CANBY CITY COUNCIL
REGULAR SESSION
AUGUST 5, 1998

WORKSHOP SESSION:

PRESENT: Mayor Taylor, Councilors Daniels, Strong, Lucas, Nolder, Harris, City Administrator Michael Jordan, Cam Sivesind, Randy Carson, Jason Kruckeberg, Clint Chiavarini, Bennett Burns and Mike Zilors from Walker & Macy.

The session was called to order at 6:05 p.m. in the Library Conference Room. Dinner was served.

The purpose of this session was to discuss the Regional Park Project.

The session was adjourned at 7:15 p.m.

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

Also present: City Administrator and City Recorder Michael Jordan, City Attorney John Kelley, City Planner Jason Kruckeberg, Project Planner Clint Chiavarini, Judge Henricksen, Carol Gelfer, David Lampe, Jamie Porter, Cheryl Porter, Rick Maier, Wes Butler, Georgia Hoover, Lance Lyon, Lee P. Wiegand, David Carrillo, Teresa Monger, Dave Hoover, Sharon Tramel, Steven Amick, Lila Gottman, Randy Carson and Cam Sivesind.

Mayor Taylor called the session to order at 7:32 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: **Councilor Daniels moved to adopt the consent agenda: minutes of the regular meeting and executive session, July 15, 1998; accounts payable in the amount of $80,997.26; contract with recreation provider; Traffic Safety Committee appointment. Motion seconded by Councilor Strong and approved 5-0.

Mayor Taylor adjusted the agenda and moved to Judge Henricksen's Yearly Oral Report.

Judge Henricksen's Yearly Oral Report - Judge Henricksen stated that this was his twentieth annual report for the Municipal Court for the community. The purpose of his report was to give the Council an overview of the volume of cases that the Court handles, budget status, and the direction the Court was going with any problems to be noted and give them a history for the last year ending July 1, 1998 concerning the ranking of the Court amongst other cities of similar size in the State of Oregon.

He stated that the total number of cases filed were down considerably from the year before due to a minor problem in the Police Department which caused a delay in filings, they also had three excellent officers that transferred. The total number of cases filed were 2,457, eighty-nine were major traffic crimes, 90 percent of which were driving under the influence of intoxicant cases, which were up from last year by about 5 percent. They had 2,000 other traffic cases, 351 criminal matters which included shoplifting, criminal mischief, destruction of property, and bad check cases. They had a great increase in the prosecution of domestic violence cases.

He said that out of the 2,457 cases that were filed, 2,695 were closed. He explained how they could close more cases than the actual number that were filed were because each month they try to close a requisite number to comply with the Supreme Courts directive to all Courts in the State under a 90-day rule. There should be a system in place so that people who are charged with a crime, infraction or violation matter can have their case heard either by plea or trial within 90 days.

Judge Henricksen explained that beginning July 1 of this year, there were 30 major traffic crimes pending, 99 minor traffic offenses, 38 other criminal matters, which were down from last year. Out of filing 250 cases per month, they have a total of 167 pending cases. He also stated that when someone comes in and pleads guilty to a traffic matter, Kathy, the Court Clerk was now able to provide them a trial to completion within 40 days. He felt that was a good thing so that the citizen did not have to wait so long and also the police could plan their docketing and their officers' time.

He stated that as far as revenues went, they were budgeted for $125,000 last year. They collected $155,080 on general fines, cost reimbursements, there was an additional $13,000 on traffic safety designation budget which was way down from last year because they lost the traffic safety officer for six months. The total revenue that was collected for the entire year was $233,208 and from that they were able to pay every required legislative assessment. They sent almost $35,000 to the State of Oregon and to Clackamas County for the required assessments. They paid for the entire Court staff, support services and every one of the budget items was paid for and at the end of the year they had an overage of $28,500 which is carried over into this year.

He stated that in the rankings in the State of Oregon, the Canby Court was number one. He also mentioned the distraction caused by a Canby citizen and did not want to make public comment on that situation. He explained that there was only one State statute directed to Judges in misdemeanor and violation cases that prevents the Court from doing what it wants to, which were drunk driving cases. He said the program that he started regarding first offender juveniles and traffic infractions, he still felt it was a wonderful program. He had received 27 phone calls from other jurisdictions wanting to know how he set the program up because they wanted to start the program up as well. He has decided to reinstate the program. He was hopeful that the citizen would go through the proper legal channels to challenge the program, but he did not.

Mayor Taylor said he always enjoyed Judge Henricksen's report. He felt the citizens of Canby were well served by his presence. He also wanted percentage figures of Driving Under the Influence cases to see if it was staying constant with growth patterns.

Judge Henricksen said that with the increase in the population and the minor increase in driving under the influence, the number was down, but he would get the percentage figures and give the information to the Council.

Mayor Taylor commended the Judge regarding the increase of prosecution in domestic violence cases.

Mayor Taylor explained they had a workshop session earlier in the evening on the regional park, and asked the presenters to give a brief review of the current plan so the TV audience could get a chance to see it.

Mike Zilors with Walker & Macy gave a brief explanation of the regional park site. He showed the audience the site on the map which was adjacent to 3rd and Baker St. Primary issues of site development had to do with closed landfill, steep topography and utility improvements and planned roadways over the site. He explained that they were discussing adding perpendicular parking along 3rd up to 70 cars, a trail system, two fields, concession/restroom facility. They were also proposing a skate park, two playground areas, a dirt area for mountain biking and picnicking. He explained the plan was presented at the 4th of July celebration, and he looked forward to the development of the plan.

PUBLIC HEARING: Parks Master Plan -

Mayor Taylor opened the hearing at 7:55 p.m.

STAFF REPORT: Clint Chiavarini pointed out the Comprehensive Plan criteria on the wall. He gave a brief summary for the TV audience. He explained that in 1997 the City contracted with Community Planning Workshop from the University of Oregon to update the Master Parks Plan. He explained that this was a Legislative Comprehensive Plan amendment, in order for the plan to be adopted as a policy document, they needed Council approval and there were also text amendments that would need to be made to the Comprehensive Plan which was detailed in the staff report. He said the Council could either adopt the text amendments as they were written or ask staff to review certain segments of the plan or decide not to adopt the plan at that time in which case the 1991 policy document would continue to be the guiding document.

Mayor Taylor wanted to understand the mandatory nature of the guidelines.

Clint Chiavarini stated that it was a 20-year document being proposed and he felt it was a good idea to revisit the plan on a semi annual basis. He also stated that they received notice from D.L.C.D. to begin their periodic review process.

****Councilor Daniels moved to adopt the City of Canby Parks and Recreation Master Plan Update as the policy document to replace the Parks Master Plan of 1991 to guide parks and recreation development for the City and amend the text of the current Comprehensive Plan to reflect this change. Motion seconded by Councilor Lucas.**

Councilor Harris thanked everyone who worked hard preparing the Parks and Recreation Master Plan.

The motion to adopt the City of Canby Parks and Recreation Master Plan Update passed 5-0.

Councilor Lucas stated that they received a letter from the Planning Commission stating that they unanimously endorsed the Master Parks Plan Update but had a couple of questions regarding funding. He explained the Blue Heron Recreation District has tax rates that will be on the ballot in November and the Budget Committee is working on a five-year goal setting plan. He said by the end of the year things would be more settled and they would know more about it.

Mayor Taylor closed the hearing at 8:05 p.m.

COMMUNICATIONS: Campaign to Stop Teen Smoking - Carol Gelfer, Health Education Consultant with the Clackamas County Health Department. She asked the Council to endorse a proclamation which was part of a program to reduce illegal sale of tobacco products to minors in Canby and Clackamas County. She wanted to make sure the Council had a packet of material from the Coalition for a Tobacco Free Clackamas County. She stated the Coalition had four main goals: Decrease youth access to tobacco products, increasing smoke free environments, decreasing tobacco advertising and promotion, increasing access to cessation resources.

She pointed out that in their packets was a graph outlining the tobacco use problem in Canby and Clackamas County including youth smoking and the number of people who want to quit smoking.

She stated that the proclamation was part of a positive merchant reward and reminder program which was aimed to reduce youth access to tobacco products. The proclamation is used as a show of community support and was provided as part of the merchant education reward and reminder program and will also be used for media advocacy purposes in Canby and Clackamas County.

She briefly explained how the program worked. When an under age person goes into a store and attempts to buy tobacco products, if the clerk sells or attempts to sell, they are given a notice that is illegal to sell and reasons why. If they do not sell, they are given a ten or a fifteen-dollar gift certificate. She explained there was no reporting to law officials.

Councilor Harris briefly went over the same information to make sure he understood. He asked where the funding for the program came from.

Carol Gelfer answered the funding comes from the taxes of tobacco through the Public Health Department.

Mayor Taylor was intrigued by the positive approach as opposed to turning in the clerks.

Ms. Gelfer stated that there was a group that studied eight communities that tried the positive approach and the results were astounding.

Mr. Kelley had a question regarding a paragraph on the proposed proclamation which stated that the merchants ask for I.D. of every young person attempting to buy tobacco who looks age 26 or younger.

Ms. Gelfer said that partially followed the Federal guidelines. She stated it was too difficult to tell the age of a young person.

Mr. Kelley had a concern of endorsing something that said that you ask for identification from someone that was clearly over 18.

The Council was in support of the proclamation.

Mayor Taylor read the proclamation and the Council signed it.

NEW BUSINESS: Extension of Walker & Macy Contract to Include a Study of the CUB Property - Mike Jordan stated that on page 33 of the Council packet there was a memo from Beth Saul. He reviewed for the audience that the City currently has a contract with Walker & Macy for the feasibility study of the Regional Park, primarily the 13-14 acres that are going to be more intensely developed. The extension of the contract would be for the feasibility study to include the 53 acres of Canby Utility Board property.

Councilor Lucas stated that this was brought back to the Council because they originally thought they could have the work done for $50,000 and they are going to be $7,209 over that amount.

Councilor Lucas pointed to the map and further explained the Canby Utility Board property. He said the property was approximately 53 acres at the end of 3rd St. Half of the property was wetlands so it would not be disturbed, it would only be walking trails.

****Councilor Lucas moved to approve an amendment to the Walker & Macy contract to include a study of the CUB property at a cost not to exceed $16,559. Motion seconded by Councilor Daniels.**

Councilor Harris wanted to point out that the $50,000 that was approved for the contract was accurate, the additional amount is for an expansion of the contract to include an additional piece of property to be evaluated.

The motion to approve an amendment to the Walker & Macy contract, passed 5-0.

<u>Classification and Compensation Study</u> - Michael Jordan stated that during the last fiscal year during a supplemental budget process, the Council and Budget Committee approved the expenditure of $15,000 for a Class and Compensation study. He explained that they had not done a study for the City in ten years. The Council had asked that prior to executing a contract, have the staff return to the Council and get their approval to proceed with the issue.

Mr. Jordan stated that he received two proposals, one from LGPI and PC Northwest. The proposal from staff is that the Council allows the study to move forward and to have the Council appoint a steering committee for the project. Mr. Jordan proposed that the Council form a committee made up of some portion of the Council, some representatives from the ASCME Association and himself to work with the consultants regarding the study. He also asked that at some point prior to actually executing the study, that the Council and the Union commit in some way to the implementation of the results.

Mr. Jordan was reluctant to recommend the expenditure of the funds for an outside study without some belief that they are committed to implementing the results.

Mayor Taylor said the two proposals he received; he did not see the recommendations for either one.

Mr. Jordan said his recommendation was that the committee will be the actual group that chooses the consultants, so that the groups involved are comfortable with who is doing the work.

****Councilor Daniels moved to direct staff to form a committee to look at compensation study and that the committee will select one of the two consultants and not to exceed $8,750. Motion seconded by Councilor Lucas.**

Councilor Lucas volunteered to be on one of the committees.

Councilor Harris asked if it had to cost money to do the study?

Mr. Jordan answered that to have a consultant do the study it would cost money, to have the study done internally it would cost time.

Councilor Daniels stated that he was on the last committee. He stated when they did a survey of other communities while using staff, the problem with some classifications who may have certain duties by one individual by a certain title and another community may not have. He felt that by going through a consultant there is more of an ability to do those things.

Mayor Taylor felt that having a consultant the numbers would be more balanced. He asked that if they passed the motion, he wanted Councilor Harris to be on the committee with Councilor Lucas.

Councilor Lucas stated the proposal from LGPI, he felt the staff could not do that type of in depth study.

Mr. Jordan said the highest amount would be $11,145. The PC Northwest proposal, the compensation portion could range to $2,750 and the classification portion could be $7,395 depending on how many interviews they do with staff.

****Councilor Daniels moved to amend the motion to direct staff to form a committee to look at compensation study and that the committee will select one of the two consultants and not to exceed $11,145. Motion seconded by Councilor Lucas.**

Councilor Harris said that for $11,000 he felt that would be enough for a half time clerical person for a year's wage. If they chose a direction like that, that person may not have the expertise to do that type of study, but maybe that person could pick up slack from someone else who might have more expertise and that way they would continue to have an employee, instead of putting out $11,000 for a consultant.

Mr. Jordan said he did not have anyone on staff that had that kind of expertise to do classification work. He stated that they could hire an entry level clerical person for half time but they would not have that person ongoing because the $11,000 would run out, unless they were to fund that amount on a continual basis, there would be no permanence to that staff person.

Mr. Jordan stated that the disruption to the current flow of work would be worth as much as the cost of the contract. His recommendation would be the money is more efficiently spent with someone who has the expertise to do the work immediately.

Councilor Harris was bothered by knowing from the previous work which has been done in this direction is that the employees are underpaid compared to other cities. So what they are doing is spending money to have someone come back and tell them how much more money they have to spend.

Mayor Taylor stated the compensation review will indicate that the employees are underpaid. The classification piece will explain the proper description for the jobs people are doing. He said there might be some people over or under classified, which would allow them to adjust in the internal personnel structure what they are paying people and maybe underpaid for that classification but the classification does not fit with what they are doing.

Mr. Jordan said the classification portion is the expensive part of the project. He stated that since 1988 they changed the organization in many ways.

Councilor Harris asked where the money was coming from.

Mr. Jordan answered that in last year's budget there was $15,000 for the project. None of the money was spent, so it was carried into this year.

Councilor Strong asked that if they go ahead with this then they are committed to the compensation portion as well.

Mr. Jordan stated that he hoped both entities would agree to implementation of results. He also said he was reluctant to spend $11,000 on a project that they may not do anything with.

Mayor Taylor responded by saying that it was not necessary for the Council to make that commitment, but by investing the funds in the study, they place themselves in a position where if they ignore everything they spent the money on, they would need a good reason to do that.

Mr. Jordan was concerned that there may be classifications that come in over what the market is, he wanted a complimentary commitment from the association that when they go into negotiations, they talk about pay freezes for classifications that are over compensated.

Mayor Taylor suggested moving forward and let the committees discuss it

Councilor Lucas stated that they should also move forward.

Councilor Strong asked if the study included everybody including management.

Mr. Jordan answered it would include everyone except for Police Officers.

The motion passed 5-0.

ORDINANCES AND RESOLUTIONS:

Ordinance No. 1004 -

****Councilor Harris moved to adopt Ordinance No. 1004, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER-NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF CANBY STREET IMPROVEMENT PROJECTS; AND DECLARING AN EMERGENCY. Motion seconded by Councilor Nolder and passed by roll call vote, 5-0.**

Ordinance No. 1005 -

****Councilor Harris moved to adopt Ordinance No. 1005, AN ORDINANCE AMENDING ORDINANCE 903 REGARDING PROCEDURES FOR THE CREATION OF AN ADVANCE FINANCED PUBLIC IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY be posted and come up for final action on August 19, 1998. Motion seconded by Councilor Nolder.**

John Kelley stated that the Council requested a legal opinion from an attorney named Jeff Condant. The specific issue was regarding properties that are subject to an advanced financing ordinance or assessment that are outside the city limits, and because of either Council's decision not to annex or because of the vote of the people, the individuals cannot annex and cannot avail themselves of public services which triggers the ability to pay for and stop the interest that accrues on the outstanding obligation that is assessed on their property. He suggested that they amend the ordinance to allow them the ability to voluntarily stop the interest, to be able to come in and pay. He amended Section 4.12.080 (A) of Ordinance 903.

Councilor Harris said the way that it has been, the amount assessed on property prior to its annexation, the developer pays that amount plus any interest that accrued over the years. That would allow the property owners at any time to come in and pay that amount instead of accruing interest over the years.

John Kelley said that when the Advanced Financing District is formed originally, an assessment is made and all people that choose to pay the assessment at that time will pay and not subject themselves to any interest, those that choose not to pay and are not utilizing the advanced finance public improvement by not hooking up to it are not required to pay, however, interest accrues from the date that the public infrastructure was created and the assessments were made.

Councilor Harris asked that if they have the option at any time to pay that principal plus any interest that accrued.

The motion to adopt Ordinance No. 1005 passed 5-0 on first reading.

Ordinance No. 1006 -

****Councilor Lucas moved to adopt Ordinance No. 1006, AN ORDINANCE ESTABLISHING A DAYTIME CURFEW FOR MINORS, PROCEDURES FOR ENFORCEMENT, PARENTAL LIABILITY, PENALTIES; AND DECLARING AN EMERGENCY be posted and come up for final action on August 19, 1998. Motion seconded by Councilor Strong.**

Mr. Kelley stated that last October, Lt. Sharmota sent a letter to the Council along with letters from school officials requesting the Council consider a daytime curfew. He stated there were two issues that had come up. One was the Council wanted to make sure the schools and juvenile departments were agreeable with the issue. Officer Brian Howarth contacted the school district and the juvenile department, then was moved to the night shift, so it was difficult for him to follow up on.

Mr. Kelley explained the ordinance. He said that no minors between seven and eighteen years of age who have not completed the twelfth grade may not be upon any street, highway, park, alley, other public place or any places open to the public during regular school hours except while attending school under as required by ORS 339.010 to 339.065 unless such minor is accompanied by a parent or other person eighteen years of age or older and authorized by a parent to have care and custody of the minor or engage in a lawful pursuit or activity that requires the minors presence in such public place during regular school hours or traveling directly from school to home or to another location designated by a parent, emancipated, or exempt from compulsory school attendance pursuant to ORS 339.030. He explained the exemptions in that statute were children attending private schools, children who already received a GED, children that were home schooled, children that were lawfully employed and registered to the State Board of Education or attending alternative school or legally emancipated. He also stated that the ordinance created a responsibility for the parents as well as for the minors.

Mr. Kelley went on to say that if a police officer stops a child that is in violation, he can take the child into custody, take to a police station, or juvenile department, and will immediately try to locate parent or guardian of the child. The officer may release the child to a principal or other official at the school where the child is enrolled or the officer may release the child to a parent and issue a citation to the child. If a parent or guardian is called to say they need to pick up their child and doesn't, the adult can be prosecuted.

Mr. Kelley explained the difference between an infraction and a misdemeanor. An infraction meant that all the maximum penalties are fines and you cannot go to jail. A misdemeanor can carry a potential jail sentence of up to thirty days or a fine of $1,000.

Councilor Lucas asked what the City of Salem and Gresham did for kids that are home schooled or attend a private school.

Mr. Kelley answered that a private school gives out identification cards, home schoolers should be registered with the superintendent of the school.

Mayor Taylor recessed the meeting at 9:00 p.m., resumed at 9:06 p.m.

Officer Brian Howarth - He stated that the ordinance is used to pin point problem areas. He said that they would have the ability to remove kids from areas where there is a constant problem. He recommended that the matter be parental responsibility treated as an infraction as opposed to an actual criminal offense.

Councilor Nolder asked how many curfew violators they had picked up within the last year.

Officer Howarth did not have an estimate, he said within the last six months probably about half a dozen.

Councilor Nolder wanted to know when the ordinance would be useful to the officers.

Officer Howarth said there were kids from other areas hanging around. He explained there were no loitering or vagrancy statutes in the State of Oregon.

Dave Hoover - Stated he had two daughters that walk to the library for work and they would be targeted by this ordinance. He wanted the Council to table the ordinance then go back and review it.

Jamie Porter - He explained they had two home schooled children. He sympathized with the need of the ordinance and felt that his children would be forced to justify their presence when they were out. He thought there was a better way to target the bad kids.

Georgia Hoover - She put together an information packet for the Council. She reviewed some of the information in the packet. There was a study done in California reviewing the daytime curfew. The study results stated that youth curfews did not reduce the rate of youth crime. She covered some of the other cities that had a daytime curfew that did not work. She felt the daytime curfew was not the answer. She wanted her kids to be able to walk the streets of Canby without being stopped by a policeman when they had not done anything wrong.

Dennis Turey - Stated he was glad to be living in Canby. He had worked with the Department of Education to get administered rules passed that were relevant to home schooling. He was disappointed to hear that they had to register with the State. He said they have to notify the State and not to register with them. He also stated that they notify the Educational Service District. He felt the ordinance might be in violation of freedom of movement, freedom from unlawful search and seizure and presumption of evidence.

Wes Butler - Silverton area. He stated he was involved in the Silverton and Salem curfew issues. He said if the Council wanted some interesting testimony to get copies of their minutes. He suggested checking national statistics, he also said identifying children with identification would be complicated. He said that most private schools do not have I.D. cards.

He challenged the Council to review the results from the City of Salem. He wanted the Council to consider the economic impact to Canby. Daytime curfews were a potential hindrance to people that come into town to shop and also tourists.

David Carrillo - Silverton area. He also had a home schooled child that works in Canby. He wanted the Council to consider people that are visiting from out of town or out of state. He also wanted them to consider the financial impact and time that would be involved processing the kids.

Lee Wiegand - operates a private school in Canby. He realized the problems the Police Department faced regarding truancy, but he did not think the ordinance would be the best solution. He thought to have a closed campus might be an alternative. He said they should not punish the good kids for having a few bad kids.

Dave Hoover - He thought the Council should take into consideration tabling the ordinance.

Councilor Lucas said the daytime curfew was a good program. He felt the Police would not stop every kid that was walking the street. He felt it was a tool they could use for problem areas and problem kids. He would consider tabling it if everyone else felt that they did not have enough information about it. He asked Mr. Kelley if he knew anything about the ordinance being challenged and retracted in places.

Mr. Kelley stated that in Monrovia California the ordinance was being challenged. He said the only thing he saw in the ordinance that might be why it was being challenged was that it said when the police take the child into custody for violation, they send a bill to the parents for the time that was being spent enforcing the ordinance. He said the City of Gresham statistically was pointed at juvenile crime. He knew of no law suits other than the one in Monrovia.

Councilor Harris stated that the officers would not be stopping kids minding their own business. He felt it was a potential imposition on law abiding people who are minding their business.

Councilor Daniels were in favor of holding the ordinance off until the next meeting.

Mr. Kelley stated the ordinance should be put off until September, due to the August 19, 1998 agenda.

Mayor Taylor felt there were other citizens besides the home schoolers in the community that would like to talk about the issue and from people who supported the daytime curfew. He felt they should put the decision off so they could gather more information regarding the ordinance.

****Councilor Daniels motioned to table Ordinance No. 1006, AN ORDINANCE ESTABLISHING DAYTIME CURFEW FOR MINORS, PROCEDURES FOR ENFORCEMENT, PARENTAL LIABILITY, PENALTIES; postpone indefinitely.**

Mayor Taylor asked if it was something they can do at a Council meeting or did it warrant a workshop session.

Mayor Taylor said they would take it off the table if they had enough information at the September 16, 1998 Council meeting, then put on the October 7, 1998 agenda.

Motion to table Ordinance No. 1006 indefinitely, passed 5-0.

<u>Ordinance No. 1007</u>-

Mr. Jordan stated that on page 92 of their packet there was a memo regarding the ordinance and proposal.

****Councilor Daniels moved to adopt Ordinance No. 1007, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH W & H PACIFIC, FOR PROFESSIONAL SERVICES FOR THE UPDATE OF CANBY'S TRANSPORTATION SYSTEM PLAN (TSP); AND DECLARING AN EMERGENCY be posted and come up for final action on August 19, 1998. Motion seconded by Councilor Harris, passed 5-0.**

<u>Resolution No. 676</u> -

Jason Kruckeberg stated that at the July 15, 1998 Council meeting they heard from staff and Walt West Construction about annexation on N. Redwood Street, which they took directly to the Boundary Commission. The Council recommended sending a letter to the Boundary Commission recommending denial of it. The Boundary Commission approved that annexation. The report from the Boundary Commission stated that we would be objecting to approval to get it to a vote of the people.

Councilor Harris said the construction company had offered to pay their portion of the election cost.

****Councilor Nolder moved to adopt Resolution No. 676, A RESOLUTION OBJECTING TO A MINOR BOUNDARY CHANGE BY THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVING OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON OF TAX LOT 1600 OF TAX MAP 3-1E-27C, LOCATED ON THE WEST SIDE OF NORTH REDWOOD STREET, SOUTH OF NE TERRITORIAL ROAD (PMALGBC File No. 3904). Motion seconded by Councilor Harris.**

Councilor Daniels asked if they failed the motion what would happen?

Mr. Kelley answered that the annexation would take place.

Councilor Lucas said that he was happy the Boundary Commission was going away.

Councilor Harris stated why he seconded the motion. The public had indicated that they wanted to vote on those issues.

Mayor Taylor felt the public should give the public the vote.

Councilor Harris thought the sooner the public could vote on it, the better.

Councilor Nolder felt they should not hold it off due to time lines.

Councilor Daniels asked that if it passed the first time, would it have gone to the vote of the people?

Mr. Jordan answered that it would have gone to a vote of the people.

Motion to adopt Resolution No. 676, approved 4-1, with Councilor Lucas opposed.

<u>Resolution No. 677</u> -

Jason Kruckeberg stated they would be constructing an extension of North Ivy St. to Territorial. In 1996 the church dedicated right of way for construction of the road. The resolution would accept a dedication of right of way from the property owner, John Meredith in order to complete the street construction for N. Ivy.

****Councilor Daniels moved to adopt Resolution No. 677, A RESOLUTION TO ACCEPT DEDICATION OF LAND FOR NORTH IVY STREET RIGHT OF WAY PURPOSES. Motion seconded by Councilor Strong.**

Councilor Nolder asked if they intended to start the development now?

Mr. Kruckeberg answered there was a time limit which had expired, he explained they would need to go back through the city's process.

Motion to adopt Resolution 677, approved 5-0.

<u>Resolution No. 678</u> -

Mr. Jordan stated that back in June there was an error in the first resolution. He had received word from the Assessors Office that there was an error, which the amount of tax dollars we anticipate to get from the permanent rate levy in the resolution in the resolved paragraph the actual number of dollars they expected and put in the budget. The Assessors Office said that under the new law they should put the actual rate per thousand in the lines rather than the amount of tax money they expect to receive.

****Councilor Harris moved to adopt Resolution No. 678, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 1998-1999 FISCAL YEAR. Motion seconded by Councilor Strong and approved 5-0.**

UNFINISHED BUSINESS:

Findings, Conclusions and Final Order of APP 98-01/DR 98-03 (Pacific Rock Products) -

Jason Kruckeberg explained that the Council found that concrete batching was a manufacturing use. The findings reflected that interpretation.

****Councilor Harris moved to adopt the Findings, Conclusions and Final Order of APP 98-01/DR 98-03 (Pacific Rock Products). Motion seconded by Councilor Nolder, passed 5-0.**

MANAGERS REPORT:

Jason Kruckeberg received another note from the Boundary Commission regarding another proposed annexation for the Faist property. He explained there will be a public hearing on August 19, 1998. The Boundary Commission hearing will be on August 20. The letter was requesting comments before August 10. They felt they should hold off on taking a position until the public hearing. The Boundary Commission will accept anything printed or verbal from the City up until the hearing.

Mr. Kruckeberg also received an order from D.L.C.D. to begin Periodic Review Process. He stated that they had until November 30 to conduct an unvaluation of the Comprehensive Plan and Ordinances. They lay out the basic overview of what an unvaluation of the Comprehensive Plan is, then they provide an extensive list of questions to determine whether they need to setup a work program.

Mr. Kelley stated that in the packets, there were copies of Notices of Cost of Abatements. He said that those buildings had been demolished and taken away. It was done for $3,500. He explained part of that was due to the fact that Mr. Kahut from Canby Disposal donated the dumpsters to haul away the materials. He felt Mr. Kahut should receive a thank you letter from the City of Canby for his services. He stated that the city's Code Enforcement Officer did an excellent job.

Mayor Taylor wanted to thank Jason Kruckeberg for his good work.

Councilor Nolder said thank you also to Mr. Kruckeberg.

COUNCILORS' ISSUES:
Mayor Taylor stated he went to the Neighboring Cities meeting and they met with ODOT representatives, he thought they made a big step. He felt it was a productive meeting.

Councilor Daniels stated that the liaison between the Buildable Lands and the Council, he stated the two meetings that they have had have gone well. They were going to be having staff look into large lots in town, which people are dividing into flag lots. He explained that Clint Chiavarini is taking aerial photographs and coming back to see if they need to increase density or go to an urban growth boundary.

ACTION REVIEW:

1. Amending Walker & Macy Contract to include CUB property.
2. Classification and Compensation Study/Committee Formed.
3. Bringing back Ordinance No. 1004, 1005, and 1007 for second reading.
4. Copies to Council of material on Ordinance No. 1006.
5. Putting Resolution No. 676, 677 and 678 into effect.
6. Sending a thank you letter to Mr. Kahut at Canby Disposal.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(d) labor negotiations, 1(f) exempt public records. Motion seconded by Councilor Harris and approved 5-0.**

Mayor Taylor recessed the regular session at 10:35 p.m.

Mayor Taylor reconvened the regular session at 11:50 p.m. and immediately adjourned the session.

EXECUTIVE SESSION
August 5, 1998

PRESENT: Mayor Taylor, Councilors Daniels, Strong, Harris, Nolder, Lucas, Michael Jordan, Cam Sivesind, Georgia Newton, Bob Westcott, Ron Berg, Dirk Borges, and Andy Bagnal.

Mayor Taylor called the session to order at 10:40 p.m.

ORS 192.660 (1)(d) - The Council discussed Police Negotiations.

192.660 (1)(f) - The Council discussed PGE Issues.

Mayor Taylor adjourned the session at 11:50 p.m.

Michael J. Jordan
City Recorder pro tem

Scott Taylor
Mayor

Sharon Tramel

Prepared by Sharon Tramel,

Office Specialist