

CANBY CITY COUNCIL
REGULAR SESSION
MAY 20, 1998

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

Also present: Recreation Services Director Beth Saul, City Attorney John Kelley, Planning Director Aneta Synan, Susan Wood, Steven Amick, Curt McLeod, Steve Hanson, Curtis and Lila Gottman, Randy Carson, Paul Farrar, and Betty Faist.

Mayor Taylor called the session to order at 7:30 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Paul Farrar said he understood that the Council had a letter from Judge Henricksen and wanted to wait to speak until after it was addressed. Mayor Taylor agreed to his request.

CONSENT AGENDA: ****Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, May 6, 1998; and accounts payable in the amount of \$200,223.19. Motion seconded by Councilor Harris and approved 3-0.**

PUBLIC HEARING: Faist Annexation - John Kelley said this was the time scheduled to continue the Faist annexation postponed from the original date. He had a letter from the applicant's attorney, Timothy Sercombe, indicating that they wanted another two month continuance of the hearing. The hearing was rescheduled for July 15, 1998.

Mayor Taylor explained why there were only three Councilors that night. They were a Quorum because currently they only had five Council members.

COMMUNICATIONS: Letter from Judge Henricksen - Mayor Taylor summarized the letter. The letter discussed the Judge's efforts to be preventive and creative in his approaches. He felt strongly about the benefits of the Victim's Panel and did not share Mr. Farrar's concerns about the need for the conviction on the record. He reminded the Council of the separation of Executive, Legislative, and Judicial branches. He also said he would be reviewing the program on June 30th to see if he was going to continue it.

Mr. Farrar felt he should come in person and respond to the letter. He said no one person was the issue, the issue was the horrible record that we had in taking care of young people behind the wheel.

Councilor Lucas asked we being whom? Mr. Farrar said the United States.

Mr. Farrar gave accounts of young drivers' deaths since the last Council meeting. He said his

motivation for this action was to serve the young people in this community. He offered sections of the Oregon Revised Statutes for the Council's consideration. The sections he presented were ORS 801.020, Statements of policy and purpose, applicability of vehicle code; ORS 801.040, Authority of local governments; ORS 809.405, Suspension of provisional driver license; and ORS 809.480, Driver improvement program, purpose, suspension, fee. He believed that nowhere was it said that the City could uphold a policy of routine dismissal of traffic citations based upon the defendant's age. He wanted to continue to work with the Council and City staff to resolve this problem. He also gave a quote from the Oregon Code of Judicial Conduct, Judicial Rule 2-107, which discussed what a Judge's duties were. He did not seek replacement of the Court, but he wanted the Council to make a Resolution that was in harmony with the legislative intent of the provisional license structure and he believed the Court would give that due notice.

Mayor Taylor asked if he could get a copy of the letter with the Oregon Revised Statutes. He wanted to look at the Statutes and study them himself. He re-emphasized that even if the Council was to concur that the Judge needed to change his program, they would alert the Court and the Council always had the option to terminate contracts or commence new contracts. The Council would not head down that road without serious consideration, however. He asked Mr. Farrar if he had any sense of how many injuries or deaths occurred by young people who were second or third time offenders?

Mr. Farrar said that according to the Insurance Institute for Highway Safety, the young people who died in fatal accidents did not have a record of convictions. He had been working with DMV to get more recent statistics from the entire state.

Mayor Taylor asked if the Council had any course of action they wanted to take. Councilor Daniels said he wanted to take time to look at the letter and the Oregon Revised Statutes first.

John Kelley asked if the Council wanted him to write a review of the information. Councilor Lucas said just hearing an explanation would be good enough.

John Kelley said he could get copies of the Statutes for the Council. Mayor Taylor said it would be good to make copies and then the Council could discuss it.

Councilor Lucas said they may want to hear from the Judge about this. He felt the letter was more of an attack on Mr. Farrar than of defending the program.

Presentation from Concordia University - Steve Hanson stated that the City had supported Darwin Tramel through school for an Environmental Remediation degree, which he had almost completed. At the luncheon, Concordia University presented the award for Outstanding Support of the Environmental Management Program and it was signed by the president of the college.

Mayor Taylor said the Council was very proud of the Wastewater Treatment Plant, the gentlemen who ran it, and all of the good things they were doing.

NEW BUSINESS: Various Committee Openings - Mayor Taylor said the Council received a memo from Marty Moretty outlining the number of positions on various committees that were open, such as the Traffic Safety, Bike & Ped, and General Canby Day committees.

Councilor Harris noticed a discrepancy on the Buildable Lands Advisory Committee. The list of members who were appointed as the voting members of the Committee did not agree with the list in the Council packet. Ms. Saul had been notified of that already and said it would be taken care of.

Mayor Taylor invited people to come down to City Hall and fill out an application and get involved in the community. There was still an opening on the Planning Commission, and positions on the Library Board, Bike & Ped, and Traffic Safety committees were also open.

Councilor Daniels said going through the list of committees, he noticed there were some 50 people who were working on committees for the benefit of the City. To reiterate what the Mayor said, there was a position open on the Library Board in July, one open on the Bike & Ped Committee, the Traffic Safety Committee had two positions open, the Canby Adult Center Policy Board had two openings, Parks & Rec had one opening in July, and the General Canby Day Committee had two openings in July.

Walt West Construction Annexation - Mayor Taylor said he received a request to move the Walt West Construction Annexation to July 1, 1998.

ORDINANCES AND RESOLUTIONS: Ordinance No. 993 -

****Councilor Harris 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. Motion seconded by Councilor Lucas and passed by roll call vote, 3-0.**

Ordinance No. 995 - Curt McLeod said on May 7, 1998, there was a bid opening for the first part of stage two improvements to the Wastewater Treatment Plant, which was for the Aeration Basin improvements. He received 10 bids, and the lowest was Don McMillin Constructors out of Kennewick, Washington. Mr. McLeod stated that their firm was only five years old, but Mr. McMillin's father had a firm, McMillin Brothers, and prior to that, his grandfather had a firm that did the same thing, so he grew up in a family doing municipal business.

****Councilor Harris moved to adopt Ordinance No. 995, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH DON J. McMILLIN CONSTRUCTORS, INC. FOR CONSTRUCTION OF THE CANBY WASTEWATER TREATMENT PLANT AERATION BASIN**

IMPROVEMENTS; AND DECLARING AN EMERGENCY be posted and come up for final action on June 3, 1998. Motion seconded by Councilor Lucas and passed 3-0 on first reading.

MANAGER'S REPORT:

Ms. Saul said Mr. Jordan was absent that night because he was on his way to a conference in Bend.

Mr. Giger had wanted to share some information with the Council that night if the meeting lasted long enough (he was not at the meeting yet) about another potential way of getting Federal money for the Cop's Program.

Councilor Lucas asked if there was any time line on Mr. Giger's request. Ms. Saul said it was not so urgent that it could not wait until the next Council meeting.

COUNCILORS' ISSUES: Councilor Harris asked a question of Steve Hanson's monthly report regarding tech services and the problems with the Court computer system files. Steve Hanson said after evaluating the back up tapes to restore information that was lost, they found that when the back up tapes were running, the files were open. Someone was either not closing the system down correctly or one of the officers was possibly using it at night. Since then, they had locked the system down further so that only the Court system could run it.

Councilor Harris said that in the information that was lost, Police Training Records were also lost. Was it all backed up and covered so it would not happen again?

Mr. Hanson said they were now doing multiple back ups, which they weren't doing in the past.

Councilor Harris asked if the Court files were something the Police needed. Mr. Hanson said they were not from the discussions with the Lieutenant and other night officers.

John Kelley said one situation they might need the files for was if someone on bench probation that was not reporting to a probation officer had a potential violation and an officer responded, they could not get into that person's record to determine if it was the correct person on probation. That did not happen often, but it did happen. Mr. Hanson said that situation had not been brought up in past discussions.

Councilor Lucas wondered if another option would be to have that information printed out.

Mayor Taylor said John Kelley and the Chief could work out other options.

John Kelley said he would talk to Kathy about this concern and see if there were other ways to work around the problem.

Councilor Lucas reported on the trip two Planning Commissioners, three Parks & Rec Committee members, six skaters, Beth Saul, and he took to the dedication of the Swift Skate Park in Vancouver. They had a great product and all the people there were happy with the park. The skaters they took really liked the park and gave good suggestions for the one that would be built in Canby. He announced that Walker-Macy would have their first public meeting on June 4, 1998, at 7 p.m. at the park site (which was at the end of 3rd Street) or at the library if it rained. It would be advertised in the paper and on Channel 5.

Mayor Taylor asked if any of the skate parks they looked at had roofs or covers. Councilor Lucas said no, but the skate park in Vancouver was planning on a phase two that would cover about three quarters of the park. Councilor Daniels noted that the Burnside Skate Park was covered.

ACTION REVIEW:

1. Postponing the Faist annexation until July 15.
2. Copying the ORS sections cited by Mr. Farrar for the Council.
3. Continuing to advertise for various committee members.
4. Postponing the Walt West Construction Annexation until July 1.
5. Asking Mr. Giger to report on new grant opportunities.

Mayor Taylor asked if there were more opportunities for citizen input regarding the Regional Park. Ms. Saul said there were two more meetings, one on June 23 at 7 p.m. in the Adult Center and the other on July 9 at 7 p.m. in the Adult Center. There would be a booth at General Canby Day also.

There was no executive session.

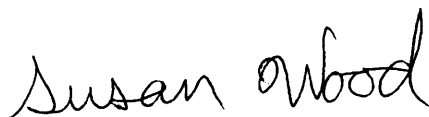
Mayor Taylor recessed the regular session at 8:17 p.m.



Michael J. Jordan
City Recorder pro tem



Scott Taylor
Mayor



Prepared by Susan Wood,
Office Specialist