

**CANBY CITY COUNCIL
REGULAR SESSION
JANUARY 8, 1997**

Mayor Scott Taylor presiding. Council members present: Walt Daniels, Shirley Strong, Cheryl Stark, Terry Prince, Roger Harris, Dennis Nolder, Brad Gerber and Barry Lucas.

Also present: Administrator Michael Jordan, Assistant to the Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Judge Jon Henricksen, Police Chief Jerry Giger, Library Director Beth Saul, Public Works Supervisor Roy Hester, Wayne Oliver, Mrs. Lucas, Mrs. Gerber and children, Vicki Taylor, Jared Taylor, Clint Buswell, Cam Sivesind and others.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: ** Councilman Daniels moved to approve as distributed the minutes of regular session, December 16, 1996. Motion seconded by Councilman Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Clint Boswell , 110 S.W. 13th, addressed the Council regarding the proposed traffic signal at 13th and Ivy. Mr. Boswell said his understanding was that due to the radius necessary for the intersection, some of his property would be in jeopardy, as well as the placement four poles in that area. He said it would decrease the value of his home.

Administrator Jordan reported that Clackamas County has completed the design for the traffic signal. Mr. Jordan said City staff would be happy to review the design and address Mr. Boswell's concerns in a meeting with him.

OATH OF OFFICE: Mayor Taylor again acknowledged the past service of Councilors Stark and Prince.

Councilwoman Stark expressed thanks to the City, staff, Council and citizens; and urged citizen support for the new Council with a "tough year" ahead.

Councilman Prince also thanked the Council and citizens for supporting him in the close election. He said he was proud to continue serving the City as a Planning Commissioner.

At this time, Mayor Taylor introduced Judge Jon Henricksen who would perform the oath of office to the newly elected officials.

Judge Henricksen administered the Oath of Office for the Canby City Council to the following:

Roger Harris
Brad Gerber
Barry Lucas

Judge Henricksen called Scott Taylor forward and administered the Oath of Office for Mayor of the City of Canby to Mr. Taylor.

Mayor Taylor suggested that the City Council nominate Councilman Daniels to the position of Council President.

****Councilman Nolder moved to affirm the appointment of Walt Daniels to Canby City Council President. Motion seconded by Councilwoman Strong and approved 6-0.**

Mayor Taylor called for a short recess at 7:45 p.m. for a brief reception with refreshments. Mayor Taylor reconvened the session at 8:55 p.m.

COMMUNICATIONS: Mayor Taylor addressed the audience and Council, first thanking his wife, Vicki, and sons, Jared and Brandon, for their support.

Mayor Taylor suggested that the close election represented a citizen need for change and he hoped to address that with a challenge to continue with "our own destiny." He said we needed to manage our growth and resources. Mayor Taylor stressed the need to move "forward." Mr. Taylor said the key for Canby is to be "problem solvers not problem makers." The Mayor stated that Canby by Design is the map of City goals with the design to reach them. He cautioned that the City will be short of money in the near future and will be providing less services. He invited citizens to participate in the neighborhood meetings that are currently being scheduled around the community.

Councilman Harris stated that he looked forward to the next four years and that the Council faces a lot of work in the future.

Councilman Gerber noted that there is a lot of work to do, and it is time to "roll up our sleeves and get to it."

Councilman Lucas said he was happy to be on the Council and ready to go to work.

NEW BUSINESS: Accounts Payable - ****Councilman Harris moved to pay accounts payable in the amount of \$197,773.17. Motion seconded by Councilwoman Strong and**

approved by roll call vote, 6-0.

ORDINANCES & RESOLUTIONS: Ordinance No. 961 - Administrator Jordan noted that this ordinance was being considered for final action regarding a contract for engineering services on improvements to N. Cedar and S. Fir Streets. He added that Curt McLeod is the City's Engineer of Record and this is a Community Block Grant Project that Clackamas County is responsible for administering. This engineering contract is for the portion of the City's funding match.

****Councilman Harris moved to adopt Ordinance No. 961, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-McLEOD, INC. FOR ENGINEERING SERVICES FOR IMPROVEMENTS TO NORTH CEDAR AND SOUTH FIR STREETS; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0..**

Ordinance No. 962 - Administrator Jordan explained that this was the final reading for an ordinance to authorize a contract for engineering of the Logging Road Industrial Park Phase II. Mr. Jordan added that the major funding is from the State and OEDD.

****Councilman Harris moved to adopt Ordinance No. 962, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC., FOR ENGINEERING SERVICES FOR THE LOGGING ROAD INDUSTRIAL PARK PROJECT PHASE II; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Daniels and approved by roll call vote, 6-0.**

Ordinance No. 963 - Administrator Jordan explained that this ordinance was necessary for the City's match in funding the 13th and Ivy traffic signal. He said the City has entered into an Intergovernmental Agreement with Clackamas County for this project and the County will do the project management.

Councilman Harris asked if the engineering costs were reasonable. Mr. Jordan stated that this was a result from a bid call by Clackamas County for the proposed project, and this figure was in the ballpark.

****Councilman Daniels moved that Ordinance NO. 963, AN ORDINANCE AUTHORIZING PAYMENT OF ENGINEERING SERVICES PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF SOUTH IVY STREET/CANBY -MARQUAM HIGHWAY #170 AND SOUTH 13TH AVENUE; AND DECLARING AN EMERGENCY be posted and come up for final action on January 15, 1997. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Gerber reported that he and Mr. Hester talked with Clint Buswell during the reception. He noted that Mr. Buswell was pleased with the design plans for the proposed project that Mr. Hester showed him and that most of the improvements were to the east and south of his property.

****Ordinance 963, was approved on first reading, 6-0.**

Roy Hester informed the Council that the estimate for the project is approximately \$312,000 with a treated base, and \$288,000 if an untreated base is used. He added if they follow the specs provided by the American Public Works Association, it would provide savings of \$20,000. Mr. Hester reported that seven trees have been removed from the site. Bids will be opened at the end of the month.

Councilman Gerber asked what difference it made to use either treated or untreated base. Mr. Hester replied that less base rock is required if it is treated, however, untreated is still less costly even if more rock is required.

UNFINISHED BUSINESS: None reported.

MANAGER'S REPORT: Measure 47 - Mr. Jordan reported that the Governor's Policy Committee has met several times to draft legislation regarding Measure 47, and the next meeting will be January 17th. He added that it appears that some type of local process will determine loss of revenues. He said that the determination will be a very complex process with public safety a priority. Mr. Jordan reminded Council that in Canby there are seven jurisdictions that levy taxes on the non-school side of the tax bill. The losses will be allocated among those seven jurisdictions.

County Library Levy - Mr. Jordan reported that the current County Library Levy expires June 30, 1997, and a levy will probably be on the March ballot. The Canby Library receives two-thirds of their funding from the County Levy. He noted that the passage of the levy will require 50% of the voters approval.

Shimadzu - has submitted an application for Design/Review, so that project is rapidly proceeding.

Molalla River Pathway Project - Mr. Jordan reported that an Intergovernmental Agreement between Canby, Clackamas County and ODOT will be presented at the next meeting regarding ISTEA (Intermodal Surface Transportation Efficiency Act) funding for the Molalla River Pathway Project. He said the total project is approximately \$300,000. The funds will be used to extend a bike and pedestrian pathway from Molalla State Park along Holly to Territorial to the Logging Road. Also, some of those funds will be used to replace the overpass across 99 E. He added that

this pathway is in the Parks Master Plan.

Meetings - Budget Meeting tomorrow, Thursday January 9th, 7:00 pm at the Library. January 25th, the Chamber of Commerce will have their annual dinner, please RSVP to the front office. January 23rd is the monthly Clackamas County Cities meeting at Estacada, RSVP to the front office

COUNCILORS' ISSUES: Councilman Nolder reported that he had spoken with Ed Woods with the DEQ regarding the City's test station and they are pleased with the use. However, there appears to be some slack time in the afternoons and there is some thought to shorten the hours for the day it is open. Also, DEQ may re-evaluate keeping the Canby facility open for the one day each week since they plan on implementing some expensive technical equipment in DEQ test stations. The one day a week may not justify the expense of the equipment.

Ms. Chaplen said the DEQ test station averages 93 vehicles each Saturday.

Mayor Taylor said he would send a note to Senator Baker and Representative Schrader noting Canby's appreciation of the DEQ test site and our availability to neighboring communities.

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Taylor noted that when the Library Levy is on the ballot a 50% voter turnout will be necessary. Beth Saul reported that the highest voter response previously has been 38%. The March ballot will be a mail-in ballot.

ACTION REVIEW: 1. Implement Ordinance 961 and 962.
2. Post Ordinance 963, and schedule for the next agenda.

****Councilman Daniels** moved to go into Executive Session under ORS 192.660 (1)(h), regarding pending litigation. Motion seconded by Councilman Harris, approved 6-0.

Mayor Taylor recessed the regular session at 8:30 p.m. to go into Executive Session. The regular session was reconvened at 9:36 p.m. and immediately adjourned.

EXECUTIVE SESSION JANUARY 8, 1997

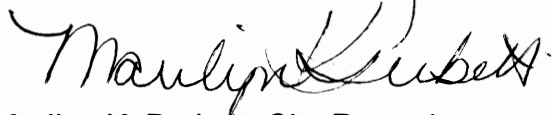
Present: Mayor Taylor, Councilors Daniels, Strong, Gerber, Lucas, Nolder and Harris, Mr. Jordan, Ms. Chaplen and Cam Sivesind.

Mayor Taylor called the session to order in the CUB conference room at 8:40 p.m.

ORS 192.660 (1)(h) - The Council discussed a litigation case regarding Bruce Broetji.

The Council discussed a possible litigation case regarding the City Eco-Park allegation of buried toxicities.

Mayor Taylor adjourned the session at 9:22 p.m.

A handwritten signature in cursive script, appearing to read "Marilyn K. Perkett".

Marilyn K. Perkett, City Recorder

A handwritten signature in cursive script, appearing to read "Scott Taylor".

Scott Taylor, Mayor