

CANBY CITY COUNCIL
REGULAR MEETING
JUNE 5, 1996

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley (arriving late), City Recorder Marilyn Perkett, Police Chief Jerry Giger, Library Director Beth Saul, Planning Director Jim Wheeler, Bob Trappe, Marion Killiam, Harry LeeKwai, Steve Hanson, Curt McLeod, Cam Sivesind and Jason Cody.

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

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

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session May 15, 1996 and workshop session May 22, 1996. Motion seconded by Councilwoman Stark approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Letter from St. Patrick's Church - Administrator Jordan reviewed a letter from Kathy Parker, Youth Pilgrimage Coordinator at St. Patrick's Church, requesting permission for a "proceSSIONal walk" from the Canby Pioneer Chapel on N.W..Third to the Church on N.W. 9th.

Councilman Prince reported that he had spoke to Kathy regarding this event and it is to celebrate the 150th anniversary of the Portland Archdiocese, the second oldest in the nation. He added that the pilgrimage will start at St. Patrick's Cemetery, the site of the first church off of 99E near New Era Road, by car to the Canby Pioneer Chapel, and then by foot to St. Patrick's Church.

**Councilman Daniels moved to approve the request from St. Patrick's Church for the Youth Pilgrimage on July 15, 1996, and to advise them to coordinate their activities with the Police Department. Motion seconded by Councilman Nolder, approved 6-0.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve

payment of accounts payable in the amount of \$163,678.44. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.

Phase II, Change order # 5, Wastewater Treatment Plant Improvements - Steve Hanson, Plant Operator, stated that this change order request will provide a 80 to 90 percent reduction in odors, by covering two of the odor generators.

Curt McLeod explained that OAR allows for change orders up to 20 percent of the original cost of the contract. He explained that two tanks which contain raw sludge will be covered with this proposal.

****Councilman Daniels moved to authorize approval of Change Order Number 5 with Slayden Construction for Wastewater Treatment Plant improvements, in the amount of \$304,803.00. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Daniels asked if this Phase II was using money from Phase I. Mr. McLeod said this is the first part of five segments for Phase II improvements, using original bond funds.

****Motion to approve Change Order # 5, was for approval, 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 945 - Administrator Jordan explained that this ordinance is considered on final reading for a contract to allow 4 Rivers Construction to proceed with a project to construct a storm drainage system on N.W. Third.

****Councilman Harris moved to adopt Ordinance No. 945, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH 4 RIVERS CONSTRUCTION FOR STORM DRAINAGE IMPROVEMENTS TO NW 3RD AVENUE; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince.**

DISCUSSION - Councilman Nolder asked if the firm was bonded, and was told they were.

Councilman Prince reiterated that the construction company would be responsible for any "sluffing" of the road. Mr. McLeod said the contractor is protected for cost overruns and bonded for the project, as well as the fact they would repair any road sluff, if it happens.

Councilman Nolder commented that traffic disruption should be minimal. Mr. McLeod said a pre-construction conference is scheduled for tomorrow to discuss these issues.

**Ordinance No. 945, was approved by roll call vote, 6-0.

Resolution No. 613 - Mr. Jordan explained that this resolution was drafted to provide City support for the Business Revitalization Committee endeavors to obtain a State Rural Investment Fund Grant for \$60,000 with a City match of \$19,215. He explained that the \$17,000 match is the amount of money the City pays annually for the lease of the Southern Pacific parking lots; \$2,000 is split with PGE for the contract for the revitalization plan; and \$215 for the Livable Oregon Membership which provides the City staff support from that organization. Mr. Jordan said the entire project is \$79,215, and the grant is to hire a person or entity to provide administration to facilitate this project. He added that the major issue of the group is ongoing funding.

Harry LeeKwai informed the Council that there is commitment from the business and service community to proceed with this project.

Councilman Nolder asked about the money commitment from the City. Mr. Jordan stated that the \$17,000, annually, is the ongoing lease fee the City pays for the parking lots use and the other \$1,000 for the contract and \$215 for the Livable Oregon Membership has already been spent.

Councilman Prince asked if the parking lot property will be acquired the first year. Mr. Jordan said the parking lot will be acquired as soon as funding is available.

Councilman Prince asked if the property value was approximately \$306,000, with a total project of 1.1 million. Mr. Jordan concurred, adding that this project covered the corridor of the building faces on First Avenue to the railroad.

Mayor Taylor asked if the City would be paying additional funds at some point. Mr. Jordan said the committee is trying to develop funds, but ultimately the goal is to acquire the property and eliminate the City's lease payment.

**Councilman Nolder moved to adopt Resolution No. 613, A RESOLUTION SUPPORTING THE CANBY BUSINESS REVITALIZATION COMMITTEE IN THEIR EFFORTS TO OBTAIN FUNDING FROM THE STATE RURAL INVESTMENT FUND. Motion seconded by Councilwoman Strong and approved 6-0.

UNFINISHED BUSINESS: Hi-Speed Rail Discussion - Jason Cody, from the Oregon Business Coalition for High Speed Rail, reported that this group was established to show "grass roots" support for one of his last projects of Senator Hatfield's prior to retirement. This is to provide federal funding for high speed rail.

Mr. Jordan informed the Council that this organization is attempting to gain pledges from City's for funds that will be implemented in 1999, the Transportation Equity Fund. Local governments are asked to commit 5 years towards this project; in turn, the

organization is hoping for State of Oregon matching funds; in turn, allowing Senator Hatfield to procure federal matching funds for the project. Mr. Jordan noted that the coalition is seeking support from the City for our projected funds.

Councilman Prince stated that there will be no stop in Canby for the High Speed Rail.

The \$31,000 annual funds they are seeking from Canby could be better used locally; the trains going through town would be traveling fast; and funding for this project by the State legislature was eliminated.

Mr. Cody said that was correct, however, Senator Hatfield has requested "grass roots" support. He added that inter-modal transportation could be targeted for our dedicated funds.

Councilman Prince stated that he was not in favor of subsidizing other cities when Canby wouldn't benefit from the project.

Mr. Cody said indirectly, and in the future, as a region there will be benefits.

Councilman Harris said he could not see why the City would want to support this when there is no direct benefit.

Mayor Taylor agreed there is no immediate apparent benefits, however, at some point in the future he felt this would make sense. He added that the City could face "gridlock" in the future with the inability to move from point to point rapidly, or the City could contribute at this time for the future.

Mr. Cody noted that the proposed project would go on the existing rail through the valley and all of the tracks will need to be improved, which is what most of the funding will provide.

Councilwoman Stark was in favor of the project and urged the Council to consider the future.

Councilman Prince reiterated that this is a worthy goal for cities that will benefit, however, Canby needs revenues for our own needs.

Mr. Cody pointed out that Portland would be "in the game" no matter what the outcome, since Vancouver is in total support of the project. He added that support of this project could give communities a leverage to achieve many other benefits.

****Councilman Nolder moved to prepare a resolution to support the high speed rail. Motion seconded by Councilwoman Stark. Motion was a tie with Councilors Nolder, Stark and Daniels voting in approval; and Councilors Prince, Harris and Strong voting**

no on the motion. Mayor Taylor voted yes, instructing the staff to prepare resolution.

Administrator Jordan suggested that the resolution have language which directs funding to be allocated for the inter-modal system. The Council concurred with the suggestion.

Growth Management-Canby by Design - Ms. Chaplen explained that she had provided information from both Growth Management I Team and Growth Management II Team, as well as any other notes she had on the subject.

Councilman Prince stated that there were 13 people at the first Growth Management II meeting that he was involved with and they considered information from the GM I team and incorporated some of their ideas into the GM II goals, benchmarks and mission statement.

****Councilman Prince recommended that the Council accept the Mission Statement, Goals and Benchmarks from Growth Management Team II as provided in the packet on page 21 of the packet. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Daniels asked if GM I team was no longer in existence. Mr. Prince said that was correct and Donna Jean McManamon had called together the GM II team.

Mayor Taylor asked if the Growth Management II proposal was adopted by the "big group". Ms. Chaplen said that the larger group had not adopted any of the information from the second task force team, in fact, she noted that it was hard to determine which of the Growth Management matters had every been adopted.

Mayor Taylor was concerned because the larger group had not been able to review or adopt the proposal set by the Growth Management II group.

Will Newman, member of the Growth Management Task Force, pointed out that group two was implemented because the Growth Management information published in Canby by Design was not what the original task force felt was adopted. He added that the GM II group reviewed all of GM I information, and also concentrated on new suggestions.

Mayor Taylor commented that the Growth Management Task Force was the most complex of the task forces. He noted that there had been no meetings of the Steering Committee or the larger group for some time, however, he wanted to honor and set a process for adoption. Mayor Taylor added that we could economically hold another large group meeting and introduce other topics.

Councilwoman Stark expressed concern about involving more citizens. Ms. Stark asked who would keep the document updated and organized.

Mayor Taylor said we have to consider who will keep this ongoing. He added that statewide benchmarks are being considered for long term future use.

Councilwoman Stark said she was concerned about the process since we have struggled with benchmarks in the budgeting process.

Mayor Taylor noted that Canby seems to be far ahead of many entities that are also struggling in this process. He added that we still need to be more organized and make the benchmarks a "master on decision making."

Councilwoman Strong expressed concern that only a small segment of citizens had created the Canby by Design, however, she said she did not know how to establish more community interest.

Councilman Daniels noted that there are always "movers" and "shakers" in any community activity, and they seem to be the citizens that become involved.

Mayor Taylor said he hears Canby by Design quoted and stated in many areas from people that were not involved in the process. He added that he felt citizens "trusted" what the people had created.

****Councilman Daniels moved to TABLE INDEFINITELY THE MOTION ON THE FLOOR TO ADOPT THE GROWTH MANAGEMENT II DOCUMENT FROM PAGE 21. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilman Strong asked why the motion was tabled. Councilman Daniels said the document should be reviewed by the larger group.

****Motion to table was approved 5-1, with Councilman Prince voting nay.**

Councilman Prince requested that a date certain be set for the group meeting so the process will continue.

****Councilman Prince moved to set a date certain for a large "visioning" session for all citizens to attend for the Growth Management II considerations and to review public safety issues. Motion seconded by Councilman Daniels and approved 6-0.**

September was suggested as the time to set a date to review the Canby by Design information.

Management Performance/Compensation - Mayor Taylor noted that a workshop was held earlier on three positions, Assistant Planner, Lieutenant and Assistant to the Administrator, and the process will continue along with a process to review the entire structure of the City management organization. Mr. Jordan will return to the Council with a schedule on how to continue the process, which will probably take four meetings.

Councilman Prince pointed out that Administrator Jordan had submitted a three phase recommendation to the budget committee and the group choose phase three which included management position salary increases by cutting in other areas. Councilman

Prince said he felt it should be the final decision of the Council, not the budget committee, to set salaries.

****Councilman Prince moved to not accept the Phase Three proposal of management salary increases and cuts to other budget areas. Motion seconded by Councilwoman Strong.**

DISCUSSION - Mayor Taylor reminded the Council that a public hearing on June 19th, will allow acceptance or rejection of the overall budget at that time.

Councilman Daniels stated that the Council had adopted recommendations from the Management/Compensation Committee and he added that in accordance with Roberts Rules of Order the motion was made and approved for the compensation package and only someone that voted for the motion can bring it up for reconsideration. He further stated that the budget committee, also made up of Council members, approved the salaries in phase three.

Councilman Prince responded by saying the Council did not recommend the phase in question to the budget committee, the City Administrator did and this is a Council decision not a budget committee decision.

Councilman Daneils reiterated that the Council accepted the management compensation package, and questioned why we are discussing it again.

Mayor Taylor said the motion on the floor is appropriate and legal and can be acted upon.

Councilman Nolder asked if the salaries would be froze as of now.

Councilman Prince responded that there was a 95-96 salary increase of 4% and a January 1996 increase, and the answer to the question of Mr. Nolder is yes.

Councilwoman Stark also noted that this is a two year budget, would the motion mean

no increase for two years.

Councilman Prince said his motion was not to accept the City Administrator's phase three proposal.

Councilwoman Strong asked if the Council could approve the budget and not consider management salaries until after the management structure review.

Mayor Taylor said the Council sets salaries and the Council can adjust salaries within the budget that has been set. Additionally, they could choose not to enact salary adjustments until after the structure review.

Administrator Jordan reminded the Council that the budget appropriations and management salaries are two entirely separate issues.

Administrator Jordan said there would be no salary increases until affirmed by the Council, and only budget appropriations were made by the budget committee.

Mayor Taylor reiterated that the Council has the ability to negotiate salaries for both represented and non-represented employees and set salaries within the set appropriations. Mr. Jordan agreed and said there is an estimate of 4% in the budget for both the bargaining units, but it can be different.

Councilman Nolder asked what would happen if the Council did nothing. Mr. Jordan replied that due to the controversy there would be no salary increases without Council affirmation, even though, technically a salary structure has been approved by the Council with annual increases.

Mayor Taylor said that the phase three appropriation set by the budget committee allows the Council to fund the continued plan of management compensation as adopted.

Councilman Daniels said that he felt "uneasy" about this matter since the Council adopted the management compensation plan.

Councilwoman Strong said when the plan was adopted it was decided that it would be reviewed. She added that there might be some increases warranted and some that may not be.

Mayor Taylor reminded the Council that there is still management reviews to do, prior to setting salaries within the appropriations. He added that if the Council waits until the organization structure is reviewed, this may take some time.

Councilwoman Stark commented that management is usually the last of the

employees to receive raises because of no representation and are put on the back burner. She said she didn't want management to have to wait again.

Councilman Prince reminded the Council that management has had two increases, the last being in January 1996.

Councilman Harris reiterated that management received a raise last July and some had a very significant raise in January, "it's not like they've had no raises and have always been on the back burner," with some management receiving significant raises and some not. He added that the phase three proposal from the budget committee was a staff proposal that management raises be given by making some cuts and he felt Councilor Prince was suggesting to return to the phase two recommendation.

Mayor Taylor stated if there are individual concerns the Council can address that, but the Council does have the ability to set salaries within the appropriations set by the budget committee.

Mayor Taylor reviewed the motion, saying a yes vote would not accept the phase three recommendation of the budget committee appropriates.

Administrator Jordan advised the Council that this discussion may need to be reviewed when the budget is considered for adoption during the public hearing at the next meeting, or incorporate this again in a motion at that time.

Councilwoman Strong suggested the motion be amended to keep phase three appropriations and make salary considerations after the structure review of the organization.

Councilwoman Strong WITHDREW HER SECOND TO THE MOTION ON THE FLOOR to not adopt phase three recommendation for the budget appropriations.

****Councilman Harris seconded the motion on the floor. Roll call vote on motion to "not approve the phase three management compensation and budget cuts" I was for approval of the motion with a yes vote, Councilors Nolder, Harris, Prince and Strong; and a no vote against the motion was voted by Councilors Daniels and Stark. The motion passed 4-2.**

Mr. Jordon cautioned that when adopting the budget some wording regarding this action will need to be considered.

MANAGER'S REPORT: Library Levy - Mr. Jordan informed the Council that the County-wide Library Network Intergovernmental Finance Committee will work over the next few months to establish a rate for a new levy, set a March 1997 election, and set a 5 year serial levy for the county libraries, He added that the distribution formula will

be reviewed.

Charter Committee - A public hearing was held last Thursday in Milwaukie on the proposed County Charter, a hearing will be at West Linn this Thursday, and one in Molalla on June 13th.

CREG - Administrator Jordan informed the Council that the County Commission had recommended promotion of a GO Bond in September for 30 million dollars for the conversation of the entire emergency communication system in Clackamas County. This will provide 800 megahertz plus numerous equipment in all of the County jurisdictions. The rate would be approximately 20 cents per \$1000. The Commission will request a resolution of support from the City for this proposal.

Mayor Taylor interjected that he was one of the chief participants in the project and is in full support of the proposal.

FEMA - Ms. Chaplen informed the Council that FEMA had concluded that the City flood damage, including the River Park and emergency services, is in the amount of

\$62,370, and after the \$50,000 deductible, the City should receive a check for \$37,500. She added that the account will remain open for future considerations.

COUNCILORS' ISSUES: Councilwoman Strong asked if a workshop session could be scheduled with the Police and Public Works Departments. The Council set July 17th as a workshop with the Police Department to discuss the 4 verse 5 day week; and with the Public Works Department for road maintenance.

Councilman Nolder noted that he and Councilman Prince attended a groundbreaking of a new business site for Mackey Accounting on June 4th and presented the firm a plaque from the City of Canby,

Mayor Taylor informed the Council that he had talked with Bob Westcott, CUB member, and at this time the Utility Board has decided to withdraw from the discussion regarding providing a regional water supply area.

OTHER REPORTS OR ANNOUNCEMENTS: Recorder Perkett asked the Council to respond to her regarding Council participation in the General Canby Day Parade and the coronation event.

ACTION REVIEW:

- 1.. Coordinate with St. Patrick's Church regarding the Youth Pilgrimage event.
2. Proceed with Change Order No. 5 for the Sewage Plant Improvements.
3. Proceed with the Storm Drainage Project in accordance

- with Ordinance No. 945.
4. Return with a Resolution regarding High Speed Rail.
 5. Reconvene the Canby by Design for a September Vision Meeting regarding Growth Management.
 6. Return with Resolution for CREG recommendation on County Communication Systems.
 7. Support the Canby Business Revitalization Plan with Resolution No. 613.
 8. Set workshop with Police and Public Works Departments on July 17th.

**Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations. Motion seconded by Councilman Harris, approved 6-0,

Mayor Taylor recessed the regular session at 9:55 p.m. to go into Executive Session. The regular session was reconvened at 10:12 and immediately adjourned.

EXECUTIVE SESSION
JUNE 5, 1996

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

Mayor Taylor called the session to order at 10:03 p.m. in the CUB conference room.

ORS 192.660 (1)(d) - The Council discussed labor negotiations for the AFSCME organization.

The session was adjourned at 10:07 p.m. 0



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor

CANBY CITY COUNCIL
WORKSHOP SESSION
JUNE 5, 1996


Present: Mayor Taylor, Councilors Nolder, Harris, Prince, Stark, Strong and Daniels, Administrator Jordan, Assistant to Administrator Chaplen, Jerry Giger, Karen Rider, Marilyn Perkett, Jim Wheeler, Jack Martin, Steve Hanson and Cam Sivesind.

Mayor Taylor called the workshop session to order at 6:06 p.m. in the CUB conference room.

The purpose of the session was to discuss three City positions, the Lieutenant, Assistant to the Administrator and the Assistant Planner.

The Council consensus was to continue the discussion regarding the three positions and to request more information and data on the positions.

Mayor Taylor adjourned the session at 7:25 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor

June 5, 1996