

CANBY CITY COUNCIL
REGULAR SESSION
NOVEMBER 18, 1998

Council President Walt Daniels presiding. Council members present: Barry Lucas, Roger Harris, Shirley Strong, and Dennis Nolder. Mayor Scott Taylor absent.

Also present: City Administrator and City Recorder Mike Jordan, City Attorney John Kelley, Community Development Director Jerry Pineau, Recreation Services Director Beth Saul, Susan Wood, Curt McLeod, Joyce Peters, Steven Amick, Curtis and Lila Gottman, and Nate England.

Council President Daniels called the session to order at 7:31 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Community Development Director Jerry Pineau introduced Joyce Peters, the new Office Specialist at the City Shops. She would be doing work for CUB, the Wastewater Treatment Plant, Public Works, Planning, Parks, and Motorpool. She was a long time resident of Canby and had been doing very well in getting them organized at the Shops. The Council welcomed Ms. Peters.

CONSENT AGENDA: ****Councilor Harris moved to adopt the consent agenda: minutes of the regular meeting and executive session, November 4, 1998; accounts payable in the amount of \$275,779.71; and Canby Utility Board Appointment. Motion seconded by Councilor Strong, and passed 5-0.**

COMMUNICATIONS: None.

NEW BUSINESS: Amendment to the City of Canby/Adult Center's Contract with Clackamas County Social Services Division - Mr. Jordan explained the amendments to the contract. This amendment was primarily about changing the City's reimbursement for services rendered at the Adult Center which they did periodically. However, most of the time these were simply about the volume of service under the categories they usually received funds for from the Federal Government through the County. In this case there were two new categories of funding that the City had not gotten in the past, but they were now providing the services and receiving some reimbursement. One was the Oregon Project Independence Funds which the City had received before, but were up from \$1616 to \$2880. The second was the Low Income Energy Assistance Program, and the City received \$130 in funds for that. The City was actually registering people for that program and were receiving reimbursement for each registration.

Councilor Daniels asked if basically these adjustments, other than the new program, were because of increased clientele? Mr. Jordan said the numbers were all the same except for those

two programs.

****Councilor Harris moved to authorize the Mayor and City Administrator to sign the contract as presented. Motion seconded by Councilor Strong, and passed 5-0.**

Police Association Contract - Mr. Jordan explained the contract. They received that night the final changes to the draft contract the Council received earlier in their packet. There were two language changes to the final contract. In Article 5, Section 1, there was a removal of an entire clause that stated employees were to be retained or recalled who were competent to perform the work required. That language was changed to remove the words "retained or." They were only talking about employees that were recalled in that seniority clause. The issue was they were concerned that in a lay-off situation, they would have to recall employees to a position they were not competent to fill.

The other change was in Article 19, Section 1, after all of the language was added, the next sentence started "As such," and that language was changed because it did not make sense. The intent of the language was simply to say the City would continue the benefits that were currently offered at the current level throughout the contract period, however the City retained the right to select a particular insurance carrier. They could change carriers as long as they maintained the level of benefits.

Mr. Jordan also noted in Article 28, there was some discussion regarding the protective clothing language, particularly in Section 1 regarding the \$50 per month allotment for cleaning. They negotiated that the City would retain the \$50 per month cleaning allowance, but the City implemented a policy language not in the contract, but in the personnel policies, that uniforms should be dry cleaned and if they were not, it would be a violation of policy and disciplinary action could be taken.

Councilor Lucas said that policy was implemented because the uniforms would last longer and look better when they were dry cleaned. Mr. Jordan said that was correct.

Mr. Jordan also said that there was one error in Schedule A for the year beginning July 1, 2000. In year two of that matrix for Sergeants, the number that appeared in the Council's draft was 3755, and that number should actually be 3735.

****Councilor Nolder moved to authorize the Mayor and City Administrator to enter into a contract with the Canby City Police Association for the next three year period. The motion was seconded by Councilor Strong, and passed 5-0.**

ORDINANCES & RESOLUTIONS:

Ordinance No. 1011 -

**** Councilor Harris moved to adopt Ordinance No. 1011, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH 4 RIVERS CONSTRUCTION COMPANY FOR THE TOWNSHIP ROAD PEDESTRIAN BRIDGE FOUNDATION CONSTRUCTION; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Lucas, and passed by roll call vote, 5-0.**

Ordinance No. 1012 -

John Kelley said the City and Canby Telephone Association were still involved in negotiations, although they were very close to being completed, regarding the new franchise agreement. When they extended it last time, they extended it to December 4, and they would not be able to have it done by then, because it needed to be read twice prior to that time as an Ordinance. They asked to extend the deadline to January 21, which would give them the two meetings in January and the month of December to get the rest of the issues ironed out and an Ordinance to the Council.

****Councilor Lucas moved to adopt Ordinance No. 1012, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY TELEPHONE ASSOCIATION TO FURTHER EXTEND THE CURRENT NON-EXCLUSIVE FRANCHISE AGREEMENT be posted and come up for final action on December 2, 1998. Motion seconded by Councilor Harris and passed 5-0 on first reading.**

UNFINISHED BUSINESS: N. Redwood St. Storm Drain Improvements Advanced Financing District Engineer's Report - Mr. Jordan said the City had over the past year been working on establishing a storm drainage line and system in the Northeast quadrant of the City along N. Redwood Street. That work was nearly completed and the issue before the Council was to establish an Advanced Financing District so the City could recoup some of the costs that would be allocated to benefitted properties in the Northeast quadrant.

Nate England worked with Curran-McLeod and had been the Project Engineer of this N. Redwood project for about a year. He said that the City's Storm Water Master Plan identified areas in town that did not provide good drainage through the use of dry wells. He showed the boundaries of the Advanced Financing District on a map. Because they could not use dry wells effectively in that area to dispose of the surface water, they had to dispose of it into a surface ditch. This was the case at Willow Creek. The storm drain lines that had been constructed were for Phase 1. Phase 2 would also be main line storm drains, but those would be the responsibility of each development. Phase 1 was installed by the City and was estimated to cost \$419,000. Phase 2 would be installed by future development and the developers would have to fund the money to develop them. Those would cost approximately \$158,000. All of the costs for Phase 1 and 2 would be allocated against each acreage. They took the total cost divided by the total acreage, 72 acres, and came up with \$7,990 which would be assessed against each acre within the district. As in the case of two developments who had already started construction, and had actually finished their portions of the Phase 2 storm drains, they would be able to take the cost of

those storm drains and reduce the cost of their assessment.

Councilor Daniels asked if they were having Phase 2 going on simultaneously with Phase 1? Mr. England said in the case of Erika Acres and Heritage Park, this report was first drafted about the time the developers started planning the development going on now. They would have a total cost of \$77,000 for their portion of the main line storm drain, including Phase 1 and Phase 2. Since they were putting in Phase 2 work, which cost them \$53,000, that would be subtracted from the \$77,000, which left \$25,000 which they would have to compensate the City for having installed Phase 1.

Mr. England went on to say that there were four developments pre-existing the Advanced Financing District, located from 15th to 12th Avenue. Since they were pre-existing, the City would have to cover the costs of those. The total costs for those would be \$145,000.

Councilor Daniels asked if any other developments coming in on Phase 2 could tie into the system that was pre-existing? Mr. England said anyone who developed would have to pay. Councilor Daniels meant specifically those who had started Phase 2 already, since they paid for that, would other developments close by tie into that? Mr. England said they only had to construct the storm drains on their property.

Councilor Nolder asked what they anticipated the stream flow to be like in the winter when they had severe run-off? Would it change? Mr. England said it would change somewhat, but right now it all drained there anyway. It would get there a little quicker, but the City did have a flow control structure which could help compensate any change to the flow pattern. Councilor Nolder asked if the people living downstream around Willow Creek had no threat of flooding to their property. Mr. England said that was correct.

Councilor Harris said it drained across Territorial from where Councilor Nolder was talking about and the flow control should stop anything from washing back into it. Mr. England said the Master Plan proposed another control treatment structure in the Anders property just north of Territorial. Just when that structure would be put in place was still in question.

Councilor Lucas asked where the water was going? Mr. England said they installed a line that came down N. Redwood and crossed Territorial and stayed on the North side of Territorial and dumped into the creek on the North side. Mr. Jordan added that this would keep the pond level lower than usual.

Mr. England said their recommendation to the Council was to have a public hearing to review the Advanced Financing District proposal. The consensus of the Council was to schedule a public hearing.

Councilor Lucas asked if all home owners would be notified. Mr. Jordan said that was a requirement in the Municipal Code.

MANAGERS REPORT: Mr. Jordan said that at the recent League of Oregon Cities conference, the Mayor was elected to the Oregon Mayor's Association Board of Directors. Also, they received, as they did every year in November, Canby's official population from Portland State. As of July 1, 1998, the population was 12,465. The previous year's population was 11,725. That amounted to a 6.31% increase in a year and that was the City's largest increase in the 1990s. That also amounted to a 38.6% increase in population since 1990.

Councilor Lucas asked what the state average was? Mr. Jordan said it was 1.8 for the state of Oregon.

Councilor Nolder asked if there was a category for cities over 5%? Mr. Jordan said there were a number of different pieces of legislation that put them in fast growing cities qualification. There was legislation about city-school district coordination which required school districts to do long range projections and Canby's school district had been doing that.

Mr. Jordan said there was a small issue that was brought up by John Kelley, City Attorney, that the City had been doing incorrectly for a long time. Every two years when new Councilors took office, there was a swearing-in ceremony and the new Councilors sat in on the meeting and the old Councilors left. In the City Charter, Section 6, it said that commencement of terms of office would begin immediately after the first regular Council meeting. They would still be doing a swearing-in ceremony, but the old Council was to stay for the whole meeting. The new Council would not take office until after that meeting. Also Judge Henricksen usually did that ceremony, but he would not be available that night. Judge Grafe, the City's pro tem judge would be doing the swearing-in.

Beth Saul said that members of the staff from the Planning Department, Court, and Administration had been talking about re-decorating the Council Chamber and updating it. She wanted a Council liaison to help work on that project. Councilor Harris and Councilor Lucas volunteered.

Mr. Jordan said they had started the process for a feasibility study for Urban Renewal. They were forming a task force to work with the consultant. So far he had recruited representatives from the School District, Fire District, CUB, the Chamber, Canby Business Revitalization Group, and the Planning Commission. If possible, he wanted someone from the Council to be involved in this process as well. It would involve one meeting a month for about five or six months to do the feasibility study and they would be talking about boundaries, what they wanted to accomplish, the time frames, and a list of projects. Councilor Lucas recommended Randy Carson to be the Council liaison. The rest of the Council agreed.

COUNCILORS' ISSUES: Councilor Daniels wanted to extend his appreciation for the comments and support of the City and citizens for his re-election to a fourth term as a City Councilor.

Mr. Jordan added that he had an Access Management discussion with the Department of Transportation. They had been in a process of meeting with property owners and going through a fairly broad planning process for the core of the community. That process would change again. They received verbal notification from the Department of Transportation that they did not feel it was appropriate for them to be involved in that kind of a planning process with the City. They had rescheduled the Citizens Advisory Committee meeting for December. They would be talking about the direction they would be headed and what the Department's involvement would be in that process. He was not sure why they decided there should be a change in direction, but he hoped they would get more word from them about what their expectations were soon.

Councilor Daniels asked if it was just a verbal notification? Mr. Jordan said yes, he had not received any written notification yet.

ACTION REVIEW:

1. Entering into amendments to the Adult Center contract with Clackamas County.
2. Implementing the three year contract with the Canby Police Association.
3. Entering into a contract for the pedestrian bridge supports over Township Road.
4. Working with N. Willamette Telecom to finish franchise agreements prior to January.
5. Scheduling a public hearing for the Advanced Financing District for the second meeting in January.

****Councilor Harris moved to go into Executive Session under ORS 192.660 1(e) property negotiations. Motion seconded by Councilor Strong, and approved 5-0.**

Council President Daniels recessed the regular session at 8:10 p.m.

Council President Daniels reconvened the regular session at 9:20 p.m. and immediately adjourned the session.

EXECUTIVE SESSION NOVEMBER 18, 1998

PRESENT: Councilors Daniels, Lucas, Nolder, Harris, and Strong, Mark Neu, Frank Cutsforth, Jennifer Riboli, Bill Siedel, Community Development Director Jerry Pineau, and City Administrator and City Recorder Mike Jordan.

Councilor President Daniels called the session to order at 8:15 p.m.

ORS 192.660 (1)(e) - The Council discussed Ivy Street Right of Way

Councilor President Daniels adjourned the session at 9:15 p.m.



Michael J. Jordan,
City Recorder pro tem



Walt Daniels,
Council President



Prepared by Susan Wood,
Office Specialist

PROCLAMATION

WHEREAS, Toys for Tots, originated for the purpose of providing toys for less fortunate children in our community; and

WHEREAS, it is recognized that greater public awareness and involvement is needed to provide and promote joy in each household in this community; and

WHEREAS, the Canby Kiwanis Daybreakers have undertaken the project of collecting and distributing toys to these children, during the time from December 2nd through December 13th; and

WHEREAS, the Kiwanis need your help by providing new and like new articles that may be placed in the Christmas bags; and

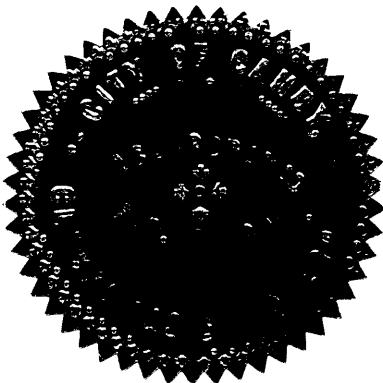
WHEREAS, drop barrels for these donations may be found at the Graham Building, DirectLink of Oregon, Canby Utility Board, Canby Police Department, Canby Fire Department, Canby Telephone Association, and other Kiwanis barrels distributed throughout the Canby business community.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the weeks of December 2-13, 1998 as

TOYS FOR TOTS WEEK

and call upon the citizens of this City to observe this time by participating in this toy drive helping to provide the assurance that each child may have a "twinkle in their eye" this Holiday Season.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 2nd day of December in the year of our Lord One Thousand Nine Hundred and Ninety Eight.



Scott Taylor, Mayor