

**CANBY CITY COUNCIL
REGULAR SESSION
SEPTEMBER 18, 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, Police Chief Jerry Giger, Library Director Beth Saul, City Recorder Marilyn Perkett, Joan Ross, Patrick Ross, Curtis & Lila Gottman, Don Jones. Blaine Oswald 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 COUNCIL: All members were present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to adopt the minutes of the workshop session, August 28, 1996. Motion seconded by Councilwoman Strong and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Bruce Broetji - Mr. Broetji addressed the Council to request an extension on an occupancy requirement to complete the paving and landscaping at his proposed three building complex in the Logging Road Industrial Park on S. Redwood. Mr. Broetji used a map on the wall as he directed his presentation to the Council. He said he has not been able to secure the needed gravel to complete the paving projects because of the February flood. He added that the flood not only damaged the two local gravel pits but also the rock crushers. Mr. Broetji said he has also tried to secure gravel from Wilsonville and Molalla. He asked for an extension to the end of December.

Administrator Jordan reminded the Council that they granted Mr. Broetji an extension until October 31 to complete his project. He added that he did know that gravel was difficult to obtain at this time, and he cautioned the Council that November and December often have adverse weather conditions for this type of work. Mr. Jordan stated that the Fire Marshal reported that building two now has occupancy.

Councilman Nolder asked how long Mr. Broetji has been working on this project. Mr. Jordan replied it has been two years. He added that there has been no building inspections on building two.

Mr. Broetji interjected that many delays were due to the City.

Administrator Jordan reminded the Council that in May Mr. Broetji was granted the current extension with no exceptions and no further extensions with a penalty of being sited into Court. He added that staff recommended against granting the request.

****Councilwoman Stark moved to extend the current October 31st extension to December 31, 1996, to complete paving and landscaping for Mr. Broetji's Logging Road Industrial Park project. Motion seconded by Councilman Daniels.**

DISCUSSION - Councilman Harris stated that if the Council was determined in May when the extension was granted and staff recommends against an additional extension, this is a difficult decision. He added that the flood, which makes gravel hard to obtain, was three months prior to the May extension.

Councilman Prince asked if the discussion was for a "partial" completion. He expressed concern about the rest of the project and the occupancy issue. Mr. Broetji said after the paving is complete he will complete the buildings as soon as possible and hopes to have the entire project completed by the end of January.

****The motion to continue the extension was approved 5-1, with Councilman Harris voting nay.**

PROCLAMATION: Constitution Week - Mayor Taylor proclaimed September 17 through 23 as Constitution Week in Canby. Beth Saul reported that the library has a display in honor of the week.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$195,149.98. Motion seconded by Councilwoman Stark and approved by roll call vote, 6-0.

Intergovernmental Agreement - Administrator Jordan reported that Clackamas County and the City have been working on this agreement for a couple of months. The agreement allows the City of Canby to administer the Rural Investment Fund Grant of \$90,000 that the Chamber of Commerce received for the Downtown Revitalization Project. The City will be the recipient of the funds, and then turn them over to the Chamber. He noted that there was an additional page, "A Memorandum of Understanding" between the Chamber and the City. He added that this is very similar to the agreement the City has with the Canby Adult Center.

Councilman Daniels asked what the City liability was, particularly in reference to the agreement, page 3 that states, "The City of Canby could be found in default if it fails to perform any of its covenants or agreement" Mr. Jordan said the default would be to relinquish the \$90,000 funding.

Administrator Jordan pointed out two areas that might be questioned in the scope of the performance, page 8 of the packet. Number 2,"(c) Establish a stable funding base for ongoing operations and (d) Establish an Economic Improvement District." He stated that there were no guarantees and perhaps the merchants would not agree to an improvement district.

Councilwoman Strong asked how much staff time this would take in administration, a staff that is already working to capacity. Mr. Jordan replied a "very small amount." He said the quarterly reports will be done by the Chamber

****Councilman Daniels moved to authorize the Mayor to execute the Intergovernmental Agreement between the City and Clackamas County regarding the acceptance of a grant from the Rural Investment Fund for the Chamber of Commerce. Motion seconded by Councilman Harris.**

DISCUSSION - Mayor Taylor asked if the parking lot lease is part of the agreement. Mr. Jordan noted that it is the City's "matching" funds. He reminded the Council that the City pays a rental fee to Southern Pacific on a monthly basis and this will continue. He added that the purchase of the parking lot could be considered. The agreement is for the 96-97 and 97-98 fiscal years.

****The motion was approved 6-0.**

Budget Committee Appointment - Administrator Jordan explained that Blain Oswald had submitted an application for the budget committee, and this will complete the available terms.

****Councilman Daniels moved to appoint Blaine Oswald to a term on the Budget Committee with his term expiring in July, 1997. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilman Prince asked if the City had received a FAX today from another interested citizen for the committee. Mrs. Perkett said she received it this afternoon and had not followed up on it, however, she would call the person in question since additional openings are anticipated soon.

****The motion to appoint Mr. Oswald was approved 6-0.**

Workers Compensation Plan - Administrator Jordan noted that the City/County Insurance, which supplies the Workers Compensation Insurance for the City, has offered to enroll the City in a retro plan based on losses. He noted that the City was on a retro plan several years ago but had not been since accepting insurance coverage from the City/County Insurance Services. Mr. Jordan explained that the retro plan is based on claims filed and currently we have a .78 experience rating. During the early

90's the City rating was 1.13.

****Councilman Daniels moved to authorize the City to change the Workers Compensation Insurance to the retro plan provided by the City/County Insurance Services. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Harris asked if there was a "cap." Mr. Jordan replied that we pay losses up to a level for a maximum loss of \$80,307. He added that if the City had a bad year it could cost an additional \$17,000 over the plan fee. He noted that in the past a surgery costing approximately \$20,000 was one of the City's most expensive claims.

Councilman Harris asked if the insurance coverage covers Police personnel and was told it did.

****The motion was approved 6-0.**

Ordinance for Public Indecency - Chief Giger reported that Canby has had a number of incidents that has brought the proposed ordinance to surface, as well as encouragement from the Code Enforcement Officer, Steve Floyd.

Councilman Harris asked if urinating in public has been a problem and what the consequences was. Chief Giger said it is now disorderly conduct, and specific areas have this problem. Also, the consumption of alcohol in public is more prevalent near the convenience stores. Chief Giger stated that the state changed the laws a few years ago, therefore drinking alcohol in public is not against the law.

The Council gave a unanimous consensus to instruct the City Attorney to proceed with preparing an ordinance for the City regarding the discussed issues.

ORDINANCES & RESOLUTIONS: Resolution No. 623 - Administrator Jordan informed the Council that JV Northwest, a new industry to the community, has applied for Industrial Development Revenue Bonds and they are requesting a statement of support from the City.

****Councilman Nolder moved to adopt Resolution No. 623, A RESOLUTION SUPPORTING JV NORTHWEST, INC. APPLICATION FOR INDUSTRIAL REVENUE BONDS FROM THE STATE OF OREGON. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilman Prince asked who would be the responsible party.

Don Jones, JV Northwest owner, said the bonds will be secured by Key Bank and his business is responsible, the City has no obligations. This is only an endorsement by the City to bring the business to Canby.

Councilman Prince said he supports an industry that supplies more jobs in our community.

Councilman Nolder asked what the firm provided. Mr. Jones said the business is 16 years old and makes stainless steel tanks for the food and beverage industry and pharmaceutical companies. He added that the Micro Brewery industry has placed a 10 million dollar order with his company and that is why he is expanding. He added that many of his employees are from this area.

Administrator Jordan said he had visited with Mr. Jones and he has one of the most progressive attitudes in business that he has seen recently. He added that the business intends to provide 24 hour day care, use local raw material and involve the education institutions in the area.

****Resolution No. 623 was approved 6-0.**

UNFINISHED BUSINESS: Findings & Final Order Appeal SUB 96-02 - Canceled for this session.

Change Order for N.W. Third Storm Drain Project - Curt McLeod explained that the contractor for the subject project had requested payment for additional expenses incurred on two changed site conditions. An enlarged manhole opening was necessary due to 21 " pipe used instead of 18' pipe, for a cost of \$635; and due to a survey discrepancy additional depth was necessary on the project and resulted in hours and materials for \$4,310. Mr. McLeod said he believed the request was warranted.

****Councilman Daniels moved to approve change order number one for the NW 3rd Avenue Storm Drain Project in the amount of \$4,945. Motion seconded by Councilman Prince and approved 6-0.**

MANAGER'S REPORT: 1. Ackerman Field Project - Mr. Jordan reported that the athletic field Mr. Prince was interested in establishing near Ackerman needs to have the Christmas tree stumps removed prior to continuing to work the ground. He said Christmas tree growers have advised that this cannot be done until December, at which time a tree grower has volunteered to removed the stumps.

Councilman Prince said a Neighborhood Association in the area is interested in making part of that area, in the corner, a small children section Mr. Jordan said the suggestion would have to be further reviewed.

Measure 47 - Mr. Jordan passed out information regarding the November ballot Measure 47, "Cut and Cap Measure." The estimates in loss of revenue for the schools would be approximately \$1,648,000; \$421,00 for local government; and for the Fire District, \$332,000. He added that some of the interpretations of the measure will

probably be tested in court. However, the priorities are to be public safety, education and keeping government jurisdiction decision making at a local level.

Meetings - September 26th is the Cities Association Meeting at Wilsonville with the Clackamas County Commissioner candidates present.

September 23rd, Organizational Workshop at 6:30 pm at the Library.

September 25th, Supplemental Budget session.

September 28th, Council Orientation Workshop at Milwaukie Public Safety Building.

COUNCILORS' ISSUES: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Chief Giger informed the Council that he had addressed the Youth Service group about the proposed "Parental Responsibility Law" and they want to ask some specific questions of the juvenile department prior to making any recommendation. They will not be ready with a recommendation until October 9th.

Chief Giger said the Citizen Police Academy will be held again, for nine weeks and it is free. Councilman Harris said he took these classes and highly recommended them to any citizen interested in learning more about Law Enforcement.

Chief Giger informed the Council that Officer Ray Fillis was seeking Council support in applying for two state grants. One for educational material, signs, banners, pamphlets and classes regarding DUII enforcement. The other grant is for a reader board placement in a police vehicle for the Neighborhood Speed Watch Program.

Mayor Taylor said he would sign the letters on behalf of the City to support these grant requests.

- ACTION REVIEW:**
1. Extend Bruce Broetji's Site & Design Review requirements to December 31, 1996.
 2. Implement Intergovernmental Agreement with Clackamas County for Chamber of Commerce Rural Investment Fund Grant.
 3. Implement Workers Compensation Retro Plan with City/County Insurance Service.
 4. Draft Public Indecency Ordinance.
 5. Support JV Northwest Industrial Development Revenue Bonds application by Resolution No. 623.
 6. Implement Change Order on NW 3rd Storm Drain Project.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations; (1)(e) regarding real property; (1)(h) regarding pending litigation; and (1)(l) regarding the performance of a public employee. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 8:59 p.m. to go into Executive Session. The regular session was reconvened at 10:10 p.m.

Councilman Daniels asked if delayed annexation was being pursued. Mr. Jordan replied that it was, but it's a slow process. He added that this will probably occur during the period review to the UGB Management Plan.

Councilman Prince noted that there are concerns regarding this issue, depending if the area is outside the UGB the City has no controls as far as design review or other matters. He added that it is desirable to have a City that we have more growth control over.

Mayor Taylor adjourned the session at 10:15 p.m.

**EXECUTIVE SESSION
SEPTEMBER 18, 1996**

Present: Mayor Taylor, Councilors Nolder, Prince, Harris, Stark, Daniels and Strong, Michael Jordan, Sarah Jo Chaplen and Cam Sivesind.

Mayor Taylor called the session to order at 9:07 p.m. in the CUB conference room.

ORS 192.660 (1)(d) - The Council briefly discussed the Police labor contract.

ORS 192.660 (1)(e) - The Council discussed real property issues regarding City leased sites.

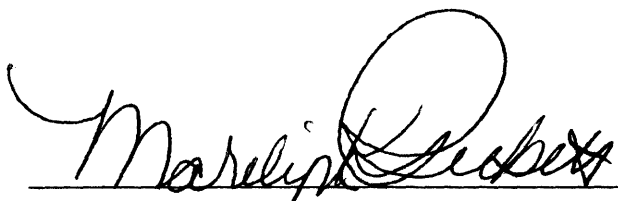
ORS 192.660 (1)(h) - The Council discussed a possible pending litigation regarding a land use matter on N. Maple Street.

The Rinkes case was discussed.

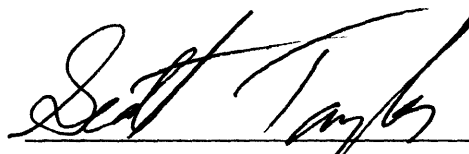
A litigation case filed by an former City employee was discussed.

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

Mayor Taylor adjourned the session at 10:08 p.m.



Marilyn Perkett, City Recorder



Scott Taylor, Mayor

PROCLAMATION

WHEREAS, Our Founding fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of American; and

WHEREAS, It is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies; and

WHEREAS, The two hundred eighth anniversary of the Signing of the Constitution provides a historic opportunity for all Americans to remember the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities they afforded us in this unique document; and

WHEREAS, The freedoms guaranteed to American citizens, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, as designated by proclamation of the President of the United States of American in accordance with Public Law 915.

NOW, THEREFORE, I, Scott Taylor, by virtue of the authority vested in me as Mayor of the City of Canby do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

in the City of Canby, Oregon, and urge all citizens to reflect during the week on the many benefits of our Federal Constitution and the privileges and responsibilities of American Citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 18th day of September in the year of our Lord One Thousand Nine Hundred and Ninety Six.

Scott Taylor, Mayor

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