

CANBY CITY COUNCIL
REGULAR SESSION
JUNE 19, 1996

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

Also present: City Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, City Treasurer Virginia Biddle, Public Works Supervisor Roy Hester, Police Chief Jerry Giger, Library Director Beth Saul, City Recorder Marilyn Perkett, Rigoberto Robles, Nan Olson, Jim Rourk and Joe Driggers.

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 SESSIONS: **Councilman Prince moved to approve the minutes of regular session June 5, 1996 and the workshop session of June 5, 1996, as distributed. Motion seconded by Councilman Harris and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jim Rourk , representing the Community Band, informed the Council that the band performed for the Memorial Day Services and at this time plan performances at the Fine Arts Center near the high school since they do not have the manpower to move chairs and stands for performances at Wait Park. Mr. Rourk asked that the Police Department enhance surveillance in the S.W. 4th and Ash area near the Fine Arts Center during their performance times. He added that they have 100 children participating in the performances.

Mayor Taylor suggested that a local group or civic organization be contacted for volunteer help in moving the chairs and stands when the band needs this done.

Joe Driggers, representing Canby Kids, presented a plaque that Canby Kids was awarded by the Oregon Governor's Council on Physical Fitness and Sports in the Mayor's Certificate category for Fitness Leadership. Mr. Driggers noted that this award was one of two made in the state. He thanked the City for nominating the Canby Kids Organization and said the library will display the award.

COMMUNICATIONS: None presented.

Mayor Taylor noted that he participated in the General Canby Day King and Queen Coronation, and that it was a nice event. He urged the citizens to attend the July 4th

General Canby Day events.

PUBLIC HEARINGS: Mayor Taylor reviewed the criteria for the three public hearings, all pertaining to the City budgeting process.

Mayor Taylor opened the public hearing at 7:40 p.m.

Mayor Taylor asked if anyone intended to testify regarding the Supplemental Budget. There was no response.

Mayor Taylor asked if anyone intended to testify regarding the State Revenue Sharing for 1996-97. No one responded.

Mayor Taylor asked if anyone wanted to testify regarding the proposed 1996-97 City Budget. There was no response.

Supplemental Budget, 1995-96 - Virginia Biddle, City Treasure, reviewed the unanticipated revenue that needed to be budgeted for expenditures for the fiscal year 95-96: \$40,000 from Clackamas County Area Agency on Aging to the Canby Adult Center; \$1,000 in cemetery sales budgeted to the Cemetery Perpetual Care; and \$12,800 from donations to be budgeted for library expenditures.

There were no questions from the hearing body.

State Revenue Sharing, 1996-97 - Mrs.. Biddle stated that the expected \$50,000 in state revenues will go into the General Fund, and have historically been used for Police Department services.

There were no questions from the hearing body.

1996-97 City Budget - Mrs.Biddle explained that the proposed total budget for the 1996-97 fiscal year is \$9,505,921; \$1,672,782 will be levied within the tax base; the Police Serial Levy is \$235,379; and the bonded debt for the library is \$67,905.

No questions were asked by the hearing body.

Mayor Taylor closed the public hearings at 7:45 p.m.

**** Councilman Prince moved that Ordinance No. 946, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1996-97 FISCAL YEAR be posted and come up for final action on July 3, 1996. Motion seconded by Councilman Harris and approved 5-0.**

****Councilman Harris moved to adopt Resolution No. 615, A RESOLUTION**

ADOPTING A SUPPLEMENTAL BUDGET FOR THE CITY OF CANBY FOR THE 1995-95 FISCAL YEAR. Motion seconded by Councilman Nolder and approved 5-0.

****Councilman Harris moved to adopt Resolution No. 614, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND CATEGORIZATION FOR THE 1996-1997 FISCAL YEAR. Motion seconded by Councilman Nolder.**

DISCUSSION - Councilman Daniels read the following statement:

"This certifies that the budget is presented on a basis of accounting that is not consistent with the basis of accounting used during the preceding year. The 1995-96 adopted budget is presented on a cash basis and the 1996-97 approved budget is presented on the modified accrual basis for each governmental fund type and on the accrual basis except debt service principal expenditures and capital outlay expenditures are budgeted and depreciation is not budgeted) for each proprietary fund type."

Councilman Harris asked if it were necessary to amend his motion to exclude the "Phase III" budgeting proposal.

Administrator Jordan explained that the bottom line figures will remain the same. The only changes that might be necessary are in the Street and Sewer funds in the personnel services line items. However, the General Fund will not change. Mr. Jordan added, that if the resolution is adopted, the additional funding in the street and sewer department for salaries will not be spent.

****Councilman Harris amended his motion adopting Resolution No. 614, "the council intent is to follow Phase II of the proposal submitted to the budget committee by Mr. Jordan." Councilman Nolder, who seconded the original motion, agreed to the amendment.**

Councilwoman Stark asked if the motion is to change the budget from the initial recommendation.

Councilman Harris said the motion is to adopt the budget with Phase II recommendations NOT Phase III recommendations.

Administrator Jordan stated that the bottom line figure does not change in the budget, and it does not affect tax dollars.

Councilman Prince pointed out that the past budgeting process has been very difficult for the budget committee. He added that the budget committee also budgeted SDC funds this year for the first time in compliance with the City matching SDC funds paid by citizens. Councilman Prince pointed out that some of the funds are for parks and

they are part of the reason citizens enjoy the quality of life that Canby provides. He reiterated that it was, "a hard year and they made some tough decisions."

Mayor Taylor noted that the budgeting process will start again in September and difficult decisions will continue. He encouraged citizens interested in serving on the budget committee to contact City Hall.

Councilman Daniels stated that he is in a dilemma regarding adoption of the proposed budget since the Council and budget committee had approved Phase III and now that was being eliminated because of the management salary freezes.

Councilwoman Stark thanked the staff for working so hard and joined Mr. Daniels in his dilemma regarding the concern about staff salaries.

****The motion on the floor to adopt Resolution No. 614, with the addition of the amendment was approved by the following vote: Yes: Nolder, Prince, Harris; and No, Stark and Daniels.**

Mayor Taylor thanked Councilman Daniels for chairing the budget committee during a very difficult process, he added that the financial decision will not get easier and he appreciated all of the concern and work by the City Budget Committee.

NEW BUSINESS: Accounts Payable - ****Councilman Daniels moved to adopt accounts payable in the amount of \$290,794.68. Motion seconded by Councilman Prince.**

DISCUSSION - Councilman Daniels pointed out that \$117,000 was allocated for sewer bond payment in the accounts payable.

****The motion for payment of accounts payable was approved by roll call vote, 5-0.**

Liquor License for Puerto Vallarta Restaurant - Administrator Jordan noted that Chief Giger had submitted a memo regarding the request and recommended approval.

Councilman Harris asked what a Class C liquor license provided. Chief Giger said the restaurant would be able to serve alcohol with dinners, and there would be no bar.

Mr. Robles, owner of the Puerto Vallarta Restaurant, informed the Council that his plans are to serve beer, wine, mixed drinks, good food and friendly service. He added that the restaurant is located in the Canby Square Shopping Center.

****Councilwoman Stark moved to recommend approval to the O.L.C.C. for the Class C liquor license for the Puerto Vallarta Restaurant. Motion seconded by Councilman Harris and approved 5-0.**

Liquor License for Mike's Place - Administrator Jordan stated that this application was not a new license, it was presented due to incorporation of the ownership and staff recommended approval and waiver of the fee.

****Councilman Prince** moved to authorize the approval to the O.L.C.C. for the liquor license for Mike's Place and waive the fee. Motion seconded by Councilwoman Stark and approved 5-0.

Intergovernmental Agreement for Maintenance & Construction - Administrator Jordan reported that the proposed agreement was in connection with a sewer main project on S Township.

Roy Hester, Public Works Supervisor, stated that this agreement is in relation to the sewer construction project on S. Township that was recently bid. He said there is one section between Knott and Locust where there is no sewer, and approximately seven homes are involved. Mr. Hester added that if Township is deeded to the City by the County, then the City will not have to "dig it up again" to put the sewer system in place.

Councilman Prince stated that this proposal comes directly from a recent meeting with the County regarding roads, and Roy Hester suggested this scenario in the meeting.

Councilman Nolder asked what fees would be involved for the homeowners. Mr. Hester explained connection fees would be the same as a new developer pays.

****Councilman Daniels** moved to authorize the appropriate signatures to execute an Intergovernmental Agreement between Clackamas County and the City of Canby for Maintenance and Construction. Motion seconded by Councilman Prince and approved 5-0.

Clackamas County AAA Contract for 1996-97 - Administrator Jordan stated that this is an annual agreement with the County which provides the federal funding for the Adult Center services. He added that the Friends of the Adult Center are the managing organization.

****Councilman Daniels** moved to authorize the Mayor, City Recorder and City Administrator to sign an agreement between Clackamas County Social Services Division Area Agency on Aging and the City of Canby Adult Center. Motion seconded by Councilman Harris.

DISCUSSION - Councilman Prince asked about the \$5,000 shortage that Nan Olson had predicted. Mrs. Olson replied that she predicted a 5% shortage and when the contract was submitted that was the exact shortage.

****Motion to authorize the Adult Center Contract was approved 5-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 947 - Curt McLeod explained that there had been a bid opening on Tuesday, June 11, 1996, and four bids were submitted for construction of a sanitary sewer on Township Road. He recommended accepting the low bid from Miller & Sons in the amount of \$38,474.50.

****Councilman Nolder moved that Ordinance No. 947, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH MILLER & SONS GENERAL CONTRACTORS FOR SANITARY SEWER CONSTRUCTION ON TOWNSHIP ROAD; AND DECLARING AN EMERGENCY be posted and come up for final action on July 3, 1996. Motion seconded by Councilman Harris and approved 5-0.**

Councilman Daniels asked for a progress report on the construction on N.W. Third. Mr. McLeod said the crew had worked through the weekend and experienced little sloughing, and good two lane traffic was always open. He added that they are about one or two pieces of pipe to be placed prior to completion.

Resolution No. 616 - ****Councilman Prince moved to adopt Resolution No. 616, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 1995-1996 BUDGET. Motion seconded by Councilwoman Stark and approved 5-0.**

Resolution No. 617 - Administrator Jordan explained that this resolution was drafted to support the conclusions of the Clackamas Regional Elected Group (CREG) with their recommendations for the County-wide 911 Emergency Communications upgrade. He added that the group has planned to put a general obligation bond on the September ballot for a \$30 million dollar project.

****Councilman Harris moved to adopt Resolution No. 617, A RESOLUTION SUPPORTING THE CLACKAMAS REGIONAL ELECTED GROUP (CREG) 9-1-1 EMERGENCY COMMUNICATIONS UPGRADE PROJECT. Motion seconded by Councilwoman Stark and approved 5-0.**

Resolution No. 618 - Administrator Jordan reminded the Council that this resolution was drafted after discussion at the last meeting and it involved high speed rail from British Columbia down through the Willamette Valley to Eugene. He added that it involved money from the Transportation Equity Fund which will collect \$375 million dollars to be distributed to rural areas in the state for transportation purposes. This resolution would pledge 10.66% of the City's share of the proposed funds towards trying to obtain matching funds from the state and federal governments. He further added that the resolution details that the City is interested in the connections between the City and where the train will stop. This multi-modal concern of the City is because

the train will not be stopping in Canby.

****Councilman Daniels moved to adopt Resolution No. 618, A RESOLUTION SUPPORTING DEVELOPMENT OF INTERMODAL REGIONAL TRANSPORTATION IN CONJUNCTION WITH A PROPOSED HIGH SPEED RAIL PROJECT. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilman Harris asked how much the 10.66% involved. Administrator Jordan said it was approximately \$151,00 over 5 years.

Councilman Harris stated that he would vote against this resolution even though he, philosophically supported high speed rail. He noted that he lived in Japan for eight years and they have an excellent high speed rail system. He added that the concept is very good and alternate forms of transportation need to be considered. However, as a representative of the Canby community, he felt there would be more detriment than benefit to the community, with high speed trains travelling through downtown Canby without a stop here.

Councilman Prince agreed with Councilor Harris' comments and the concept of light rail in Washington County, but the City should not pay for the construction of what is happening there. He added that the money could fund another person in the Public Works Department. Councilman Prince said that the City is short on funding and cannot currently finance street maintenance that the Transportation Plan sets. He questioned the rationale of the City giving away money.

Councilwoman Stark said she felt the Council should have some "foresight" and felt this would be a benefit for the future as an alternate form of transportation.

Councilman Daniels suggested that Mr. Prince might be confused regarding the "light rail in Washington County" which has nothing to do with this high speed rail proposal. They are two different projects.

Councilman Prince responded that his intent was that what is good for one entity is not good for Canby, and light rail is good for Washington County and we should not finance that. He added that high speed rail will not benefit Canby.

Councilman Nolder asked about where the money would be generated. Mr. Jordan said the funding would not come from City taxes. He added that \$75 million will come from Tri Met, and the remaining funds come from a multitude of firms, and does not start until 1999.

Councilman Nolder said he would support the concept as a future benefit.

Mayor Taylor reminded the Council that if the money is generated the City will receive

90%, and that is funds we currently are not receiving, therefore, this is the kind of "split" that allows us to deal with local concerns and still moved toward the future.

Councilman Prince added that the Oregon State Legislature did not support this and it has purely grass roots support.

****The motion regarding Resolution No. 618, was approved, 3-2, with Councilman Harris and Prince voting against the motion.**

Resolution No. 619 - Administrator Jordan stated that this resolution was necessary to purchase services and equipment due to the recent fire in City Hall.

Ms. Chaplen reported that there are estimated damages, at this time, of \$25,000, carpet, painting, clean-up and equipment. She added that there is a \$1,000 deductible clause with our insurance that the City will be responsible to pay. She further added that the City will first pay for services and equipment and then be reimbursed by the insurance.

****Councilman Harris moved to adopt Resolution No. 619, A RESOLUTION DECLARING AN EMERGENCY AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO CONTRACTS NECESSARY TO IMMEDIATELY REPAIR FIRE DAMAGE TO THE CITY HALL BUILDING AND EQUIPMENT. Motion seconded by Councilman Nolder.**

DISCUSSION - Councilman Harris said he assumed there were fire alarms in the Council Chambers, and was surprised that City Hall had no alarm system that connected with the Police Department.

Ms, Chaplen said City Hall has only smoke detectors. The Fire Marshal has recommended an alarm and sprinkler system and staff is currently exploring the recommended systems.

Councilman Prince said the Police are watching the municipal buildings very closely and he appreciated their efforts.

****Resolution No. 619 was approved 5-0.**

Mayor Taylor stated that he was amazed at the work performed by the cleaning company that the insurance company expedited. He thanked the citizens who noticed the fire and contacted the Police.

Councilman Harris pointed out that the Chambers had no fire alarm or smoke detectors.

Mayor Taylor said the Fire Marshal has an "arson fund" and they will pay for information leading to the arrest of the arsonist and encouraged anyone with information to make the appropriate contacts.

UNFINISHED BUSINESS: Year End Accounts - Administrator Jordan reminded the Council that a motion would be necessary to review and pay the fiscal year end accounts payable.

****Councilman Prince** moved to authorize Councilman Daniels, Budget Committee Chairman, to review the fiscal year-end accounts payable for payment. Motion seconded by Councilman Harris and approved 5-0.

MANAGER'S REPORT: 13TH Signal - Administrator Jordan reported that he had just received an Intergovernmental Agreement from the County for the 13th Avenue traffic signal project and the proposal is targeted for completion near the end of September.

County Charter - The last meeting for the Clackamas County Charter Committee will be July 1, 7:00 am at the Cottage Kitchen.

County Transportation Concerns - The County Managers group will meet Friday to discuss the scope of a project to identify roads and costs in regards to the roads that the County is considering transferring ownership of to individual City's.

Fire - Ms. Chaplen reported that currently the following consideration are being made due to the recent fire: fire alarm systems, fire doors, and flooring. She added that next weekend is the target date to complete clean-up, including carpeting and painting. This leaves only equipment to continue to be reviewed.

Administrator Jordan added that many employees have been impacted by the fire and he appreciated the uninterrupted service to the public by staff. He thanked Sarah Jo Chaplen for coordinating all of the clean-up efforts.

Organization Review - Administrator Jordan passed a memo to the Council regarding review of the organization and said he was open for comments, and the discussion will probably continue in August or September.

Mayor Taylor suggested that a facilitator be recruited for this process, at a reasonable fee. Mayor Taylor asked that it be placed on the next agenda for confirmation.

COUNCILORS' ISSUES: Councilman Harris reminded the Council that after the last workshop when three positions were discussed, one position in particular was a split 3 to 3, and two Councilmembers requested more information. He asked when this specific issue would be discussed.

Mayor Taylor suggested that the organization process be discussed first , so the framework of the organization is clear before the positions are reviewed.

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Taylor commented that he had received a booklet regarding the Telecommunications Act of 1996, he encouraged Council members to review the information.

Ms. Chaplen said she and Attorney Kelley will be attending a training session in July on the subject.

Administrator Jordan reminded the Council that the Clackamas Cities Manager's meeting will be June 27th in West Linn at the Oregon Golf Club.

The workshop scheduled for July 17th will have Roy Hester and Jerry Giger present to discuss their respective departments.

Councilman Prince noted that the Planning Commission is anxious to meet again with the Council in a workshop session.

- ACTION REVIEW:**
1. Recommend approval to OLCC for Mike's Place & Puerto Vallarta Restaurant liquor licenses.
 2. Implement Intergovernmental Agreement for Maintenance & Construction with Clackamas County.
 3. Approve annual contract with Clackamas County AAA for Adult Center funding.
 4. Post Ordinances 946 & 947 and schedule for next meeting.
 5. Implement budget resolutions, 614, 615 and 616.
 6. Support CREG 911 Upgrade Project with Resolution 617.
 8. Support High Speed Rail with Resolution 618.
 9. Authorize Expenditures regarding fire with Resolution 619.
 10. Research facilitator for organizational review process.

Mayor Taylor encouraged citizens to attend General Canby Day on July 4th, noting that the committee has worked very hard on the annual event.

Mayor Taylor adjourned the session at 8:58 p.m.

Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor