

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

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**June 19, 2002 -- 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 Sherry Lillard  
Councilor Steve Owen  
Councilor Len Edwards  
Councilor James Raze  
Councilor Barbara Jones

STAFF PRESENT: Mary Jo Briggs, City Administrator  
Gilbert Jackson, Chief of Police  
Bob Cochran, Public Works Director  
Roy Wall, Finance Director  
John Andersen, Community Development  
Director  
Caren Huson, City Recorder

**II. CITIZEN  
COMMUNICATIONS**

Mayor Vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

**III. CONSENT AGENDA**

Councilor Lillard moved and Councilor Quinby seconded the motion to allow each Consent Agenda item to be voted on separately.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Raze moved and Councilor Lillard seconded the motion to approve the Council minutes of May 1, 2002

AYES: 5  
NOES: 0  
ABSTAINED: 2 (Vonderharr, Owen)

Councilor Lillard moved and Councilor Quinby seconded the motion to approve the minutes of June 5, 2002

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Quinby moved and Councilor Lillard seconded the motion to approve Resolution 4-2002, A RESOLUTION STATING THE CITY'S QUALIFICATION FOR STATE-SHARED REVENUE FUNDS.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Lillard questioned why the Mayor's stipend was referred to as a wage in Resolution 7-2002. Roy Wall, Finance Director, responded that wage and stipend mean the same thing to the State and our insurance company.

Councilor Lillard moved and Councilor Quinby seconded the motion to adopt Resolution 7-2002, A RESOLUTION EXTENDING CITY OF FAIRVIEW'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF FAIRVIEW.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Owen moved and Councilor Lillard seconded the motion to authorize the Mayor to sign the Intergovernmental Agreement between the cities of Fairview, Gresham, Troutdale, and Wood Village for mediation services.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Lillard questioned why Fairview's cost for Fire and Emergency Services was stated to be \$365,066 for fiscal year 2002-2003, yet the Intergovernmental Agreement states that the cost would be \$375,274.39. Director Wall responded that \$10,208 is deducted as Fairview pays for its own 911 dispatch.

Councilor Lillard moved and Councilor Owen seconded the motion to approve the Intergovernmental Agreement with the City of Gresham for fire and emergency services for fiscal year 2002-03.

AYES: 7  
NOES: 0

ABSTAINED: 0

#### **IV. PUBLIC HEARINGS**

##### **A. Fiscal Year 2002-03 Fairview Budget**

Director Wall reported that on April 1, 2002, the Fairview Budget Committee approved the fiscal year 2002-03 budget for consideration by the Fairview City Council. The approved budget was submitted to the Tax Supervisory and Conservation Committee for comment and who, in turn, certified the budget with no objections or recommendations. Director Wall stated that there was one housekeeping item that needed to be added to the 2002-03 budget which was a decrease in the General Fund, Materials and Services, Contractual Services by \$40,000, and an increase to the General Fund, Capital Outlay, Renaissance Plan by \$40,000 in order to recognize a grant from the Community Development Block Grant Program for intersection improvements in support of the Renaissance Plan for original Fairview.

Mayor Vonderharr opened the public hearing; as no one responded, Mayor Vonderharr closed the public hearing. Councilors Lillard and Raze congratulated Director Wall on another successful budget.

Councilor Lillard moved and Councilor Quinby seconded the motion to approve Resolution 6-2002, A RESOLUTION ADOPTING BUDGET, MAKING APPROPRIATIONS, LEVYING TAXES AND CATEGORIZING THE LEVY, with the addition of the Housekeeping Item as mentioned by Director Wall.

AYES: 7  
NOES: 0  
ABSTAINED: 0

##### **B. RESOLUTION 5-2002 Charter Amendment**

Mary Jo Briggs, City Administrator, reported that at the Council's April 17, 2002 Work Session, Council discussed amending the City's Charter as it pertains to Appointive Officers. The City's Charter states that the Mayor and Council appoint the City Administrator, City Attorney, Municipal Court Judge, Chief of Police, and City Recorder. However, the Fairview Municipal Code indicates that the City Recorder and Police Chief positions are appointed by the City Administrator. Currently, the City Administrator, not the Council, prepares the performance evaluations for the Chief of Police and City Recorder, and this has been the practice for several years. Administrator Briggs added that all Charter amendments require a vote by the citizens, and Council had directed staff to prepare the necessary materials to place the amendment on the September 17, 2002 ballot.

Mayor Vonderharr opened the public hearing; as no response was received, Mayor Vonderharr closed the public hearing.

Councilor Lillard moved and Councilor Owen seconded the motion to adopt Resolution 5-2002, A RESOLUTION SUBMITTING A MEASURE TO AMEND THE CITY CHARTER TO THE LEGAL VOTERS OF THE CITY AT THE SEPTEMBER 17, 2002 ELECTION.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**C. RESOLUTION 8-2002  
AT&T Change of  
Control**

Rich Goheen, Fairview representative on the Mt. Hood Cable Regulatory Commission (MHCRC), introduced Jeanne Beneck of AT&T Broadband and David Olson of the MHCRC. Mr. Goheen reported that the proposed MHCRC budget was before the Council and directed the Council's attention to pages 1-5 of the budget which addressed the accomplishments of the Commission during the past year. Mr. Goheen stated that customer service had been heavily promoted during the past year, and that all of the franchise fees that are payable to the City of Fairview actually go to the City, net the contribution to MHCRC and MCTV.

Mayor Vonderharr commented that Fairview was growing faster than any other Metro city, yet the projections for the dollar amount the City is anticipated to receive in franchise fees next year seemed to be receding instead of increasing. Mr. Goheen responded that the MHCRC has always based their budget very conservatively, and even though the projected franchise fee may seem low, it may actually turn out to be higher, as happened this year.

Mayor Vonderharr opened the public hearing; receiving no comments, Mayor Vonderharr closed the public hearing.

Councilor Owen mentioned that he appreciates Mr. Goheen's efforts on the Commission and asked what impact satellite dishes has had on the cable television industry. Mr. Olson responded that cable subscribership is down, but the services that AT&T provide are increasing, which in turn will increase subscribership. Ms. Beneck added that it was important to AT&T Broadband that they be good partners with the communities they serve, and that they take customer service very seriously.

Councilor Edwards moved and Councilor Quinby seconded the motion to approve the proposed MHCRC Budget for Fiscal Year 2002-03.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Councilor Edwards moved and Councilor Quinby seconded the

motion to adopt Resolution 8-2002, A RESOLUTION CONSENTING, WITH CONDITIONS, TO THE CHANGE OF CONTROL OF AT&T CORP., THE INDIRECT PARENT COMPANY OF AT&T BROADBAND OF OHIO, LLC.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**D. RESOLUTION 3-2002  
Solid Waste Rates**

Bob Cochran, Public Works Director, reported that before the Council was Resolution 3-2002 which would increase solid waste rates in Fairview. Director Cochran stated that in April 2002, the City had contracted with Steve Donovan of Donovan Enterprises to review the existing solid waste rates for the City of Fairview. Mr. Donovan interviewed Twelve-Mile Disposal staff, reviewed their financial records, and completed the "Solid Waste and Recycling Rate Review dated May 6, 2002". Mr. Donovan's report was presented to the Council during their work session on May 15, 2002. Director Cochran commented that the report reviewed Twelve-Mile Disposal's present financial status, showed comparable administrative costs and rates for haulers within the region, and made a recommendation for a rate increase in Fairview.

Mayor Vonderharr opened the public hearing; receiving no comments, Mayor Vonderharr closed the public hearing.

Councilor Quinby mentioned that there had been a discrepancy in what Twelve Mile had said was an adequate increase and what Donovan's report indicated was an adequate increase. Director Cochran responded that Twelve Mile had eventually agreed with the Donovan report, adding that the City had made a commitment to Twelve Mile to again review rates in another year.

Councilor Owen moved and Councilor Lillard seconded the motion to adopt Resolution 3-2002, A RESOLUTION ESTABLISHING FEES AND CHARGES FOR SOLID WASTE COLLECTION SERVICE, CHAPTER 8, HEALTH AND SAFETY, OF THE FAIRVIEW MUNICIPAL CODE AND REPEALING RESOLUTION NO. 20-1999.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**V. COUNCIL BUSINESS**

**A. ORDINANCE 6-2002  
Solid Waste**

Director Cochran reported that in 1998, the City had adopted Ordinance 9-1998, Solid Waste Management. This code was developed by the City of Gresham (through an Intergovernmental Agreement) and modified for use by the City of Fairview. Since that time, Fairview staff has undertaken all responsibilities associated with

solid waste and recycling. Part of that commitment was to rewrite the solid waste ordinance to better reflect the actual practices of the licensed hauler and the City of Fairview. Staff worked directly with Twelve Mile Disposal to ensure the ordinance fairly reflected the solid waste hauler needs and operations.

Director Cochran stated that on May 15, 2002, a Council work session was held to review recommended changes made by staff and to receive comments from Council. Comments to the revisions were inserted into the draft ordinance and forwarded to the City Attorney for final review.

Councilor Owen moved and Councilor Edwards seconded the motion to read Ordinance 6-2002 by title only.

AYES: 7  
NOES: 0  
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 6-2002 by title only.

Councilor Owen moved and Councilor Quinby seconded the motion to approve Ordinance 6-2002, AN ORDINANCE AMENDING CHAPTER 8.20, SOLID WASTE MANAGEMENT, OF THE FAIRVIEW MUNICIPAL CODE.

AYES: 7  
NOES: 0  
ABSTAINED: 0

**VI. DEPARTMENTAL REPORTS**

**A. Police**

Gilbert Jackson, Chief of Police, stated that staff had ordered a new Fairview police car per the 2002-03 approved budget, but that they would like to take ownership of the car prior to July 1, 2002. Council consensus was to take possession of the car prior to July 1, 2002.

**B. Public Works**

Director Cochran reported that Well No. 8 had been approved by the Drinking Water Program and that it would be used this summer. Director Cochran mentioned that with a resolution passed by Council this year, that System Development Charges (SDCs) would increase 2.11% on July 1, 2002, due to the consumer price index, and that Parks SDCs would increase by the annual 5% as previously approved by Council.

**C. Community Development**

John Andersen, Community Development Director, reported that: the Little Red Store would change from a grocery/deli to an ice cream parlor and real estate office; the Visioning document was proceeding to the next process of review; he would be the City's representative

on the Fairview Lake Property Owners Association Board; and, that he had attended a meeting at Metro earlier in the day that addressed economic development opportunities in the Portland metro region, with Fairview being listed as one of the best locations for industrial development.

**D. Finance**

Director Wall reported that an additional line and a few high speed switches had been added to the computer network at City Hall which would improve speed and stability of the system. Director Wall added that a computer training center had been added to City Hall and that a number of older computers will be reused in the training center.

**E. Administration**

Mary Jo Briggs, City Administrator, mentioned that there were still two vacancies on the City's Parks Committee, and reminded the Council that Fairview's Summertime Festival would be held on July 27, 2002.

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

Councilor Owen reported that he had attended a meeting with the Multnomah County Drainage District and that the City was close to reaching an agreement with the District regarding Fairview Lake.

Councilors Jones, Raze, Edwards, Lillard, and Quinby, along with Mayor Vonderharr, had no reports or concerns.

**VIII. ADJOURNMENT**

Councilor Owen moved and Councilor Quinby seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 8:40pm.

AYES: 7  
NOES: 0  
ABSTAINED: 0

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Mayor Roger Vonderharr

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Dated:

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Caren C. Huson Quiniones

City Recorder