

**CANBY CITY COUNCIL
REGULAR MEETING
APRIL 5, 1995**

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, City Attorney John Kelley, Assistant to the Administrator Sarah Jo Chaplen, Police Chief Jerry Giger, Planning Director Bob Hoffman, City Recorder Marilyn Perkett, Public Works Supervisor Roy Hester, Arlene Monen, Sally Culver, Nan Olson, Keith Marquand, Curt McLeod and Dan Ellis.

Mayor Taylor called the regular session to order at 7:30 p.m., followed by the flag salute and 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 minutes of regular session, March 15, 1995. Motion seconded by Councilman Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Letter from Erik Cave - Administrator Jordan reviewed a letter from Erik Cave, Youth Pastor for the Canby Assembly of God Church, requesting permission to use the Southern Pacific Parking Lot across from the Canby Utility Board for a fireworks stand. The same organization used the area last year for a fireworks stand and no problems were reported by the organization or by the Police Department. Both insurance and 24-hour supervision will be provided.

**Councilman Harris moved to approve the request of Erik Cave, Youth Pastor for Canby Assembly of God Church, to have a fireworks stand at the east end of the Southern Pacific Parking Lot, across from CUB. Motion seconded by Councilwoman Stark.

Councilwoman Stark asked if all of the same criteria as they addressed last year will be followed. Mrs. Cave replied that they would do exactly as they did last year.

Councilman Nolder asked if any problems came from last years project. He was informed that no problems were reported last year.

**The motion was approved 6-0.

Letter from Traffic Safety Committee - Chief Giger reminded the Council that the Traffic Safety Committee made several recommendation in October, 1994 regarding traffic issues. At that time, a workshop was suggested to decide on a recommendation for limited parking on S.W. Second Avenue between S. Grant and S. Elm Streets. Chief Giger suggested that a workshop session be scheduled for the April 19th meeting.

The Council agreed to set a workshop on the issue during the regular session on April 19, 1995. Chief Giger will notify residents of the area.

Tort Claim - Attorney Kelley informed the Council that the City had received notice from Attorney Jeff Kleinman, representing Joan Jones, that a tort claim may or may not be filed

against the City of Canby Planning Director regarding intentional interference with contractual relations, interference with business, outrageous conduct and other torts. Mr. Kelley stated that Ms. Jones actually has a two year time frame to file the suit.

PUBLIC HEARING: Municipal Sign Code - Mayor Taylor opened the public hearing at 7:40 p.m. on the Sign Code.

STAFF - Bob Hoffman reminded the Council that during the Summer of 1993, the Chamber of Commerce asked for amendments to the current Sign Code. This process took almost six months, and resulted in the adoption of a new ordinance in April 1994. Mr. Hoffman stated that there were two primary revision: one regarding sandwich boards, banners and pennants; and clarification of the ordinance administration, enforcement policies and procedures. Mr. Hoffman noted that the ordinance had a "Sunset Clause" which expires April 6th, and the Council needs to make the determination whether to continue with the ordinance or let it revert back to the prior ordinance.

Mayor Taylor asked if there were any comments from the audience regarding this issue. No one came forward.

QUESTIONS - Councilman Harris asked if there had been complaints regarding the new regulations. Mr. Hoffman replied there has been some concern about the sandwich boards. However, he felt the concerns were not valid.

Councilman Prince commented that the reasons for amending the Sign Ordinance were for public safety considerations.

Mayor Taylor thanked Mr. Hoffman for the work he put forth with the Chamber of Commerce to bring a solution to the sign code problems.

****Councilman Nolder moved to adopt Resolution No. 580, A RESOLUTION FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, TO CONTINUE ORDINANCE NO 913, CHAPTER 16.42, SIGNS, WITH FULL FORCE AND EFFECT. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor closed the public hearing at 7:47 p.m.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to pay accounts payable in the amount of \$239,611.00. Motion seconded by Councilwoman Strong.

Councilman Daniels commented that \$19,000 was to purchase playground equipment for the S. Locust Street Park; and \$82,000 was appropriated for purchase of the property next to the Chambers on N.W. Second, that houses the Canby Trophies business.

****The motion to approve payment of accounts payable was approved by roll call vote, 6-0.**

Jarboe's Grill Liquor License Request - Recorder Perkett stated that currently Jarboe's Grill, located at 1190 S.W. First Avenue has a liquor license to serve beer and wine only. Mr. Jarboe is seeking OLCC approval for a Class "A" license to serve mixed drinks at his restaurant.

****Councilwoman Stark moved to recommend approval to the OLCC for a Class "A" liquor license for Jarboe's Grill. Motion seconded by Councilman Prince.**

Councilman Harris asked how many Class "A" licenses were currently in the City. Recorder Perkett and Chief Giger listed about five restaurants in the City that have such a license.

****The motion on the floor was approved 6-0.**

CTA Alarm Service Agreement - Attorney Kelley reported that CTA approached the Canby Police requesting they take over the balance of CTA's alarm monitoring.

Keith Marquand, Police Dispatcher and Alarm Coordinator, informed the Council that the Police Department has monitored some alarms for over ten years and that CTA approached the City due to "security" reasons with their current vendor. Mr. Marquand said the revenue generated from this agreement will go back into the department to help computerize the dispatch center.

Mayor Taylor asked how much revenue the City would receive. Mr. Marquand said it would be about \$1,800 a month.

****Councilman Prince moved to authorize Chief Giger to enter into a contract between the City of Canby and CTA Communications to respond and dispatch to emergency alarms of CTA Communication customers. Motion seconded by Councilman Daniels.**

DISCUSSION - Arlene Monen, 372 S. Ivy, first read a letter from Sallie Culver, owner of Valley Answering Service, which pointed out that the City would be competing with the private business sector for alarm monitoring. Valley Answering has been handling CTA business since 1970 and only found out about this issue late today.

Ms. Monen stated that she was under the impression that the City Police Department was overworked and undermanned and she felt this would add to that hardship. She expressed a concern that City taxpayers would be paying for the added work load. She also pointed out that Valley Answering provides employment for other people, specifically, single parents. Ms. Monen encouraged the Council to consider this as a government entity competing in the private sector for a like-business.

Chief Giger stated that the Police Department has been monitoring alarms since 1981. He added that when CTA approached the department on this issue they stated security concerns, as well as a desire to implement new equipment.

Councilman Nolder asked what happens when an alarm rings into the department. Mr. Marquand said when they receive an alarm they first look up the number and call the location to see if anyone answers and can give a code to clear the alarm. If there is negative response, then an officer is dispatched to the location. He added that the City currently answers alarms both in and out of the City; those out of the City are dispatched to C-Com (Clackamas County). Mr. Marquand explained that during the "day time" if an alarm comes in from a bank or certain businesses it is handled as a "hold-up" alarm; if during the night, or after hours, it is regarded as a "burglar" alarm. The hold-up and burglar alarms are handled differently; however, the handling of them is confidential. He added that fire or medical alarms are dispatched immediately.

Councilman Nolder asked how many current alarms are serviced by the Police Department and what would be the projected addition if this contract were approved. Mr. Marquand said that they currently service about 80 alarms and the proposal could make it as many as 300 or as few 50 additional, depending on CTA, since some alarms may go elsewhere. Mr. Marquand stated that whether the City approves this proposal or not, CTA will be withdrawing their business from Valley Answering because of security reasons.

Councilman Harris asked how Valley Answering Service answers the alarms. Mrs. Culver stated that it is done exactly the same way the Police Department does, only they ask 911 to dispatch the officer.

Councilman Harris stated that this is clearly in direct competition to the private sector.

Councilman Prince asked how the alarms are prioritized. Mr. Marquand stated first are the 911 calls, next the alarms, third would be CUB, fourth business lines and lastly would be City Hall (in-house) lines.

Arlene Monen asked if other Police agencies do this type of service. Mr. Marquand said he knew of two, and thought there were others.

Mayor Taylor asked if we charged for alarms. Mr. Marquand said there is a fee associated with the Alarm Ordinance and also a false alarm fee.

Mayor Taylor reiterated that we currently do alarm business, so the question is, do we add to this business. However, the Mayor noted that in regards to the "under-manned" issue, we will not add personnel since the dispatch center is manned 24 hours per day, 365 days a year. Mr. Marquand added that dispatchers do not patrol, they only work in the dispatch center and have enough personnel to manage the proposal.

Councilman Daniels asked if private entities use the same procedure the dispatch center does in handling the alarms. Mr. Marquand said they were done essentially the same way.

Councilman Nolder asked how many alarms are handled on a daily basis. Mr. Marquand replied sometimes one, and sometimes 10 to 15, no average has every been taken.

Councilman Nolder reiterated that CTA is requiring a service that they feel is not currently received and it is one that the Police Department can provide. Mr. Marquand said that was a correct assumption. He added that CTA can take the business out of the City, or even out of state, if they so desire.

Mayor Taylor expressed a concern about discussing any of CTA's current provider problems. The Mayor suggested that Dave Fisher from CTA attend the next meeting to answer some questions.

****Councilman Daniels moved to TABLE the motion on the floor, until Dave Fisher can address the Council. Motion seconded by Councilman Nolder.**

Councilman Harris asked Mrs. Culver how this would affect her business. Mrs. Culver replied that "it would not snow me under." Councilman Daniels noted, as a point of order, that Councilor Harris' questions had nothing to do with the motion to table, or the original motion.

Arlene Monen expressed a concern about the possibility of CTA being able to take the business out-of-town, noting that local citizens have no choice but to use their services.

****Motion to table was approved 6-0.**

Adult Center Agreement Amendment - Administrator Jordan reminded the Council that the City contracts with Clackamas County for service for the Adult Center, and sub-contracts with the Friends of the Adult Center who run those services. Mr. Jordan noted that a few things are being amended in the current contract, and he introduced the new director of the Center, Nan Olson.

Mrs. Olson passed out a sheet regarding the Adult Center Service levels and noted that she will be giving the Council monthly reports. Mrs. Olson said she worked with the County to amend the contract so dollars could be moved around and make it possible to "bill-out"

various services. She also noted that the Federal funding has been reduced. However, she stated that the bottom line of funding is the same, since the County makes up the difference.

****Councilwoman Strong moved to authorize the Mayor and City Recorder to sign Amendment No. 1 of the Adult Center Contract. Motion seconded by Councilman Prince and approved 6-0.**

Amendment to METRO 2040 Plan Neighboring Cities Contract - Bob Hoffman reminded the Council that the City has an agreement to work with Sandy, North Plains, Clackamas County, the State, and a consultant to evaluate the impacts of the METRO 2040 Plan. Mr. Hoffman said the contract will be over in mid-year and that there has been some requests by the consultant for additional expenses. Mr. Hoffman said the amendments do not result in any additional costs to the City of Canby and staff recommends approval.

****Councilman Daniels moved to authorize the Mayor and City Recorder to sign the amendment to the METRO 2040 Plan Agreement. Motion seconded by Councilman Harris and approved 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 933 - Administrator Jordan explained that the sewer department "piggy-backed" through the City of Portland Fleet Division to comply with the public bidding process for a utility truck. The bid price was \$28,751.50, and \$30,000 was budgeted, so the remainder of the funds will be used to equip the truck.

****Councilman Daniels moved that Ordinance No. 933, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH COURTESY FORD, PORTLAND, OREGON, FOR A 1995 ONE AND ONE-HALF TON UTILITY TRUCK; AND DECLARING AN EMERGENCY be posted and come up for final action on April 19, 1995. Motion seconded by Councilwoman Strong and approved 6-0.**

Ordinance No. 934 - Chief Giger reminded the Council that three police vehicles were approved in December and purchased through the State of Oregon bid process for a total of \$57,046.

****Councilman Harris moved that Ordinance No. 934, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH BRAD'S COTTAGE GROVE CHEVROLET, COTTAGE GROVE, OREGON, FOR THREE (3) CHEVROLET CAPRICE POLICE CARS; AND DECLARING AN EMERGENCY be posted and come up for second reading on April 1995. Motion seconded by Councilwoman Stark.**

Councilman Harris asked if the vehicles would be ready for use within a month. Chief Giger said they would be ready.

Councilman Prince asked what these vehicles would replace. Chief Giger said they would replace a Sergeant car, and two others that are no longer worthy of use.

****The motion on Ordinance No. 934 was approved 6-0.**

Ordinance No. 935 - Curt McLeod informed the Council that bids were opened on March 23 for the Knights Bridge Road Pumping Station Rehabilitation Project. Two options were requested, one was a priority system similar to the treatment plant raw sewage pumps and the second was typical submersible pumping equipment. Five bids were received and Canby Excavating submitted the lowest bid for Option 2, \$48,568.

****Councilman Nolder moved that Ordinance No. 935, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CANBY EXCAVATING FOR THE REHABILITATION OF THE KNIGHTS BRIDGE ROAD PUMPING STATION; AND DECLARING AN EMERGENCY be posted and come up for final action on April 19, 1995. Motion seconded by Councilman Prince and approved 6-0.**

Ordinance No. 936 - Roy Hester informed the Council that he had requested bids on improvements for N. Juniper Street. He noted that the bid request had an alternative which included sidewalks. Mr. Hester stated that the budgeted amount was approximately \$65,000. Two bids were submitted and the low bid from Parker Northwest Paving was for \$59,435, which included the entire project with sidewalks on both sides of the street.

****Councilman Prince moved that Ordinance No. 936, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING FOR STREET AND SIDEWALK IMPROVEMENTS TO NORTH JUNIPER STREET; AND DECLARING AN EMERGENCY be posted and come up for second reading on April 19, 1995. Motion seconded by Councilwoman Stark.**

Councilman Prince and Daniels both commended Mr. Hester for the including the sidewalks in the proposed street improvement project.

****The motion on Ordinance No. 936 was approved 6-0.**

UNFINISHED BUSINESS: Logging Road Industrial Park Change Order #3 - Administrator Jordan explained that the change order for work to be done on S.E. 4th Avenue would utilize OEDD Grant money and the remaining loan.

****Councilman Daniels moved to authorize the Change Order No. 3 for the Logging Road Industrial Park as requested by Engineer Curt McLeod in the amount of approximately \$91,500. Motion seconded by Councilwoman Strong.**

Councilman Prince asked if the flooding issue in that area would be addressed. Mr. McLeod said that Roy Hester and the Public Works crew solved that problem and when the south area develops it will further address the issue.

****The motion to approve Change Order No. 3 was approved 6-0.**

Council Liaison Appointments - Mayor Taylor informed the Council that liaison appointment to various City boards and committees needs to be considered. The following volunteer liaison appointment were made:

Planning Commission - Terry Prince
Budget Committee - Walter Daniels
Canby Utility Board - Dennis Nolder
Canby Library Board - Walt Daniels
Adult Center - Shirley Strong
Parks & Recreation Board - Vacant
General Canby Day Committee - Cheryl Stark
Traffic Safety Committee - Roger Harris

OTHER REPORTS OR ANNOUNCEMENTS - Fact Sheet - Terry Prince handed out a fact sheet, drafted by Kurt Schrader and himself regarding the School Capacity Agenda. Councilman Prince said the goal was to encourage the School District to forward necessary

growth information to the City. He asked for comments on the agenda.

METRO Meetings - Bob Hoffman reported the schedule of meetings for the METRO 2040 Plan: Thursday, April 6th, May 4th and May 11th, at 7:00 p.m. in the Council Chambers. The May 11th meeting will be a workshop for Council and Planning Commission.

Audit Proposals - Administrator Jordan asked for two volunteers to review the RFP proposals for auditing services. Councilwoman Strong and Councilman Daniels will serve on the committee. Hopefully, two members from the Utility Board will complete the committee.

Mayor Taylor reported that the Education Summit had been held April 4, with about 75 people in attendance, as well as the entire Council. He commented that the food prepared by a student organization was excellent and the session were resulted in modifications of some goals and a number of projects that will soon be publicized. Councilman Daniels commented that the summit was a community effort with school district personnel.

Mayor Taylor informed the Council that on Thursday, April 6th, on Channel 12, a program called "For Kids Sake" will be aired, which will address the drop-out problem and how to keep at risk students in school

- ACTION REVIEW:**
1. Work with Erik Cave regarding a fireworks stand in the SP Parking Lot.
 2. Enforce Sign Code, as per new Resolution No. 580.
 3. Recommend to OLCC approval for Class A liquor license for Jarboe's Grill.
 4. Schedule Traffic Safety Workshop for next Council meeting.
 5. Reschedule CTA Alarm Contract for next meeting, with Dave Fisher present.
 6. Implement amendment to Adult Center Contract.
 7. Amend METRO 2040 Plan Agreement.
 8. Post Ordinance's 933, 934, 935 and 936 for final action on April 19th.
 9. Implement Logging Road Industrial Park Change Order No. 3.
 10. Appointment of Council liaisons to various committees.
 11. Appointment of Councilors Daniels and Strong to Audit Service Review Committee.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(i), to evaluate a public officer or employee. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 9:04 p.m. to go into Executive Session. The regular session reconvened at 10:15 p.m.

****Councilman Daniels moved to increase the compensation of the City Administrator from \$49,512 to \$55,000. Motion seconded by Councilman Nolder and approved 6-0.**

Councilman Prince noted that Mr. Hoffman has announced that he is seeking other employment and he was concerned that with the work load in the Planning Department, it would be best to start a process seeking a replacement. Mayor Taylor suggested that the Planning Commission Chairman and Mr. Jordan work up a basic interest announcement, after discussing it with Mr. Hoffman. Mayor Taylor commented that Mr. Hoffman expressed a sense that he wasn't valued here, and for his own piece of mind, he needed to

look elsewhere where he might be valued. Mayor Taylor stated that the consensus is that the City cannot afford to have a long period of time between City Planners, in the event Mr. Hoffman does leave the City employment. Mayor Taylor said he had discussed this issue with Kurt Schrader and Linda Mihata and that they would assist in writing some type of announcement.

Councilman Nolder asked if we had a contract with Mr. Hoffman. He was informed that there were no contracts for department heads. Mr. Jordan noted that a due process procedure would probably be necessary, except for the officers of the City that work at the pleasure of the Council. Mr. Jordan said most cities only have contracts for CEO personnel; however, some agencies are starting to consider contracts for department heads. The Council asked Mr. Jordan to research other agencies that have the type of contracts in question.

Administrator Jordan said the City could request resumes with a closing date, with no date set for hire.

Mayor Taylor also noted that he wanted to schedule a conversation with Mr. Hoffman regarding the inappropriateness of his conversation with the Planning Commission, adding that these types of conversations should be brought directly to the Council.

Mayor Taylor adjourned the regular session at 10:20 p.m.

EXECUTIVE SESSION
APRIL 5, 1995

Present: Mayor Taylor, Councilors Daniels, Strong, Stark, Nolder, Prince and Harris.
Administrator Jordan joined the meeting at 10:01 p.m.

Mayor Taylor called the session to order at 9:11 p.m. in the board room at CUB.

ORS 192.660 (1)(i) - The Council discussed the performance of City Administrator Michael Jordan.

Mayor Taylor adjourned the session at 10:13 p.m.


Marilyn K. Perrett
City Recorder


Scott Taylor
Mayor