mayor Weatherby called for a motion to adjourn the Council meeting.

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

The meeting was adjourned at 9:40 p.m.

Mayor Mike Weatherby

Dated:

**Jan Wellman
City Recorder**

Dated: