

CANBY CITY COUNCIL
REGULAR SESSION
MAY 6, 1998

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

Also present: Administrator & City Recorder Michael Jordan, Recreation Services Director Beth Saul, City Attorney John Kelley, Planning Director Aneta Synan, Project Planner Clint Chiavarini, Susan Wood, Sharon Tramel, Marty Moretty, Steven Amick, Curt McLeod, Paul Farrar, Sandee Krupicka, Jack Pendleton, Curtis and Lila Gottman, Scott Wiesehan, Jeanne McTavish, Randy Carson, and Donna Borges.

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

CITIZEN INPUT ON NON-AGENDA ITEMS: Paul Farrar, resident of 23348 S. Central Point, Canby, came with a petition dealing with traffic safety for young drivers. The petition had some 118 signatures. He wanted to make it known he had a deep respect for the people with whom he disagreed. His main concern was the provisional license for 16-18 year old drivers. The license provided that on one traffic conviction, a letter was sent to the offender and subsequent convictions provided for counseling, traffic school, etc. He believed that in Canby the law was not being enforced in the manner that the legislature intended. A young driver coming into Court, instead of having a conviction recorded or taking the matter to trial as an adult would, would have the matter dismissed and the young driver was sent to the victim's panel in Oregon City. He felt close supervision and a statewide record on the driving license was necessary for any traffic convictions. He asked that the Council investigate the facts and take some appropriate action. He wrote a Resolution for the Council to consider and suggested he return to the Council for some action on this matter. He also mentioned he had spoken with the Traffic Safety Committee and John Kelley regarding his concerns.

Mayor Taylor asked that since Judge Henriksen was very creative in finding methods that work, he wanted to know if Mr. Farrar had any information on those who attended victim's panels and if there were any changes in driving behavior.

Mr. Farrar said it was hard to gather the statistical data because of sample size. Mr. Farrar explained further with graphs.

Mayor Taylor said he was curious to know how many young drivers were seen back before the judge after going to the victim's panel. He was also curious that the Traffic Safety Committee did not come before the Council with a resolution of support or recommendation.

Mr. Farrar felt it was inappropriate for the Traffic Safety Committee to bring forth a resolution on such short notice. Also, he thought John Kelley had more expertise in the matter.

Scott Wiesehan, resident of 332 NW 14th Ave., Canby, gave a more personal testimony of the concerns over teenage driving. His son was under the old system and had received a few speeding tickets. Under the state's guidelines, his son got a letter in the mail stating he needed to get his picture taken for a restricted license. Since that time, he has had no other speeding tickets or accidents. He liked Judge Henricksen, and thought he was creative, but he felt that in this case he was wrong. He should not give young drivers a free strike that did not get their attention. He wanted to make sure the ticket was on their record.

Mr. Kelley said there was no legal problem with what the Judge was doing. He also reminded the Council of the separation of powers issues where the Legislative body, the Council, could not tell the Judicial body what to do. The Council could only hire and fire the Judge. If there was a consensus of the City Council that the program as the Judge had it now was something they were not behind, he was sure the Judge would modify it. He also stated that there were probably as many parents who thought that it was a great benefit sending young drivers to the victim's panel as there were those who were opposed to it.

Mayor Taylor said that before they took any action, they would like to talk to the Judge.

Councilor Nolder agreed that he wanted to hear from the Judge, though he appreciated the research that had been done by Mr. Farrar.

John Kelley said he would alert the Judge about this issue and his response would be put in writing or he could come to address the Council.

CONSENT AGENDA: **Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting, April 15, 1998; and accounts payable in the amount of \$103,919.47. Motion seconded by Councilor Strong and approved 5-0.

PROCLAMATIONS: Proclamation of Emergency Medical Services Day and Week - Mayor Taylor read the proclamation. Bill Laird, resident of 584 S. Elm, Canby, represented Canby Fire District No. 62, its board of directors, staff, and volunteers in conveying that they lived the statements in the Proclamation 24 hours a day, 7 days a week. He announced that there would be a celebration on May 16th at the Cutsforth's property and he circulated a flyer with the activities on that day. He also talked about the number of volunteers they had here in Canby. There were 12 career staff, 2 clerical, 9 paramedics, and 1 fire chief. There were also about 40 volunteers who filled out the majority of their force. They were always looking for more volunteers.

Proclamation of Amateur Radio Week - Mayor Taylor read the proclamation.

Mayor Taylor also stated that earlier that night the Council accompanied the Canby Utility Board on a tour of the Water Treatment Plant. He announced that this Saturday, May 9th, the Plant would be giving tours starting at 10 a.m. to 3 p.m. on the hour. He also announced that Farmer's Market would be opening this Saturday at 8:30 a.m.

COMMUNICATIONS: General Canby Day - Donna Borges, Chairman of the General Canby Day Committee, came to give an update on the activities for General Canby Day 1998. This year July 4th would be on a Saturday, so the Saturday Market and General Canby Day would be occurring on the same day. The theme for this year was Spirit of Community, which meant people being available to help and people reaching out to help, everyone working together. One of the traditions was to bring out of the community people who had done that kind of community help, and they were honored as the King and Queen of General Canby Day. Their coronation would be June 11th at the Adult Center at noon. She mentioned the many volunteers for General Canby Day and showed how it was a real community effort. She encouraged everyone to come and any volunteers were welcome. She also passed out General Canby Day buttons.

Mayor Taylor asked if the new lighting in Wait Park would be up by July 4, and Mike Jordan said it would.

Mayor Taylor also stated that the Council had a great time at the Shimadzu Grand Opening. There were a number of very nice comments about the City of Canby and many City officials were honored as well.

NEW BUSINESS: Canby Adult Center/AAA Clackamas County Contract Amendment - Mike Jordan explained that amending the contract had been done a number of times before. The City of Canby held the contract with Clackamas County regarding the federal funding for services at the Adult Center and the City subcontracted for the actual delivery of those services with the Friends of the Adult Center. The amounts that were given by the Federal Government through a number of different programs were set by the volume of activity that occurred at the Adult Center, and that volume continued to go up. The numbers in the contract needed to be amended each time in order to receive funds from the various federal programs to continue the operations at the Adult Center. The amendments were basically a number of changes in the level of funding.

****Councilor Daniels moved to adopt the changes as provided by Clackamas County in the number of meals served and the funding for reimbursement. Motion seconded by Councilor Harris.**

Councilor Daniels wanted to commend Nan Olson and her crew on the Policy Advisory Group. Canby's Adult Center was really growing compared with other cities.

Motion to adopt the changes as per Clackamas County passed 5-0.

Mayor Taylor remembered that there was a new staff member who had not been introduced yet. Marty Moretty introduced Sharon Tramel as a new Office Specialist in the front office. She came from the Canby Herald after 9 years of service there.

Proposed Contracts with Recreation Partners - Beth Saul explained that she was proposing to have contracts with the people that the City partnered with for recreation purposes. She created a

template for such a contract and had John Kelley look it over. The idea would be that this Interagency Agreement could be used with almost any kind of agency that the City would want to make some kind of contract or agreement with. Some of the parts in it could be changed or taken out if they did not apply depending on the sort of agency or group that the City would be contracting with. This could be used for one time events also.

Mayor Taylor asked if Ms. Saul had an opportunity to talk with the Parks Board about this. Ms. Saul said they briefly discussed it, and they were supportive of the concept.

****Councilor Daniels moved to authorize staff to create and negotiate contracts with the various service agencies that provide lifelong learning opportunities and recreational programming to the community using City facilities. Motion seconded by Councilor Harris and passed 5-0.**

Citizens Advisory Committee Appointments - Mike Jordan explained that Clint Chiavarini was staffing an effort to do a Buildable Lands and Housing Needs analysis needed for Periodic Review.

Mr. Chiavarini stated he had received a grant from the Department of Land Conservation and Development and the Oregon Department of Transportation to help update Canby's Buildable Lands and Housing Needs analysis. They were working with the consulting group OTAK to move forward on the project. He wanted a Citizens Advisory Committee to review some of the assumptions of the analysis, such as statistics and other data. The group would consist of six citizens with one Planning Commission and one Council liaison to serve on the committee. He received a number of applications, and there were more applicants than would be manageable for a committee. He asked the Council to appoint six members to the committee, and he had made recommendations for what the staff thought would be the best mix. He also stated that those who were not chosen would be sent a letter letting them know that their input and participation in the meetings would be welcome.

Mayor Taylor asked if there was any magic to the six number as opposed to allowing more people on the committee. Mr. Chiavarini said manageability was the reason for the number. Mayor Taylor asked if the Council wanted to, could they go with all nine applicants. Mr. Chiavarini said that would be fine.

Councilor Lucas thought six was a good number, especially if the other applicants knew they could still be involved.

****Councilor Lucas moved to appoint Teresa Engeldinger, Duane Weeks, Randy Carson, Delbert Hemphill, Jerry Simnitt, and Dana Tyler to the Citizens Advisory Committee dealing with Buildable Lands and Housing Needs analysis. Motion seconded by Councilor Strong.**

Mayor Taylor stated how he hated having extra people who came forward for a committee and then they weren't used. Councilor Strong asked if those extra people could be used as alternates. Mayor Taylor said the extra people could have input and participate, but could not have a vote. He suggested that the Committee discuss the process for alternates if they wished.

The motion to appoint the Citizens Advisory Committee passed 5-0.

Councilor Daniels volunteered to be the Council liaison for the Committee.

ORDINANCES AND RESOLUTIONS: Ordinance No. 992 -

****Councilor Harris moved to adopt Ordinance No. 992, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 2.48 REGARDING PROCEDURES FOR THE OPERATION OF THE CANBY ADULT CENTER, AND DECLARING AN EMERGENCY. Motion seconded by Councilor Lucas and passed by roll call vote, 5-0.**

Ordinance No. 993 - Curt McLeod stated that on April 7th they received bids for the N. Redwood Street Storm Drain improvements. They received 14 bids, and the low bid was \$75,000 under what they anticipated the price to be. The lowest bidder had an imbalanced bid and they jointly agreed to withdraw the bid. He recommended that the bid be awarded to 4 Rivers Construction from Oregon City. They had done a good job for Canby two years ago for the NW 3rd Avenue Storm Drain project and have been in business for many years.

****Councilor Daniels moved to adopt Ordinance No. 993, AN ORDINANCE AUTHORIZING THE MAYOR OR COUNCIL PRESIDENT AND CITY RECORDER TO EXECUTE A CONTRACT WITH 4 RIVERS CONSTRUCTION LLC FOR CONSTRUCTION OF NORTH REDWOOD STREET STORM DRAIN IMPROVEMENTS; AND DECLARING AN EMERGENCY be posted and come up for final action on May 20, 1998. Motion seconded by Councilor Strong and passed 5-0 on first reading.**

Ordinance No. 994 -

****Councilor Harris moved to adopt Ordinance No. 994, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WALKER-MACEY, FOR PROFESSIONAL SERVICES FOR THE DESIGN OF PROPOSED PUBLIC IMPROVEMENTS TO THE REGIONAL PARK LOCATED IN THE AREA OF NW 3rd AVENUE AND BAKER DRIVE; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Lucas.**

Mayor Taylor asked if the design for the park would be brought back before General Canby Day. Councilor Lucas said they would have a booth at General Canby Day and they would be answering questions about the Regional Park and would have pictures, figures, etc.

The motion to adopt Ordinance No. 994 passed by roll call vote, 5-0.

MANAGER'S REPORT: Schedule - Mr. Jordan listed the following events or meetings:

*The May 5th Budget Committee Meeting was rescheduled for May 13th at the library at 7 p.m.

*The other meetings were laid out in the leaflet the Council received in their packets.

The contract for N. Redwood would be starting and there were a number of other road projects that would be going to bid very soon. Township Road from Ivy Street out to Pine would be getting underway in June. There would also be five projects on one bid, S. Fir improvements, Ivy St. from 14th to Territorial, Knights Bridge Road from Holly to Grant, Territorial Road Sanitary Sewer extension from Juniper to Holly, and the Molalla River Pathway overlay. They also needed to put the overpass in on Township Road to allow the pathway from Territorial Road to 13th to be officially opened to the public.

The City had received a Governor's Livability Award from Livable Oregon for Public/Private Partnerships. The City, Chamber, and Revitalization Group won the award and it would be presented at their annual conference banquet on June 5th at Inn at the Mountain and all were invited to attend.

He received word from the Portland Metropolitan Area Local Government Boundary Commission that they had received the first application for annexation that did not come through the City of Canby first. The property was between N. Redwood and the logging road just south of Territorial. That annexation application would come up for hearing on May 28th, and the Council had another meeting on May 20th before that hearing. This was the first time that an application went directly to the Boundary Commission. Staff would advise the Commission regarding Canby's ability to service an annexation like this, but he also wanted to give the Council an opportunity to give input or even testify at the Boundary Commission hearing regarding this annexation application.

Mayor Taylor asked that by going directly to the Boundary Commission, how would voter annexation be affected by this. Mike Jordan said they might need to ask John Kelley how the Charter Amendment played into the situation.

John Kelley said he had just heard about this situation at the beginning of the meeting. He thought that if an application was filed directly with the Boundary Commission, they would want some kind of position or presentation from the City as to whether or not they were in favor of the annexation. If the Boundary Commission did allow the annexation, it would be similar to the situation with Graymore, in that the City would have 45 days from the date of that decision to file an objection, and if an objection was filed, it would go to the vote of the people. The Council could say they wanted a vote of the people before giving their recommendation, but in that case, the Boundary Commission would have to postpone their decision.

Mayor Taylor said this annexation application put the Council in an awkward position.

Councilor Daniels asked why a person would apply for annexation in this manner.

Mr. Jordan explained that under the City's Implementation Ordinance of the Charter Amendment, the cost for the election would lie with the applicant, and under this scenario, it would be almost impossible to compel them to pay for this election. Time wise the City would have to set this at the next election after the decision was made, which would be September, so it was quicker, and they also bypassed the Planning Commission and their process. After January 1st, there would not be a Boundary Commission, so this would not be an issue after January. He also clarified that the City did not have to testify on the issue, they could let the Commission make the decision and the Council could take action after the decision was made.

Mayor Taylor said the Council would like more information at the next meeting in order to determine whether to give an opinion or not.

Councilor Nolder asked if they could deny it on the basis of not being able to have a public hearing and gather information.

Mr. Jordan said they could recommend denial, but they had no authority to deny it.

John Kelley said there was no way to avoid a vote of the people unless the Council did not object to the Boundary Commission's decision.

Mike Jordan also said they had not had time to analyze the conflict between the Council not objecting and the Charter Amendment. A staff report would be prepared similar to a staff report for a Planning Commission hearing on an annexation.

Aneta Synan stated that they would address the Boundary Commission's criteria instead of the City's criteria.

John Kelley would talk with Ken Martin about what the Boundary Commission expected from the Council.

COUNCILORS' ISSUES:

Mayor Taylor wanted to add a workshop during the last week in May to get a layman's introduction to the comp plan and give the Council an opportunity to ask questions, such as what-if's, what did it mean to the Council, what between now and official adoption should the Council consider doing or not doing, etc. He felt the Council needed more expertise about the process. He would like it to be a joint meeting with the Planning Commission. He thought May 27th would be a good day to hold the workshop. Mike Jordan also said it might be appropriate for himself and Aneta Synan to call both the Mayor and Dan Ewert to help devise the agenda for that

meeting.

Councilor Nolder wanted to remind everyone to vote. There was still a box at the library to drop off absentee ballots.

OTHER REPORTS & COMMUNICATIONS: Advanced Financing Policy - John Kelley reminded the Council that at the last meeting they discussed the issue of whether there was a conflict between Tim Sercombe, who was in the same law firm as Harvey Rogers and Dick Roberts who were normally the City's bond council. They said they felt there was a conflict and now Mr. Kelley was looking for another attorney to help him. He also had a conversation with Dell Little and Tom Meek from OEDD, over the issue of if the City entered into this policy whereby it would agree to suspend interest, would it in anyway put the City in breach of the loan agreements with OEDD. OEDD wanted a letter where the scenario was layed out and with the proposed amendment language the City would like to see in the contract. John Kelley sent them a letter on May 4th and proposed that the amendment gave the City the option of suspending the interest in that situation with a specific sentence that this action by the City would not cause a breach of any provisions of the initial loan agreements between the City and OEDD, referenced as B94-03 and B94-03b. He was waiting for a response to his letter.

Chief Giger wanted a workshop on June 3rd at 6 p.m. for the recommendation of the Traffic Safety Committee on SW 2nd and S. Elm. He would notify property owners of the workshop.

ACTION REVIEW:

1. Entering into a contract with Clackamas County for the Adult Center.
2. Working on proposed contracts with recreation partners as per Beth Saul's template.
3. Appointing Buildable Lands Citizens Advisory Committee.
4. Implementing code provisions for the Adult Center as per Ordinance No. 992.
5. Bringing back Ordinance No. 993 for second reading.
6. Signing a design contract for the Regional Park as per Ordinance No. 994.
7. Scheduling a comp plan workshop with the Planning Commission on May 27th.
8. Scheduling a workshop at 6 p.m. on June 3rd for traffic safety issues.

Mayor Taylor announced that a new program with OCTS, Channel 5, called South Metro Prime Time, would be starting soon. It would focus on items of topical interest within the Canby community as well as the South Metro region. They were hoping that if people had ideas, they would contact them. The Channel 5 offices were open Monday, Wednesday, and Friday from 9 a.m. to noon and other times by appointment. Councilor Lucas said that on July 15th, the Prime Time show would be about the Regional Park. The program would be on one half hour before the Council meetings.

****Councilor Daniels moved to go into Executive Session under ORS 192.660, (1)(e) property negotiations and (1)(f) regarding exempt public records. Motion seconded by**

Councilor Harris and approved 5-0.

Mayor Taylor recessed the regular session at 9:03 p.m.

Mayor Taylor reconvened the regular session at 9:40 p.m. and immediately adjourned the session.

EXECUTIVE SESSION
May 6, 1998

PRESENT: Mayor Taylor, Councilors Daniels, Lucas, Harris, and Strong, John Kelley, and Michael Jordan.

Mayor Taylor called the session to order at 9:10 p.m.

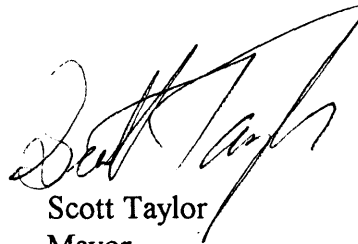
ORS 192.660 (1)(e) - The Council discussed Mangus property.

ORS 192.660 (1)(f) - The Council reviewed John Kelley's Memo.

Mayor Taylor adjourned the session at 9:35 p.m.



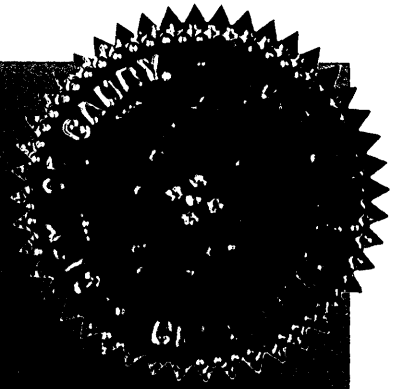
Michael J. Jordan
City Recorder pro tem



Scott Taylor
Mayor



Prepared by Susan Wood,
Office Specialist



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PROCLAMATION



Whereas, emergency medical services is a vital public service; and
Whereas, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
Whereas, emergency medical services providers have traditionally served as the safety net of America's health care system; and
Whereas, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, police officers, dispatchers, educators, administrators, and others; and
Whereas, approximately two-thirds of all emergency medical services providers are volunteers; and
Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
Whereas, Americans benefit daily from the knowledge and skill of these highly trained individuals; and
Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and
Whereas, injury prevention and the appropriate use to the EMS system will help reduce national health care costs; and
Now, therefore, I Scott Taylor Mayor of the City of Canby, Oregon in recognition of this event to proclaim;

The day of May 16th, 1998 as **EMERGENCY MEDICAL SERVICES DAY**; and
 The week of May 16-22, 1998 as **EMERGENCY MEDICAL SERVICES WEEK**

and encourage the community to observe this week with appropriate programs, ceremonies and activities.

Date

Signed by

[Place seal here]

Attested by