

CANBY CITY COUNCIL
REGULAR SESSION
JULY 1, 1998

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

Also present: City Administrator and City Recorder Michael Jordan, Recreation Services Director Beth Saul, City Attorney John Kelley, Roy Hester, Sharon Tramel, Steven Amick, Curtis and Lila Gottman, Randy Carson , Doug Sprague and Paul Farrar.

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

CITIZEN INPUT ON NON-AGENDA ITEMS:

Stan Slyter, 1090 N. Locust - He had a concern regarding dangerous street corners due to visibility problems from people parking on the corners and also brush that needed to be cut back. He stated the area by Cutsforth's Thriftway, 10th Ave and a few other areas. He had asked the Council to take some sort of action before there were more accidents.

Mayor Taylor stated that we should make sure we had visual clearance on our downtown and residential streets.

Mr. Jordan said Mr. Slyter was welcome to call City Hall with particular intersections that had visibility problems and that he would also alert the Code Enforcer. He stated that there was a code provision that stated the area 30' back from a corner in a diagonal between the ends of the two 30' segments had to be kept clear for vision clearance purposes. He said the City would look into the brush problem on 10th and Locust and any other intersections, and also the parking issues that Mr. Slyter knew of that were problem areas.

CONSENT AGENDA: **Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, June 17, 1998; accounts payable, pre-approved; permission to put up barricades for 7th annual neighborhood 4th of July block party; appointments to various boards/committees. Motion seconded by Councilor Harris and approved 4-0.

Mayor Taylor publicly recognized the citizens that were willing to continue to serve on the various boards and committees.

Mayor Taylor said he had two conflicting items on the agenda. He asked Mr. Farrar if he had a conflict with the time that he would be able to address the Council?

Mr. Farrar answered that he no longer had a conflict with the time that he would be able to speak to the Council.

Mayor Taylor stated he wanted to move up a brief report along with Ordinance 999, Lease/Purchase of a Vactor 2100.

Mayor Taylor asked Mr. Hester that at the first reading of the Ordinance the City had an offer from another company to look at a piece of equipment, which has been done. The company had received a letter from Mr. Hester indicating that after viewing that machinery he wanted to proceed with the Vactor 2100.

Roy Hester Public Works, stated that he had the demonstration of that piece of machinery. It did the job but did not meet their specifications. He was concerned about the operation, life span, maintenance and parts of this machine compared to the Vactor. The company was relatively new and they did not have a large track record like the Vactor did.

Mayor Taylor asked that the purchase of the Vactor 2100 would come out of whose budget?

Mr. Hester answered it would come out of the Sewer Equipment Reserve.

Mayor Taylor said the maintenance comes out of the sewer budget.

Mr. Hester said the Collection Crew for the sewer plant which works under his direction would be operating it.

Mayor Taylor wanted some accountability as to why they pick one over the other and the cost savings.

Mr. Hester said that the storm system is underneath the sewer plant, but they are in control of it because Steve Hanson's certification is just for inside the sewer plant. Mr. Hester stated that he was responsible for everything else outside the gate of the sewer plant.

Mayor Taylor said that the answer was that the piece of equipment did not meet the specifications that were outlined in the bid.

Ordinance No. 999 -

****Councilor Daniels moved to adopt Ordinance No. 999, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BEN KO MATIC OF PORTLAND, OREGON, FOR THE LEASE-PURCHASE OF A VACTOR 2100 MODEL SEWER WASHER AND CATCH BASIN CLEANER; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Harris and passed by roll call vote, 4-0.**

PUBLIC HEARING: Victim's Panel Program - Mayor Taylor opened the hearing at 7:43 p.m.

Mayor Taylor reviewed that at the last Council meeting they had talked about the facts involved in the petition that Mr. Farrar had citizens sign and that the facts were accurate to the best of their knowledge. He stated that at tonight's Council meeting they would discuss opinions, information and hope to come to some closure about the practice that the Municipal Court engages in, of sending youth to a Victims' Panel as opposed to entering the traffic citations on their driving record.

Mayor Taylor had said that Mr. Farrar had fifteen minutes to address the Council and anybody else that wanted to speak on the issue.

Mayor Taylor had said he had received nine to ten postcards from citizens regarding the Victims' Panel Program, and he would read them briefly tonight.

Mr. Farrar had said he hoped to have a resolution to speak to, but that was not the case. He had read from a letter that he sent to Councilor Lucas dated Saturday, June 20, 1998, he submitted a letter dated April 30, 1998 to Mr. Kelley asking to agree to stipulate to one or four facts in his petition. Mr. Kelley had given back his letter and stipulation just before the first Council meeting on May 6, 1998, it stated that he had read the letter and he was not going to sign it.

Mr. Farrar understood that Mr. Kelley's action to mean that he had to prove his facts to the Council's satisfaction, and he was willing to do that, but the June 7 Council meeting showed that the Councilor's were willing to agree to the facts based on their own knowledge all along.

Mr. Farrar said he had misunderstood Mayor Taylor on Wednesday night referring to June 7, he said it had sounded as if the resolution that he had proposed in Section Four of his petition, might never be considered by the Council. He stated it was unfair to him and the other 117 people that signed his petition. He said he could live with it if the Council had voted no on his resolution, but it was unfair if the Council never even voted on the words that he chose.

Mr. Farrar had read the quotation from the resolution he had submitted to the Council.

Mr. Farrar wanted to discuss the issues brought up by Mr. Kelley and the Council on May 6, and by Judge Henricksen on May 12. He stated that Mr. Kelley and Judge Henricksen had told the Council that they must keep hands off because of separation of powers. He said both gentlemen had said that Judicial Discretion allows Judge Henricksen to have the policy that he has for sixteen and seventeen year old drivers. He said he should be allowed to contest those legal conclusions before the Council, since they have been given to them in several forms and in several meetings.

Mr. Farrar thought the public had the right to see a memorandum of law which supports the Council's decision. He said he had the right to see in writing, the memorandum of law where our lawyer wrote to the Council, and that he is allowed to file an opposing memorandum of law.

Mayor Taylor asked if there were any questions.

Councilor Lucas asked about the memorandum of law. He wanted to know if it was legal to dismiss tickets.

Mayor Taylor stated that the memorandum of law was related to, if there was something in law that separated the Court from the City Council.

Mayor Taylor asked Mr. Farrar if that was correct.

Councilor Lucas asked Mr. Farrar if the memorandum of law he was asking for was whether it was legal to dismiss traffic tickets or if it was legal for the Council to tell the Judge not to do it?

Mr. Farrar read again a couple of paragraphs from the letter that was submitted to Councilor Lucas.

Mr. Farrar said that his petition was not about the Victims' Panel Program, he wanted to know if the City was going to dismiss citations for sixteen and seventeen year olds, he stated that had not been on the agenda nor has his resolution been on the agenda.

Councilor Lucas stated that Mr. Farrar wanted to know if the Council legally had the right to tell the Court to do that and whether it was legal for Judge Henricksen to dismiss the tickets.

Mr. Kelley said he would be happy to write a memorandum to that effect.

Councilor Lucas stated that he wanted Mr. Kelley to do that and to make sure Mr. Farrar also received a copy.

Mr. Kelley said that the memorandum would state that there is such a thing as Separation of Powers which prohibits the Legislative Branch from directly overseeing the Judicial Branch which means that you do not have the authority to direct the day to day workings of the Judicial Branch, which is the Judge. He stated that you have the ultimate authority of removing and replacing the Judge. If someone thought the Judge was doing something illegal, they could file an action in Circuit Court. They could also take a complaint to the Board of Judicial Fitness with the complaint that the Judge is acting outside the scope of what is expected and required of a Municipal Judge.

Mr. Farrar thought that it was within the Council's power to pass the resolution that he stated word for word. He said that the resolution had nothing to do with the day to day operation of the Court. It had to do with the year in and the year out policy of the Court.

Mayor Taylor said that the Council needed to decide whether the Council supports the operations of the Judge. If they did not support the operations of the Judge, then they would have to decide on the different ways they could address the concerns. If they chose not to support the practice of the Judge, he believed that the best thing to do would be to indicate to him a desire for something different to be done. He stated that the Council needed to decide whether they supported that position, and once they did that, they could determine if they wanted to accept the language Mr. Farrar had offered in his resolution.

Mayor Taylor wanted the Council to come to closure on the issue in their position.

Mr. Farrar suggested the Council go ahead and introduce the resolution this evening, vote yeah or nay, then he would know what to do next.

Mayor Taylor read the nine to ten postcards into the record that Mr. Farrar had given out and sent back by citizens.

Mr. Farrar read from a letter submitted to the Mayor by Kurt Schrader.

Councilor Lucas asked if Mr. Kelley knew how often the Judge had dismissed citations after completing the Victims' Panel Program.

Mr. Kelley responded once, twice maybe three times per session, sometimes not at all. He asked Mr. Farrar if he had any statistics.

Mr. Farrar said that in late February, there were five sixteen and seventeen year olds get their citations dismissed and they did not appear on their driving records. He stated that in the Canby Herald issues from mid February-mid March the Court records showed no dismissals. He had not asked Mr. Kelley or the Canby Herald if the Court no longer reports to the Canby Herald when they dismiss citations.

Mr. Kelley pointed out that Mr. Farrar had been in Court when the Judge dismissed citations for senior citizens with excellent driving records. He asked Mr. Farrar if he agreed?

Mr. Farrar regretted that he could not collaborate with Mr. Kelley's testimony, he was not able to answer the question.

Councilor Lucas wanted to know how often it has been happening, whether it is state wide or just Canby. He wanted to hear Judge Henricksen's opinion on the issue.

Mayor Taylor wanted a stance from the Council on the situation. He wanted to get data from the court staff on how many citations are dismissed after completing the Victims' Panel. He said that both ways with the Provisional License you get a second chance. He stated that a letter from the Council to the Judge encouraging him to change that practice might be in order.

Mayor Taylor wanted a position from the Council on the Judge's activities and would they like to share with him their opinions.

Councilor Harris stated his feeling was that the Council has the authority to hire or fire the Judge. If the Judge did something illegally then the Council would consider firing him, if his behavior or his judgement is offensive or completely out of line, the Council would consider firing him. He said the Judge has a very solid reputation. He felt it was not the Council's position to tell the Judge how to handle this program.

Councilor Lucas also stated they should not tell the judge how to run his court. He felt there would always be different opinions on different rulings.

Councilor Strong felt the Judge has done a great job for the City of Canby, although she was bothered that the young adults were having the tickets erased and she wanted to know how many repeaters there were, if any. She felt the Council should not be involved, she believed it was a bigger issue than the City. She felt Mr. Farrar did have a valid point.

Councilor Daniels felt he did not want to tell the judge how to run his court. He was also concerned about the repeat offenders. He said we could write a letter to the Judge and he could reject it if he wanted to.

Mayor Taylor felt that the Council did not want to give an opinion or instructional letter to the Court, but there was a desire to get some information, he wanted to get feedback on how the program was working. There was support for the suggestion to instruct Court staff to check on a quarterly or semi annually basis, the names against the traffic records to see if there were any repeat offenders.

Mayor Taylor asked Mr. Kelley if there was a process in which the Judge could delay taking action on the ticket, and could they allow him to take action but put on suspend status taking final action and if the person received a second citation then impose both or call the other case back to court.

Mr. Kelley said they could do what is called a Pre-Trial Diversion. It is when someone has committed a crime, they are allowed an informal probation for a period from six to twelve months, and if during that time they are involved in another crime, then the diversion agreement is revoked. He stated that the Judge decides on any diversion agreement that the Council would submit to him.

Mayor Taylor said that the Council had great faith in the Judge and his discretionary judgment. What he was trying to offer was the opportunity for those who are concerned, that they were not holding the people accountable and that their record was not properly reflected. It would give the offenders the opportunity to change their performance, and for those who did not, it would be a miniature version of two strikes. He suggested that the Judge examine that as an option.

Councilor Lucas said they would be open to look at any type of option. He still wanted to see those records and he knew that the Court was busy and he was not sure how complicated it was going to be to keep track of those records.

Mr. Kelley said the court would run their traffic records to see if there were any convictions over that period of time. That would require time to take care of that. He explained how it would work; they would have a Pre-Trial diversion with condition number one that they obey all laws and not get any other citations, condition number two, they attend the Victims' Panel and in six or twelve months, at the end of that time, the Court Clerk would run their record assuming they completed Victims' Panel, then the Judge would enter a dismissal.

Councilor Lucas suggested we try it, see how much time is involved and how many there will be.

Councilor Strong said her concern was that if a young adult took the responsibility to drive a vehicle, they should also take responsibility for their actions.

Mayor Taylor said he watched a number of adults have cases dismissed or have cases withheld from their driving record. He felt that adults as well as the teenagers benefit from having a good driving record. He expressed that we had the Provisional Law for sixteen to eighteen year olds to get the point across because they have a higher incident rate.

Mayor Taylor wanted to instruct the Court staff to begin to keep records, requesting that a check be done at a reasonable period of time to determine any future problems, he would like the Court to consider the concerns that have been voiced, also the suggestion of having a Diversion Program.

Mayor Taylor said they had a request from Mr. Farrar that they have a memorandum of law talking about the separation of the Legislative and Judicial Branch, whether the Court had the ability to in fact not impose a sentence. There was support from a couple of Councilor's for such a memorandum to be drafted by the City Attorney and for Mr. Farrar to receive a copy of that.

Councilor Harris said that record keeping would not sway him into the direction of telling the Judge how to run his Court, therefore he felt there was no need for the Court to keep track of those records.

Mayor Taylor expressed that Mr. Farrar would receive two memorandums from Mr. Kelley and he heard the Councils' discussion and where they stand on direct resolution to the Court.

Mayor Taylor closed the hearing at 8:38 p.m.

COMMUNICATIONS: None

NEW BUSINESS: Adding Territorial/99E Signal to Project List for SDC Eligibility - Mr. Jordan wanted to discuss whose responsibility it will be to pay for the intersection, since it is on a state facility. The current estimates on the cost to redo the intersection on Territorial Rd. and 99E are approximately \$800,000. Currently there is a feasibility study being done that is being jointly funded by the City, County and the State, when the study is completed then he will have a better idea of what the cost of an acceptable solution is. They did calculations based on an \$800,000 estimate, at that cost it would raise the SDC for transportation by \$5 per trip. Mr. Jordan explained what a trip was. The SDC is based on the number of trips generated by a particular land use. For example, a single family residence generates approximately 9.55 trips per day. Our SDC under the current methodology it is \$86 per trip, a single family residence would pay a SDC of about \$820.00. If you add \$5 per trip that is roughly a \$50 increase in a single family.

Mr. Jordan explained that a commercial facility that has one thousand sq. ft. will generate 36.75 trips per day. The impact is greater in commercial/industrial than single family.

Councilor Harris asked that if a single family home developed in the SW corner would pay 9.55 trips per day plus the additional \$5, and that money would go toward this particular improvement?

Mr. Jordan said that would bring up two different questions. The inclusion of the intersection in the methodology, which does not commit any one dollar to that intersection but it does commit the City to ultimately do that improvement. The committing of any SDC to a project is a separate question the Council would need to consider.

Councilor Harris wanted to know how they came up with \$5?

Mr. Jordan stated that you estimate the number of potential future units that are created within the urban growth boundaries. The units could be single family dwellings, thousands of square feet of commercial or industrial development.

Councilor Harris wanted to know how long it would take to raise the \$800,000?

Mr. Jordan said that at current development rates for the last few years they have been raising \$150,000-\$250,000 per year in SDCs.

Councilor Harris asked that by putting the intersection into the methodology, which raises the amount that they are trying to collect by \$800,000 and then \$5 per trip. He also wanted to know if there was a time limitation for that \$5 per trip, after they collected the \$800,000 would they then discontinue it?

Mr. Jordan stated there was not necessarily a time limit. The limitation was on the growth of the community. The methodology is based on the growth, not on a particular amount of time.

Councilor Daniels asked that after the project was complete, do they have to go back and adjust the methodology?

Mr. Jordan said that the projects are phased. They have estimated a 20-year time frame. They are broken into four phases of five years each. He explained that if the development rate changes dramatically, they may have to change the scheduling of projects.

Mr. Jordan explained that everything in the methodology is an estimate until you actually do the project, then you are supposed to adjust the SDC based on actual cost when the projects are completed.

Mayor Taylor said we do not have a high SDC compared to other cities. He explained it was a one time fee that takes care of the new infrastructure that they had to add as a city. If they did not do this, they would not have the capital improvement or everyone in the community would have to pay to accommodate the new growth.

Councilor Lucas thought that Barry Cain of Gramor Development wanted the City to donate his SDC money toward that particular project and that the Foursquare Church was going to donate some money. He thought that was the money they were talking about.

Mr. Jordan stated that the Council cannot commit a SDC to a project that is not on the SDC list and in the methodology. He explained that Mr. Cains's SDC could not go to the Territorial/99E intersection until the Council changes the methodology and incorporates that project into the SDC methodology.

Councilor Lucas thought people believed that Mr. Cain said that all the SDC money from his project was going into the light at Territorial and that he was going to build the one at Redwood.

Mayor Taylor stated that you have to increase the total net to keep the other projects balanced that included Mr. Cain's land in the original SDC, because that was already developed counting on paying for other things that they will be doing throughout the community.

Mayor Taylor stated that you can use the money in the SDC to the signal before another project that was on the SDC list. He said that they could use the money they gather from this construction now rather than waiting 20 years to build up the account.

Mr. Jordan said that if the Council thought that it's the City of Canby's responsibility for some portion of the signal at 99E and Territorial, then they would put it into the SDC methodology to start to collect funds. They could also put the project in the first phase for projects to be completed, then as soon as they had enough money to complete the project, they could start

building.

Councilor Daniels said that the offer of \$200,000 by the church would not go into the SDC funds.

Mr. Jordan said that it would be a contribution to the project, then the cost to the City would be lowered by whatever the contribution was then they would adjust the methodology accordingly.

Councilor Harris stated that the intersection involves a State highway, a County road and a railroad and is outside of Canby city limits. He asked that if they designate that as an intersection that the City is willing to pay for the improvements, would that take the responsibility away from the State and the County?

Mr. Jordan said that the State has already acknowledged that the intersection needs signalization. The signal is low on the States priority list that there is no funding.

Councilor Harris said that there is a limited amount of SDC money, which if the Council decided to put that project as their number one priority, they would not have any money to do anything else.

Mayor Taylor said there were two issues. Does the Council want to add the project to the SDC list, and if they did how important would it be?

Councilor Lucas stated that they could include the 99E and Territorial intersection into the methodology and adjust the SDC accordingly, then after Gramor builds that project, the City could take their SDC money and apply it toward that intersection, then they would need to adjust the SDC funds.

Mr. Jordan said the adjustment would be for the actual cost. He stated that you would have to adjust the methodology to receive more money.

Councilor Harris asked if they could increase to \$91 now without adding an \$800,000 project?

Mr. Jordan explained that you try to base your SDC on some objective standards about trip generation. He said that the cost per trip is generated by the list of projects and how much they cost.

Councilor Harris wanted to know how they compared to similar communities.

Mr. Jordan said that for example, in 1994 a single family dwelling in Clackamas County was at \$820 per unit, Clackamas County was at \$1220, Washington County was at \$1380, West Linn was at \$790 for part of the city and \$2660 for the other part.

Councilor Harris asked if the County had SDC's beside the City SDC's?

Mr. Jordan said that yes there were County SDC's also, but there would be no double collecting.

Councilor Harris said that if they adopted the intersection as part of the methodology, does that obligate the City to put it in any particular place in their set of priorities.

Councilor Lucas explained that they City needed to adopt it into their methodology in order to negotiate with the State to pay for part of it.

****Councilor Lucas moved to instruct staff to bring back an appropriate motion to include this into the SDC's. Motion seconded by Councilor Strong, passed 4-0.**

Renewal of Auditors Contract - Mr. Jordan referred to the memorandum regarding the auditor's contract. The memorandum laid out some of the reasons why the staff felt that the Council should vote to renew the contract. The City has had very good relations with Kenneth Kuhns. They are very familiar with the City's systems. He felt it was a cost-effective way to continue with auditing services.

****Councilor Harris moved to authorize the City Administrator to sign the contract in agreement with Kenneth Kuhns and Company, CPA, for the 1997-1998 audit year, 1998-1999 and 1999-2000. Motion seconded by Councilor Strong, passed 4-0.**

Mayor Taylor recessed the meeting at 9:20 p.m. and reconvened at 9:26 p.m.

ORDINANCES AND RESOLUTIONS: Ordinance No. 997 -

****Councilor Daniels moved to adopt Ordinance No. 997, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1998-1999 FISCAL YEAR. Motion seconded by Councilor Harris and passed by roll call vote, 4-0.**

Ordinance No. 998 -

****Councilor Harris moved to adopt Ordinance No. 998, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON FROM A LIGHT INDUSTRIAL TO A HEAVY INDUSTRIAL ZONE DISTRICT FOR A PORTION OF TAX LOT 407 OF TAX MAP 4-1E-5. Motion seconded by Councilor Daniels and passed by roll call vote, 3-0.**

Councilor Harris abstained from voting because of his absence at the Council meeting when this was discussed.

Ordinance No. 1000 -

****Councilor Lucas moved to adopt Ordinance No. 1000, AN ORDINANCE AMENDING**

SECTION 7 OF ORDINANCE NO. 668 REGARDING ANNUAL FRANCHISE FEE TO BE PAID BY THE FRANCHISEE, CANBY TELEPHONE ASSOCIATION, TO THE CITY OF CANBY, REPLACING ORDINANCE NO. 845, AND SETTING AN EFFECTIVE DATE be posted and come up for final action on July 15, 1998. Motion seconded by Councilor Daniels.

Mr. Jordan explained that the Ordinance would change the franchise fee for Canby Telephone Association from 3.7% to 7% gross annual revenue, effective July 1.

Motion to adopt Ordinance No. 1000, passed 4-0.

Ordinance No. 1001 -

****Councilor Harris moved to adopt Ordinance No. 1001, AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE NO. 788 REGARDING ANNUAL FRANCHISE FEE TO BE PAID BY THE FRANCHISEE, NORTHWEST NATURAL GAS COMPANY TO THE CITY OF CANBY, AND SETTING AN EFFECTIVE DATE** be posted and come up for final action on July 15, 1998. Motion seconded by Councilor Lucas.

Mr. Jordan stated that the Ordinance would amend the franchise fee rate for Northwest Natural Gas from 3% to 5% of gross annual revenue.

Motion to adopt Ordinance No. 1001, passed 4-0.

Ordinance No. 1002 -

****Councilor Harris moved to adopt Ordinance No. 1002, AN ORDINANCE AMENDING ORDINANCE NO. 990 REGARDING ADOPTION OF CANBY'S MUNICIPAL CODE, ADOPTING TITLE 16, ENTITLED "PLANNING AND ZONING", AND DECLARING AN EMERGENCY** be posted and come up for final action on July 15, 1998. Motion seconded by Councilor Daniels.

Mr. Kelley made sure the Council had the correct copy of Ordinance No. 1002. They discovered Title 16 a Sunset Clause that should have been eliminated.

Motion to adopt Ordinance No. 1002, passed 4-0.

Ordinance No. 1003 - Mr. Jordan stated that on page 24 there was a memorandum from Curt McLeod. He expressed that there was money in this year's budget to improve the Molalla River Pathway from Territorial Rd. on the North to SW 13th on the South. One of the major components of that improvement was to reestablish the overpass over Township Rd. He explained that the Ordinance would award a contract for that work.

Curt McLeod - stated that on June 11 he had received one bid for a pedestrian bridge from Western Wood Structures, located in Tualatin for a little more than \$60,000. He expected the bridge to be completed by November. He stated that in the packet there was a protest submitted regarding bid specifications. The protest was not filed timely. Therefore, the protest was not valid per O.A.R. 137, Division 30, Item 050. The protest was based on following public bid law. He assured the Council they did everything correct.

Councilor Harris wanted a brief description of the bridge.

Mr. McLeod said it was 9' wide, designed for pedestrians but it is also designed for a 10,000 lb. vehicle, so that if they needed to take service vehicles across it, they could. He explained it was all wood, arched over Township Rd., three sections, 25' approach on each end then an arched 76' section in the middle, handrails which are 54" above the deck. He explained that the bridge will be treated, so it should last for quite some time.

****Councilor Daniels moved to adopt Ordinance No. 1003, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH WESTERN WOOD STRUCTURES, INC. FOR DESIGN AND CONSTRUCTION OF THE TOWNSHIP ROAD PEDESTRIAN BRIDGE; AND DECLARING AN EMERGENCY be posted and come up for final action on July 15, 1998. Motion seconded by Councilor Strong, passed 4-0.**

MANAGERS REPORT:

Mr. Jordan reminded the Council that on August 5 there will be a workshop at 6:00 p.m. with the Parks Advisory Committee and Blue Heron regarding the Regional Park Project. He updated the Council on the Community Development Director's recruitment, the position closed June 30, he had received approximately twenty applications. They would be going through them and determining who to interview. Interviews should be held late in July, hopefully bringing somebody on before September 1. He was trying to time the Planning Director's recruitment process so that it closes approximately the time they would bring on a Community Development person. They will be advertising the Information Systems Manager position at the end of the week for the Tech Services Division. He asked the Council if they would like copies of the applicants' resumes. He stated he would be receiving proposals next week on the classification compensation study.

Mr. Jordan let the Council know that he had been appointed to sit on the second phase of the Governors Tax Reform Policy Group. He explained that the Governor commissioned a group of technicians to study the tax system in Oregon and what has happened to it since 1980. They submitted a report in May, and the second phase of that process was to gather a group to talk about how the system is working, what needs to be fixed and what they would like to accomplish with the tax system. He had a copy of the press release which explained the process. He said he would be sitting on the full committee and on a sub committee that will be looking at the stability

of the tax system for state and local government.

Mr. Jordan talked with Representative Schrader about the Tri-Met succession issue for the City of Canby. The City is in a position where they cannot submit an application to remove the City from Tri-Met due to the population. He had asked Representative Schrader to ask Legislative Council to draft legislation for the City.

Mr. Jordan wanted to know who was planning to be in the General Canby Day Parade?

Mayor Taylor, Councilor Strong and Councilor Lucas were going to be in the parade.

COUNCILORS' ISSUES:

Councilor Daniels reminded everybody of the openings on the various boards and committees.

Mayor Taylor said he had a brief discussion with the new Chairman of the Planning Commission. He wanted to schedule a joint meeting with the Council to review their common vision and mission of where they want to be.

Councilor Lucas felt the Council should meet as soon as possible.

Mayor Taylor set a workshop for July 29 at 7:00 p.m.

Mayor Taylor wanted to remind everyone that Nan Olson, Director at the Canby Adult Center was retiring and that they will be having a going away lunch for her at noon on July 2. Also reminded everyone of General Canby Days on July 4.

ACTION REVIEW:

1. Scheduling a workshop with the Planning Commission on July 29 at 7:00 p.m.
2. Working with the Court staff regarding keeping records on the Victims' Panel issue.
3. City Attorney will be preparing memorandums regarding Separation of Powers and the legal issues around the Provisional License Statute.
4. Bringing back the appropriate documents for the addition of the Territorial Rd. and 99E intersection of the SDC methodology.
5. Implementing Ordinances 997 and 998.
6. Bringing back Ordinances 1001, 1002, 1003 for second reading.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(d) labor negotiations, 1(e) property negotiations, and 1(h) pending litigation. Motion seconded by Councilor Strong and approved 4-0.**

Mayor Taylor recessed the regular session at 9:55 p.m.

Mayor Taylor reconvened the regular session at 10:35 p.m. and immediately adjourned the session.

EXECUTIVE SESSION

July 1, 1998

PRESENT: Mayor Taylor, Michael Jordan. Councilors Daniels, Lucas, Strong, Harris. Wayne Scott, Frank Cutsforth. Councilor Nolder was absent.

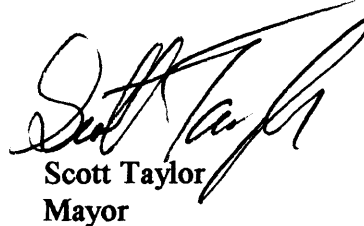
Mayor Taylor called the session to order at 10:00 p.m.

ORS 192.660 (1)(e) - The Council discussed Ivy Street improvements.

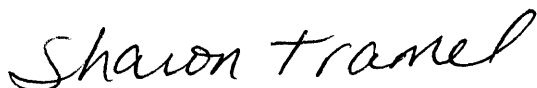
Mayor Taylor adjourned the session at 10:35 p.m.



Michael J. Jordan
City Recorder pro tem



Scott Taylor
Mayor



Prepared by Sharon Tramel,
Office Specialist