

**CANBY CITY COUNCIL
REGULAR MEETING
FEBRUARY 7, 1996**

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Terry Prince, Cheryl Stark, Shirley Strong and Walter Daniels.

Also present: Administrator Michael Jordan, Assistant to the Administrator Sarah Jo Chaplen, City Attorney John Kelley, Library Director Beth Saul, Ken Hagen and Cam Sivesind

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 Prince moved to approve as distributed the following minutes: Workshop Session, January 10, 1996; Regular Session, January 3, 1996; Workshop Session, January 17, 1996; and Regular Session, January 17, 1996. Motion seconded by Councilman Strong and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented

INTRODUCTION & OATH FOR POLICE PERSONNEL: Due to weather conditions, this portion of the meeting was cancelled.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to pay accounts payable in the amount of \$142,943.70. Motion seconded by Councilwoman Strong and approved 6-0, by roll call vote.

Annual Liquor License Renewals - Administrator Jordan reported that a memo listed all of the liquor license renewals for the City of Canby. He added that the City only makes recommendations to the O.L.C.C.

**Councilman Harris moved to recommend approval to O.L.C.C. for the annual liquor licenses renewals as listed:

Roth's IGA	Jarboe's Grill
7-11 Store	Cutsforth's Thriftway
Willamette Valley Country Club	Elm Street Inn

American Legion Post 122
TNT Market
Canby Bowl
Fisher's Old Fashion Meats
Lan's Country Landmark
El Campastre Restaurant
Quarters Diner

Gold Drag Restaurant
Fultano's Family Pizza
Lone Elder Pizza
Mike's Place
Payless Drug Store
Hoi Tin Restaurant

Motion seconded by Councilwoman Stark.

DISCUSSION - Councilman Harris asked if the fee was the same and if there were any new licenses. Mr. Jordan replied that the fee changed about two years ago and the same established business are involved with no new ones added.

Councilwoman Strong asked if Quarters Diner near the high school has been reviewed. Mr. Jordan said there have been no problems and the Chief had approved their request.

****Motion to for the liquor license renewals was approved 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 943 - Beth Saul, Library Director, informed the Council that the Library has used the State Purchasing Division, to "piggy-back" on their bid list for an AST Computer Package. She also noted, that grant money would be used for the purchase. Ms. Saul said the equipment would compete the World Class Library Project.

Councilman Harris asked what would happen to the remaining grant money, since the request was for \$20,392 and the grant was \$50,000. Mrs. Saul said that CD-Roms, internet connections and other electronic reference sources would be purchased with the remaining \$26,900. She added that if the entire \$50,000 was not used, the remaining funds would be returned.

Mrs. Saul reported that after the project is complete, a partnership will be developed with Canby High School for sharing resources.

****Councilman Harris moved that Ordinance No. 943, AN ORDINANCE AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FOR A LOCAL AREA NETWORK (LAN) AT THE CANBY PUBLIC LIBRARY THROUGH THE STATE OF OREGON PURCHASING DIVISION; AND DECLARING AN EMERGENCY be posted and come up for final action on February 21, 1996. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilwoman Strong asked if other on-site services and support was included in the price. Mrs. Saul replied that this was only information in the contract and the ordinance was for only the equipment.

****Motion for Ordinance No. 943 was approved 6-0.**

UNFINISHED BUSINESS: Expedited Land Division Discussion (HB 3065) - Attorney Kelley reminded the Council that this was a new procedure established by recent legislation.

Mr. Kelley explained that he and Jim Wheeler attended a seminar on this matter last Friday, and everyone is addressing the matter on a different basis.

Mr. Kelley noted that a memo from Kurt Schrader, Planning Commission Chairman, expressed concern that there would be no opportunity for citizen input, however, there is an opportunity for written comment on applications.

Attorney Kelley stated that he would attend another seminar on February 22nd. He noted that this matter has created various issues. He added that if the City receives an application, the Planning Commission would first hear the matter, which might cause a problem with the strict time requirements. He added that the 120-day rule is most important due to refunding of money, as well as procedure and decision time lines.

Mr. Kelley asked if the Council still wanted the Planning Commission to be the decision making body for the initial application. He added that our Municipal Judge cannot be the hearing referee because he is an "official" of the government. He pointed out that there are several attorneys that will accept the role.

Mayor Taylor asked the Council if the Planning Commission was to be the hearing body. The Council concurred with that scenario. The Mayor stated that, if necessary, in the future the Council can reconsider various issues regarding this matter.

Attorney Kelley stated that most jurisdictions felt there would not be many application filed scenarios. The M under the expedited division process.

Councilman Prince expressed concern regarding the notification area for applications, stating currently the City has set 200 feet and HB 3065 sets the area as 100 feet. He added that 100 feet is a minimum, however, more people could be included in the notification process, and the City will probably continue to use 200 feet as the notification area.

Attorney Kelley said if the Council is concerned, the City State Representative should be notified soon of those concerns.

Councilman Daniels asked if Attorney Kelley would draft a letter with the Council concerns regarding the matter to be forwarded to the proper State Representative.

Councilman Prince asked that the Planning Commission concerns also be addressed regarding this matter.

Training Session - Mr. Kelley informed the Council that they are also invited to a training session with the Planning Commission. He noted that the Commission expressed concern

about needing more time with the Council than the scheduled workshop on February 21st. Councilman Prince said the Council is planning on more than one session with them.

MANAGERS' REPORT: Administrator Jordan informed the Council that in regards to the current weather and flooding conditions, the City has had few problems. Flooding has occurred at Grant and 99E, Knights Bridge Road and Holly Street, and near the Library. He added that sand bags have been made available.

Mr. Jordan reported that the storm system at N. Baker Drive has been shut-off because of erosion on the bluff in that area. He added that the erosion is a serious problem because of the trees that may become involved, which in turn would cause concern about the bridge. Mr. Jordan stated that Canby Community Park has had some significant erosion and it is likely that the road will be lost. He noted that Village on the Locks appears to have no problems at this time.

Administrator Jordan said the RV's and mobile homes that were in the park across the Molalla River Bridge were evacuated into the Shopping Center parking lot, and the day had been spent finding new locations for these units. He stated that several churches have offered their parking lots and the units have been given a deadline of late Saturday, to find new locations.

Mr. Jordan reported that the Adult Center has been designated as an emergency shelter. He added that the City is still in an emergency situation until the rivers crest.

Councilman Prince asked about the houses at the end of Maple. Mr. Jordan said he didn't believe there was an immediate threat to those homes.

Councilman Harris asked about the City water. Mr. Jordan said currently there is no problem and if necessary, the City has a couple wells that could be used for drinking water.

Mayor Taylor complimented the staff on providing emergency services during this crises.

COUNCILORS' ISSUES: Councilman Nolder reported that March 2nd has been scheduled as the Grand Opening for the DEQ Test Site, and DEQ is planning quite a celebration. He asked the Council for input on the event.

Councilman Nolder commented that the Community Band seems to be an exciting organization with plans for the future.

Councilman Daniels thanked Channel 5 for providing emergency information during the current flood problems.

Councilman Prince stated that members of the community, Wayne Scott, Jarboe's, PGE and Canby Utility Board, have provided funding for this years Slice of Summer program. He

expressed appreciation to those for saving the program.

OTHER REPORTS OR ANNOUNCEMENTS: Mr Jordan reminded the Council of the budget meeting on February 12th, regarding SDC's.

ACTION REVIEW: 1. Approve recommendations to OLCC for liquor license renewals.
2. Post Ordinance 943, prior to second reading.
3. Attorney Kelley is to draft a letter regarding HB 3065 to legislatures.

****Councilman Prince** moved to go into Executive Session under ORS 192.660 (1)(a), to consider employment of a public employee; (1)(d), regarding labor negotiations; (1)(f), regarding exempt documents; (1)(h), regarding pending litigation; and (1)(i), to consider the performance of a public employee. Motion seconded by Councilman Harris and approved 6-0.

Mayor Taylor recessed the regular session at 8:20 p.m. to go into Executive Session. The regular session was reconvened at 9:17 p.m.

New Police Officers - Mayor Taylor expressed concern about the police officers that were not be available for oaths due to the weather. Mr. Jordan said the new officer could have come, however, since families were invited and the Judge was to administer the oath, staff canceled the event.

Management Salary Plan - Administrator Jordan asked how the Council wanted to approach the management salary appropriations.

Mayor Taylor said his recollection about the issue was that there was no concern if the money could be found in the current budget.

Administrator Jordan asked if the Council wanted to see changes in the current budget to accommodate the proposed raises.

Mr. Jordan stated that he received direction to use 4% as an estimated salary increase for 1996-97, but the proposal approved by the Council would require a larger increase. He asked if he should use the adopted proposal increases or the 4%, and bring the whole salary structure proposal to the budget committee. He said he was confused on the policy decision.

Councilman Nolder replied that staff was to present an unbalanced budget and they would review it. He added that the structure for the pay scale is in place, and only the dollars move.

Councilman Prince said his recollection was that the budget committee would review it after the first initial increase.

Mr. Jordan asked if it is policy for the Council to set salaries and the budget committee to make appropriations, or is the salary structure at the budget level.

Councilman Prince said he wanted to be sure that each year the wage increases are made available to the budget committee so they are kept advised of the funding ramifications.

Mayor Taylor reiterated the question asked by Mr. Jordan regarding policy of this issue.

The Council discussed and reviewed the question if the budget committee should be included in the salary decision process. Some of the Council wished to have the budget committee involved in the entire process of policy making for salaries, others did not want to follow that directive.

Mayor Taylor and Councilman Nolder both stated that the City budget committee plays a major role in the City budgeting process, much more so than some other agencies allow their budget committees.

Councilman Harris said he wanted the input of the budget committee, and it was his opinion that the Council had only approved the salaries on an interim basis and the budget committee would be involved with the entire proposed management plan. He added that he did not have the understanding that the entire three years of the management salary plan had been implemented.

Councilman Daniels noted that he did not recall in past years of involving the budget committee in salary issues, it has always been a policy for Council to decide salaries.

Mayor Taylor asked at what level or what are the budget committee not to be included during the decision making process. He further added that the budget committee has never been in a conversation regarding their role in the budget process.

Councilman Prince stated that when the wage increases were proposed as a 25% per year over a period of two years for some department heads, this was a significant amount of money and alarmed the budget committee.

Councilwoman Strong said if the budget committee becomes involved in "everything" then it will be difficult for the Council to adequately make quick and necessary decisions when needed

Mayor Taylor noted that the management plan is in place, the budget committee appropriates the money for the plan and that will determine the amount for future requirements. He added that Mr. Jordan can present them the information that the Council received showing the range and ramp, to show the budget committee a clear picture of what the issues are and what the impact will be in the open ended budgets.

Mr. Jordan said he would bring back a proposal or alternates regarding the first six month increase, and that department heads are reviewing their budgets for the funding within the existing budgets. He added for the Council perspective, that when the Police Union settled on their salaries, that was a larger dollar amount than the money asked for in the management salaries increase for a one year period. He asked if the Council would go to the budget committee with union negotiations.

Councilwoman Stark stated that the budget committee might have been caught off guard on this issue, however, she added that they should be given guidelines to follow for their roles.

Councilman Daniels reiterated that "one person complained" and an objection was voiced regarding taking the funds out of cash carry-over.

Mayor Taylor suggested that we solicit comments from the budget committee regarding their roles in salary issues.

Councilwoman Stark said the rumor was that all management received a 25% increase and that was not the case, only some staff received a large increase to bring their salary up and some were not getting much of an increase.

Councilman Nolder suggested that the budget committee be advised that the Council has discussed this matter, however, it is still the responsibility of the Council to make the decisions on salaries.

The Council agreed that the committee should share their concerns with the Council and hopefully the roles can be defined.

Mayor Taylor adjourned the session at 9:57 p.m..

EXECUTIVE SESSION FEBRUARY 7, 1996

Present: Mayor Taylor, Councilors Prince, Nolder, Harris, Daniels, Stark and Strong, Mr. Jordan, Miss Chaplen and Mr. Kelley.

Mayor Taylor called the session to order at 8:25 p.m. in the CUB conference room.


ORS 192.660 (1)(h) - The Council discussed the Rinkes case and the Kahut case.

ORS 192.660 (1)(d) - The Council discussed labor negotiations for the Police Department and the Municipal Judge.

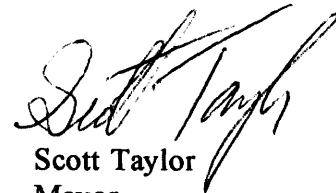
ORS 192.660 (1)(a) - The employment of a Planning Director was discussed.

ORS 192.660 (1)(i) - The performance of the City Administrator was discussed.

Mayor Taylor adjourned the session at 9:10 p.m.



Marilyn K. Perrett
City Recorder



Scott Taylor
Mayor