

CANBY CITY COUNCIL
EXECUTIVE SESSION
DECEMBER 16, 1998

PRESENT: Mayor Scott Taylor, Councilors Lucas, Nolder, and Strong, Councilor Elect Carson, City Administrator and City Recorder Mike Jordan, City Attorney John Kelley, Community Development Director Jerry Pineau, and Code Enforcement Officer Tina Leber.

Mayor Taylor called the session to order at 6:37 p.m. Dinner was served.

ORS 192.660 (1)(f) - The Council discussed NWT Franchise Negotiations

ORS 192.660 (1)(h) - The Council discussed the Whitman issue

Mayor Taylor adjourned the session at 7:25 p.m.

REGULAR SESSION
DECEMBER 16, 1998

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

Also present: City Administrator and City Recorder Mike Jordan, City Attorney John Kelley, Community Development Director Jerry Pineau, Recreation Services Director Beth Saul, Police Chief Jerry Giger, Susan Wood, Steven Amick, Randy Carson, Curtis and Lila Gottman, Jacob Gibson, David Kestmer, Curtis Hammond, Bryce Walker, and Zach Bemis.

Mayor Taylor called the session to order at 7:33 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: ****Councilor Nolder moved to adopt the consent agenda: minutes of the regular meeting and executive session, December 2, 1998; accounts payable in the amount of \$439,291.06; applications for Clackamas County 1999 Community Development Block Grant funds; and findings, conclusion, & final order for HD 98-01. Motion seconded by Councilor Strong, and passed 3-0.**

COMMUNICATIONS: Letter from Oregon Film & Video Office and McGee Street Productions - Mayor Taylor read the letter which expressed Oregon Film & Video and McGee Street Productions' appreciation to the City for their cooperation during the filming at Wait Park. He reminded the audience that the movie, "Night Ride Home," included Canby's park and would be televised in February. He thanked the production company for allowing some of the local

folks in Canby to be in the movies.

NEW BUSINESS: Authorizing Willow Creek Homeowners Association to Utilize Public Land for Exclusive Use by Residents of Willow Creek - Ms. Saul explained that the Homeowners Association was interested in putting a playground near the tennis court they currently had. The first question was whether or not philosophically the City should lease the land to them to put in a playground for the exclusive use of their residents and not for generalized public use.

Councilor Lucas asked where that was and how much property was involved? Ms. Saul it was a small amount of property and was to the south of the tennis court. It was already determined it was not wetland, but was available to be used. Mr. Jordan said it was about 10,000 square feet.

Councilor Lucas said if the City leased that out, they would be responsible for the insurance and maintenance.

Mayor Taylor said he was opposed to giving the land in lease or other form for a private use park. He thought where it was located and how it was used, the average public citizen would not drive in there to use that piece of land. He did not want to get in the habit of taking small parcels that had been dedicated for park land and convert it to private use because someone could buy it from the City or had the money. He wanted to keep the public land for the public.

Councilor Strong agreed with the Mayor. She felt it should remain public land.

Councilor Nolder asked if they had an active Home Owners Association that met regularly and had officers? Ms. Saul said yes they did.

Councilor Lucas said this was next to a private tennis court between private homes. The City would probably not build a park there.

Mayor Taylor said when the Planning Commission developed the plans for Willow Creek with the builder, this piece of land, which was City owned, was dedicated to the City as part of the wetland area. Mr. Kelley said it was not a separate piece that sat by itself, it was connected to the larger wetland area.

Mayor Taylor said it was dedicated as a wetland area and for public use. Ms. Saul said that was correct.

Councilor Lucas asked if the City was maintaining it now? Ms. Saul said minimally, there was no landscaping done on it.

Mr. Jordan said the City did not maintain it as a public park. It was part of a wetland area that they discouraged people being in.

Councilor Lucas asked what they wanted to do with the property? Ms. Saul said they wanted to put a small playground there. It was higher up and not wetland that was not supposed to be touched.

Councilor Lucas said because of where it was located, he wouldn't mind leasing it.

Councilor Nolder said if they leased it for minimal fee, they could have them provide the insurance for it so the City would not be responsible for anything that happened on the property and they could be required to maintain it so it would never be construed to be a City park.

Councilor Lucas said it was not very accessible to the public, but it was right next to those people's homes, and if the City was not maintaining it very well, he felt they deserved the right to do that. If they wanted to clean it up and use it, when nobody was using it now, and they would insure it, he would have no problem leasing it for a short term to them.

Councilor Nolder said his concern was the number of homes across the creek that could access the bridge and get over to the park. Mr. Jordan said they could not cross there to get to the park.

Councilor Nolder said the kids from across the creek could see the park and if they came to it, they could be chased off. Mr. Jordan said assuming it was a private park and if they were to lease it, the agreement would require a number of things including any enforcement, because the City would not take responsibility for enforcing the private nature of that facility.

Mr. Jordan said there was also a financial issue here that if the City leased public property for purely private use, the City would have to pay property taxes on the property. If there were a lease, the City would want to recover its costs for that arrangement. The other option would be to sell the property, but they would have to go through a process to declare it surplus, partition it off, etc.

Mayor Taylor said he was not opposed to enter into an agreement with them that allowed them to use the park or put the playground equipment in the park, but he did not want to give them exclusive rights to it.

Mr. Kelley said his concern was that if the Council granted them exclusive use of the property, he would feel very uncomfortable if they called the police to come over and remove a trespasser.

Councilor Lucas asked if their concern was other people coming in to use the park or they just wanted to improve it? Ms. Saul said they had an interest in it looking better, but their request was to be able to put an exclusive use playground there.

Councilor Nolder said he wanted to allow them use of it, but not exclusively. Councilor Lucas said they could do small improvements as long as those improvements were approved by the Parks and Recreation Advisory Committee and the Council.

Councilor Nolder said it would be hard to keep people out of there. Councilor Strong agreed as long as it was not exclusive, they could improve the park.

The consensus of the Council was they would be interested in allowing them to improve it and use it, but not for an exclusive use, within whatever parameters that the Council and Park and Recreation Advisory Board would set.

Mayor Taylor said if they would like to improve the lot and maintain it so their kids could have a nice playground, the Council approved, but it was not going to be exclusive to them.

Whether or Not to Retain the Adult Center Advisory Board - Ms. Saul said members of the Adult Center Advisory Board, many of whom had resigned and the few that were left, suggested that the committee no longer served a useful purpose. She and Anna Phillips had a meeting with them and the Friends of the Center Board and discussed this idea, whether there needed to be an Adult Center Advisory Board. The consensus was to dissolve the board and to make a more formal arrangement between the Council and the Friends of the Center Board by assigning the same Council liaison to that board. A lot of what they used to do and were created to do got taken over by the Friends Board once the nonprofit was created.

Councilor Nolder asked Mr. Kelley if legally they needed the board? Mr. Kelley said the Council should authorize staff to come back with an Ordinance repealing chapter 2.48 in the Municipal Code.

****Councilor Lucas moved to authorize staff to come back with an ordinance dissolving the Adult Center Advisory Board and repealing Chapter 2.48 in the Municipal Code. Motion seconded by Councilor Nolder and passed 3-0.**

1998 Street Improvement Projects Change Order No. 3 - Mr. Jordan said this was a number of small change orders that occurred. He reminded the Council that the City did a number of street improvement projects this season all on the same contract. They had amended the contract in a number of ways. The total of this change order was \$6,960.

****Councilor Lucas moved to approve the 1998 Street Improvement Projects Change Order No. 3. Motion seconded by Councilor Nolder and passed 3-0.**

Mr. Jordan said the Council should also note that the contract would be extended to March 10 so the second lift on S. Fir Street could be completed and weather related delays could be finished.

Mayor Taylor said he wanted a discussion regarding asphalt being laid around the state in the winter. They were often told they could not lay asphalt in Canby because of the weather. They were confused. They were told in the past that if they laid it in the winter, it would be detrimental to the asphalt later on. There were a variety of other places dumping asphalt down all year round that they did not replace for years. There were roads that sat partially done for

several months while they waited for the winter months to leave. The Mayor felt a written document would be needed, something they could refer back to in the future.

Councilor Lucas said they wanted it to be done right, but they also wanted to know the reasons.

Councilor Nolder said it was questionable when they were paving on Territorial in the rain.

Mr. Jordan said he could tell the difference between that and S. Fir. The difference was an inherent sealer that went between lifts that needed a certain temperature to work. Laying asphalt on a gravel base was different than laying asphalt on a first lift.

Mayor Taylor asked what a lift meant? Mr. Jordan said it meant the first layer of asphalt and then the second layer needed a certain oil to go between the two layers which was temperature sensitive.

Mr. Pineau said it also had to do with moisture when they put it on a base, the moisture would go away, but if they already had the first layer, they could not get rid of the moisture.

Mayor Taylor also recognized the scouts that were in the audience that night. They were taking care of their citizenship and public meetings.

Salary Adjustments for Exempt Employees - Mr. Jordan said this proposal was for a group of employees who were not represented by bargaining units, generally the management group, to receive a 3% salary adjustment which would be similar to the adjustment for both of the bargaining units in this fiscal year.

Councilor Strong asked if they already discussed with the rest of the Council that they were going to do this. She felt uncomfortable voting on this without the whole Council there.

Mayor Taylor said this was an initiative by Mr. Jordan to try to bring his management staff on line with the represented staff.

Mr. Jordan said he put it in the packet not realizing there would be the number of absences that night.

Mayor Taylor said in the past the Council said whoever was there at the meeting made the decisions.

****Councilor Lucas moved to approve the salary adjustments for exempt employees of 3% retroactive July 1, 1998. Motion seconded by Councilor Nolder and passed 3-0.**

Councilor Strong said she voted for it, but thought that all the Council should vote on this issue.

Mr. Jordan clarified that the motion was for exempt employees as per the memo with the exemptions as noted. Mayor Taylor said that was the intent.

ORDINANCES & RESOLUTIONS:

Resolution No. 686 -

Mr. Kelley said in the past year they have had public records requests for documents and there was no formal written policy to deal with those primarily because up until this year there had not been many requests. This last year they had about half a dozen records requests. This policy was taken from another city and he made the appropriate changes to make it tailor-made for the City of Canby.

****Councilor Nolder moved to adopt Resolution No. 686, A RESOLUTION ADOPTING REASONABLE MEASURES TO ENSURE THE INTEGRITY OF ITS RECORDS AND EFFECTIVENESS OF ITS OFFICE OPERATIONS AND ESTABLISHING FEES.**

Motion seconded by Councilor Strong.

Councilor Nolder said this was a very standard office practice, and if anyone requested documents or copies of documents or time spent developing documents, these fees would be charged in any office.

The motion to adopt Resolution No. 686 passed 3-0.

MANAGERS REPORT: Township Road Pedestrian Bridge Construction Scheduling - Mr. Jordan said there was a memo from Curt McLeod explaining the delay on the pedestrian bridge on Township Road. The bridge would be delivered the first week of January. There were a number of relatively small pieces to this project that needed to be completed prior to an opening to the public, particularly fencing, bollards to prevent vehicular traffic, etc. They were shooting for the setting of the bridge itself the week of January 4th and have some opening ceremony in the middle of January.

Mayor Taylor clarified that this was the pedestrian bridge that would open up the logging road for pedestrian and bike traffic. There would be some kind of official ribbon cutting soon, but it had been requested that they wait until the sun came out and have a bigger event there rather than just the die-hards tramping through the freezing weather. There would be a March/April Spring welcoming event.

Mr. Jordan continued with scheduling issues. Next Tuesday evening, December 22nd at 7 p.m. at the Library would be the first meeting of the Urban Renewal Task Force. They would be meeting with the consultant for the first time. The primary event on that agenda would be Urban Renewal 101. The Council was invited, but not required to come. They put together a task force representing the Council, Planning Commission, Chamber of Commerce, Canby Business

Revitalization Group, Fire District, Canby School District, three citizens at large, and a representative of the property owners in the industrial area. The Council liaison was Randy Carson.

Mr. Jordan announced that the City had received a Cop's grant. The amount was around \$76,000, the second largest Cop's grant in the state of Oregon, second only to Portland. About \$50,000 would be going for the hiring of civilian staff to start to do some of the work that police officers did, they were called community service officers, and about \$20,000 would be for their updated computer systems.

Mayor Taylor said Congresswoman Hooley's office had been in contact with the City many times and tried to work with the City to help them with the federal government on grants. He wanted to give recognition to a Congresswoman who was very concerned. That she worked with a municipality was a unique experience, especially with one the size of Canby. He really appreciated the City's relationship with Congresswoman Hooley. Mr. Jordan said she had asked for a list of projects for the next federal fiscal appropriations process. They gave her a list of projects they had in their master plans.

Mr. Jordan reminded the Council of the City Christmas party this Friday evening at his house, 2319 N. Maple. It would start at 4:30 p.m. and go on into the evening.

COUNCILORS' ISSUES: Councilor Strong wanted to know when the signs for the no truck parking were going up on 2nd Street. Mr. Pineau said they made a decision on what to put on the signs, which was to limit the size of the truck. They picked 26,000 as the gross weight, which would get rid of the big trucks and allow other trucks to park there. Those signs were specially made and were in the process of being made. As soon as they were done, they would put them up. Mr. Jordan said that usually the City made their own signs, but these specific signs had to be ordered.

Councilor Lucas wanted to know what a 26,000 pound truck looked like, was it a motor home? Mr. Pineau said it was not a semi, it was more like a small recreation vehicle.

Mayor Taylor apologized to Ms. Saul and the volunteers for missing a recognition dinner he was invited to last week. He wanted to thank all of the volunteers and had he made the meeting, he would have thanked them personally. He wanted everyone to know there were many volunteers who put in hundreds of hours to the City and who volunteered their time and energy to take care of City business. Mayor Taylor asked if Ms. Saul had any idea of how many volunteers they had or how many hundreds of hours they put in? Ms. Saul said she could not recall off the top of her head, but in the past, it would amount to several thousands of dollars per year even at minimum wage if you were to add up all their hours and apply minimum wage to it. Right now they probably had 20 to 25 that were very active and many occasional volunteers.

Mayor Taylor wanted to schedule some tours to look at different communities, housing, and

structure designs in growing communities to see what they did or did not want in Canby. He wanted to coordinate that with the Planning Commission. He also wanted to meet with the Utility Board, School Board, and Planning Commission to set up for the next couple of years with the new Council.

Mayor Taylor wanted to know about the size of the agenda for their next meeting. Mr. Jordan said that one of the items would be a first reading of the franchise agreement, and he did not think there were any land use issues for that night. He said they would keep it very light. Mr. Kelley said one other thing on the agenda might be an Ordinance repealing Chapter 2.48 in the Municipal Code regarding the Adult Center Advisory Board, but that could be postponed to a later meeting.

The Mayor announced to the audience that at the first meeting of the new year after an election, they had cake and punch to welcome the new Council and say goodbye to the exiting Councilors.

ACTION REVIEW:

1. Informing Willow Creek Homeowners Association regarding the small piece of property in their neighborhood that they may utilize it for recreation purposes, but must keep it open to the public.
2. Bringing back some amended language to the Municipal Code regarding the Adult Center Advisory Board to the mid January meeting.
3. Implementing Change Order No. 3 on the Street Improvements Project.
4. Implementing salary adjustments as per the Council's motion.
5. Implementing some new procedures and fees regarding records.

There was no Executive Session following the regular session.

Mayor Taylor recessed the regular session at 8:15 p.m.



Michael J. Jordan,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Susan Wood,
Office Specialist