

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024**

AUGUST 19, 1998 -- 7:30pm

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

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr
Councilor Ken Quinby
Councilor Dave McCutcheon
Councilor James Raze
Councilor Sherry Lillard
Councilor Len Edwards
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
Roy Wall, Finance Director
Bob Cochran, City Engineer
John Pettis, City Planner
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor McCutcheon moved and Councilor Lillard seconded the motion to remove Item II.B. from the Consent Agenda per staff request, and to approve the revised Consent Agenda, consisting of: an Intergovernmental Agreement with the City of Gresham for Storm Sewer Permitting; a Grant Authorization for the Oregon Department of Transportation; an Equipment Purchase for the Public Works Department; and, the Minutes of August 5, 1998.

AYES: 7
NOES: 0
ABSTAINED: 0

**III. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS**

Mayor Vonderharr called for persons wishing to speak on non-agenda items.

Vern Loftis, 455 Bridge Street, approached the podium and stated that in the past two weeks, Bridge Street had been experiencing problems with a coyote and that several cats had been lost. Mr. Loftis commented that Multnomah County Animal Control does not deal with coyotes, and that the neighborhood had received no response from the Department of Fish and Wildlife. Councilor Raze suggested a company called "Critter Gitters" could be contacted, but that they would charge for their service; Mayor Vonderharr suggested that staff follow-up on the problem before a private company was contacted. Mr. Loftis added that the coyote had been seen coming from the nature trail.

Diane Braithwaite, 21903 NE Shaver Street, and Jeff Smith, 21915 NE Shaver Street, approached the podium and questioned ownership and responsibility of the pond area near Fairview Lake as they would like to receive some direction on what they could do about the weeds inside and outside of the fenced area. Jeffrey Sarvis, Director of Public Works, stated that the City now owns the pond area, as

previously it was owned by the developer of Fairview Lake Estates, but that the City does not have the personnel to perform maintenance work on the area and the project continues to be pushed further back on the list of jobs to be done.

Margaret Heydon, 4004 NE 218th Avenue, approached the podium and stated that she had received a letter from City Engineer Bob Cochran who, in response to her request of having the weed maintenance performed by a private entity, asked for a cost estimate which was forwarded to him. Mr. Smith commented that the blackberry vines were going to be 12 feet high soon, and mentioned that Blue Heron Shores Phase II contains a pond which is maintained by a Neighborhood Association. Mayor Vonderharr stated that the City would be trying to pass a park levy to provide for additional park maintenance, which would include wetland and open space areas owned by the City; however, currently, the City did not have the personnel to perform the maintenance. Marilyn Holstrom, City Administrator, commented that there was a possibility that the City could enter into an agreement with a Neighborhood Association to take care of the problem, but there was no Association to enter into agreement with. Councilor Lillard stated that, in her opinion, that seemed like the most practical solution. Councilor Owen mentioned that he knew of an individual in the neighborhood who was working on forming an Association and asked the citizens to contact him for more information. Mayor Vonderharr added that that was the only answer the City had right now, with maybe the possibility of the City having a joint clean-up day with the residents of Fairview Lake Estates. Councilor Quinby asked if the City could send a copy of other Park Maintenance Agreements to the citizens who spoke tonight. Administrator Holstrom responded that a copy of the agreement would be mailed.

Steve Kaufman, 505 Bridge Street, approached the podium and reiterated the coyote problem on Bridge Street, as the coyote was becoming very brazen. Mr. Kaufman stated that a Committee had been formed to discuss the noise issue from the I-84 freeway, with an ODOT official, at that time, stating that soundwalls could not be constructed due to a requirement of housing density; however, soundwalls have now appeared on the north side of the freeway for the farms along Sandy Boulevard, which has less housing density and which has caused the doubling of noise on the south side of the freeway. Administrator Holstrom stated that the Noise Committee had not met for about a year and a half and that the City has not heard from them. Mayor Vonderharr suggested that the ODOT representative be contacted again regarding the need of soundwalls on the south side of the freeway. Mayor Vonderharr requested that the City's Police Department perform another freeway sound check in the area.

IV. PUBLIC HEARING

A. RESOLUTION - Park Maintenance Levy

Administrator Holstrom reported that about a month ago, staff had presented Council with a possible levy to be sent before the voters in November 1998 to fund park maintenance costs. A 45c increase per \$1,000 assessed property value is what the City would be requesting, and the Ballot Title, Question, and Summary were before the Council.

Councilor Raze stated that much could be accomplished should the levy pass, and that assistance with park maintenance was badly needed.

Mayor Vonderharr opened the public hearing.

Mr. Kaufman commented that he felt the Park Levy was a wonderful idea and that

he did not see it costing a homeowner that much. As no one else approached the podium, Mayor Vonderharr closed the public hearing.

Councilor Quinby asked Director Sarvis to explain what exactly Public Works staff handles and why the City does not have enough funds to cover all park maintenance. Director Sarvis responded that the City has four maintenance workers to cover water, sewer, parks, buildings, streets, etc., and that the number of personnel has not changed in ten years. The City has grown in the past two years from owning two parks to now owning over ten parks. Ms. Hey questioned if new development would support Public Works. Director Sarvis responded yes, but mostly only for water and sewer maintenance; Parks SDCs allow the City to purchase park land but not to maintain the land. Mayor Vonderharr added that the City's General Fund would increase with a Parks Levy.

Councilor Edwards commented that the Public Works Department would always be behind and that the proposed levy would not pay for everything, but it would be a start.

Councilor Edwards moved and Councilor Lillard seconded the motion to approve Resolution 21-1998, A RESOLUTION CALLING FOR AN ELECTION IN THE CITY OF FAIRVIEW ON NOVEMBER 3, 1998, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF A LOCAL OPTION TAX FOR PARK MAINTENANCE.

AYES: 7
NOES: 0
ABSTAINED: 0

V. COUNCIL BUSINESS

A. RESOLUTION - Heslin House Agreement

Administrator Holstrom reported that several months ago, Mr. Kaufman presented the required report for the Heslin House to discuss the extension of an agreement with the Fairview-Rockwood-Wilkes Historical Society regarding the Heslin House. At that time, Councilor Raze mentioned that the agreement was to be renewed by Council on a year-to-year basis. Administrator Holstrom stated that all information was in the Council's packet, along with a resolution which would extend the agreement another year.

Councilor McCutcheon asked if Mr. Kaufman had a punch list of what was planned to be accomplished on the Heslin House over the next year. Mr. Kaufman responded that the Historical Society did have a list and an order in which they plan to do each task. Mr. Kaufman stated that by the end of summer 1998, they plan to have the house primed, and by the first of 1999, all wiring, gas lines and plumbing would be installed. Mr. Kaufman indicated that the goal was to have an Occupancy Permit by the end of 1999. Councilor Owen suggested that the Historical Society provide a press release to local newspapers to spread the word and to promote the need of volunteers. Mr. Kaufman responded that the Society had always intended to have an article placed in the City's Newsletter, and that they now have a volunteer who will do that. Bonita Jenkins added that publicity was needed in newspapers. Councilor Lillard stated that the Society had done an excellent job in the past year on the Heslin House.

Councilor Edwards moved and Councilor Owen seconded the motion to approve Resolution 22-1998, A RESOLUTION TO EXTEND LEASE AGREEMENT WITH THE FAIRVIEW-ROCKWOOD-WILKES HISTORICAL SOCIETY, INC., CONCERNING RESTORATION, MAINTENANCE, AND USE OF THE HESLIN HOUSE AND PROPERTY.

AYES: 7
NOES: 0
ABSTAINED: 0

**B.UPDATE -
Fairview Lake Sanitary Sewer LID**

Director Sarvis reported that the north end of the City was developing very rapidly. Three years ago, the City had formed a Local Improvement District (LID), with one remonstrance out of the 400 acre project being received, and hired a consulting firm for engineering of the Sewer LID. The consulting engineer had designed the sewer and two pump stations, along with several miles of sewer main, with an estimated cost of \$2.5 million. The City received a low bid of \$2.4 million and a high bid of \$3.8 million for the construction. Director Sarvis stated that before the Council was a report which indicated the progress to date, with construction having begun in October 1997. Numerous change orders had been received since that time, and completion of the LID was now scheduled for mid-September 1998, with final assessments out between January and March of 1999. Director Sarvis commented that, currently, the cost was at \$3.5 million, with the City having borrowed \$4 million from USBank for the project.

Councilor Lillard questioned if the total cost will come in at \$4 million. Director Sarvis responded that staff anticipated coming in under \$4 million. Councilor McCutcheon asked if the original bid had included rock removal and backfill. Bob Cochran, City Engineer, responded that the bid did include both items, but staff had not projected the correct amount of rock to be removed, so would have to pay for any extra beyond what was projected.

**C.BRIEFING -
Utility Undergrounding**

Administrator Holstrom reported that through the years, staff and Council has discussed the undergrounding of utility wires in the core area. Administrator Holstrom commented that the City had hoped that undergrounding could occur in the core area and staff has been looking for funds to do that. One of the ways in which some cities underground is through franchise agreements with their utility companies; Fairview is currently in its 4th year of a 10-year franchise agreement. The City receives franchise fees from PGE which are used in the General Fund. Administrator Holstrom mentioned that some cities add an additional 1.5% privilege tax to their residents' utility bills which are dedicated to a certain project, such as undergrounding. In Fairview's franchise agreement with PGE, it indicates that no privilege tax could be collected. Administrator Holstrom reported that staff has been talking with PGE about renegotiating the franchise agreement, receiving a negative response from PGE. However, staff discovered that a second alternative existed; there is a State law which says that a City Council could decree that PGE underground all the wires in its city. No city in the State has ever taken the step to do that, however, as politically it was a difficult step to take.

Roy Wall, Finance Director, added that Oregon Rules and Statutes does allow forced conversion of undergrounding utilities, but it has never been implemented in the State; conversion costs would be borne by the utility company, but trenching, vaults, and reconnects would have to be paid for by the affected households and were not cheap. PGE would front the costs and then the homeowner would be billed for the undergrounding; payments could be extended over a period of time. Administrator Holstrom commented that she did not believe the residents of the core area would consider the added cost to them to underground electrical wires.

**D.ORDINANCE -
Animal Control - Enactment Reading**

Administrator Holstrom reported that, a month ago, Multnomah County Animal Control had made a presentation to Council regarding adoption of Ordinance 15-1998 which would allow the City to participate and be under the Multnomah County Animal Control Ordinance. Administrator Holstrom stated that a first reading of the ordinance had been held, and that a second reading was being requested tonight.

Councilor Lillard moved and Councilor Owen seconded the motion to read Ordinance 15-1998 a second time by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Administrator Holstrom read Ordinance 15-1998 a second time by title only.

Councilor Lillard moved and Councilor Edwards seconded the motion to approve Ordinance 15-1998, AN ORDINANCE ADOPTING REVISIONS TO THE MULTNOMAH COUNTY ANIMAL CONTROL ORDINANCE FOR ENFORCEMENT WITHIN THE CITY OF FAIRVIEW.

AYES: 6
NOES: 1 (Quinby)
ABSTAINED: 0

VI. DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that staff has been going through the Reserve Officer process again; there are two good candidates and it is hoped that they will make it through the entire process. Chief Jackson also reported that the City has a speed sensing device that they were evaluating; it can be programmed for a specific period of time to sense motion, and would provide a statistical printout.

B. Public Works

Director Sarvis reported that Request for Proposals for the City's Capital Improvement Plan had closed last week, with the City receiving seven proposals. Staff would be in the process of scoring those proposals and interviewing firms; Councilors McCutcheon and Raze would be involved in the selection process. Director Sarvis stated that he had been reviewing architectural proposals for the new City Hall, and that water problems in the upper service level were occurring from oxygenated iron from the Bull Run Reservoir which was used for two years in Fairview Village, and which coated pipes with the oxygenated iron; now that Fairview Village is on Fairview water, the iron was sloughing off the pipes and into the water. Staff was in the second phase of flushing the system and would probably have to do a third flushing.

Councilor Edwards questioned the payment of \$3500 worth of trees and asked where the City had planted those trees. Director Sarvis responded that the trees had not been planted yet; Council had previously adopted the Fairview Lake Way Master Plan and the City made a deal with a nursery to provide the trees. The City paid for those trees up front and would then sell them to developers as Fairview Lake Way was developed.

C. Planning

John Pettis, City Planner, reported that at the August 1998 Planning Commission meeting, the Commission reviewed and approved the Raze Meadows subdivision of 39 single-family lots. At their next meeting, the Commission would hear a zone change proposal for the Arndt property located on the east side of 223rd Avenue north of Sandy Boulevard; currently, the zoning was F2, and is requested to be rezoned to M2, which is allowed by the City's Comprehensive Plan. Planner Pettis stated that he had been processing the Expedited Land Division for Lakeshore Estates Phase III which will consist of ten single-family lots. Planner Pettis commented that he had received the building plans for the Chinook Way

Apartments, located in Fairview Village, which would consist of 124 units. Planner Pettis reported that staff had submitted the City's Functional Plan Compliance Report to Metro; however, the City came up short in its employment numbers as projected by Metro, and that it would be tough to meet Metro's projections. Planner Pettis announced that he would be leaving the employ of the City as he has accepted a position with the City of Gresham. Council wished the best for Planner Pettis in his new position, and thanked him for his service to Fairview.

D. Finance

Director Wall explained that when the City borrowed funds for the Sewer LID financing, the City received a Line of Credit which allowed us to build the project. The City decided to draw the entire \$4 million at the beginning in one lump sum, which it invested in the State Pool to collect interest, clearing 0.5 percent, which should raise about \$30,000 or more and which would reduce the total cost of the LID. Director Wall stated that before the Council was a graph which depicted growth of the City's utility accounts.

Councilor Owen questioned how the City's sewer bills have been from Gresham. Director Wall responded that staff was still waiting for billing for May and June, but that the sewer bills have been considerably lower since negotiations occurred.

E. Administration

Administrator Holstrom reported that the Multnomah Greyhound Park plans were on her desk; she had not read them completely, but two problems have already been noted. The mediation agreement states that 325,000 square feet of retail space would be provided, but the plan depicts 500,000 square feet; secondly, it appears as though some information on the affects of transportation were missing, as transportation road impact will affect Fairview and would be severe.

Administrator Holstrom stated that the second sewer meeting with the City of Wood Village would be held on August 24th, and reminded the Council that the next Street Faire would be held on August 27th, 6:00-8:00pm, on NE 228th Court off of Bridge Street.

Administrator Holstrom reported that the Interview Committee for the new City Hall will interview four architectural firms on Monday, August 31st.

Administrator Holstrom stated that the Council had a letter before them from Mayor McRobert of Gresham to ODOT, regarding the opening of the 238th Avenue interchange; Mayor McRobert has requested that all East County cities send a similar letter. Administrator Holstrom commented that she had phoned Wood Village and that their position is that they were surprised at the letter and that they had worked closely with their businesses regarding the decision of totally closing the interchange as it would cut construction time in half. Administrator Holstrom added, however, that ODOT has gone past their deadline of completion, and it does not look like they will open the interchange any time soon.

Councilor Lillard commented that the I-84 freeway was a mess as ODOT was also working on the 257th Avenue exit. Mayor Vonderharr stated that the City also needs to address the County regarding the 207th Avenue completion through to Glisan Street as traffic is increasing daily. Administrator Holstrom stated that she would address letters to both the County and ODOT regarding the 207th Avenue extension and the construction of all freeway exits east of Fairview.

Administrator Holstrom reported that she would meet with Holt & Haugh the following afternoon to continue discussions on sewer, and that in the morning she and Director Sarvis would meet with three developers in the Fairview Lake area to discuss bridges and culverts.

F. Legal

Pam Beery, City Attorney, stated that her written report was before the Council, and

mentioned that they were involved in arbitration and a dispute with Triad Mechanical over a rock clause, and that the Reimbursement Districts continue to be a source of interesting disputes.

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

Councilor Lillard stated that she was concerned about the City not having a soundwall south of the I-84 freeway and that we need to bring it to the attention of ODOT once again, regardless of the Noise Committee which was formed. Councilor Lillard commented that she would not be able to attend the Street Faire; Councilor McCutcheon stated that he would not be able to attend, either.

Councilor Owen thanked staff for mowing the park land on the northeast corner of Halsey and 223rd Avenue.

Councilor Edwards mentioned that the Council may receive a petition from residents in the core area to reopen Sixth Street.

Councilors Raze and Quinby had no reports or concerns.

Mayor Vonderharr reported that he had attended the State Mayor's Conference which included a discussion about youth violence. Mayor Vonderharr stated that he had discussed the City's budget cuts in lieu of Measure 50 with the State Senate President and State Senate Minority Leader, and that both of them had invited him to make an appointment and talk with them further.

Mayor Vonderharr reported that he had attended the Airport Noise Abatement Committee meeting the previous evening, and stated that the reorganized Committee would have 15 people on it who will represent areas throughout the entire Metro region, including Washougal, Vancouver, and several counties and cities; Fairview/Troutdale/Wood Village was not given a representative. After voicing his concerns to the Committee, it now stands that the three cities would have one combined representative and that their representative must be requested in writing.

VIII. ADJOURNMENT

Councilor McCutcheon moved and Councilor Edwards seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:10pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder