

CANBY CITY COUNCIL  
REGULAR MEETING  
JUNE 7, 1995

**WORKSHOP:** Present: Mayor Taylor, Councilors Daniels, Prince, Stark, Strong and Nolder, Administrator Jordan, Beth Saul and Robert Hoffman.

The workshop session was held in the conference room at CUB from 6:00 p.m. to 7:30 p.m.

The purpose of the session was to discuss the City Management Compensation survey.

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Planner Bob Hoffman, Librarian Beth Saul, City Recorder Marilyn Perket, Michael and Irene Breshears, Robert & Shirley Peebles, Virginia Ulrich, Reuben & Almira Ulrich, Dave & Gerogia Hoover, Lateefa & Keren Hoover, and Bruce Broetje.

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 17, 1995. Motion seconded by Councilwoman Stark and approved 5-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** World War II Commemorative Essay Winners - Mayor Taylor announced the winners of the essay contest and presented the following awards:

First Place, \$100 savings bond to Keren Hoover

Second Place, \$50 savings bond, a tie with two winners, Lateefa Hoover and Virginia Ulrich.

Mayor Taylor introduced Michael Breshears, the chair of the World War II Commemorative Committee, and noted that more events have been planned for the summer.

**COMMUNICATIONS:** Letter from American Legion Administrator Jordan reported that the Legion is requesting use of Wait Park for the annual disposal of American Flags on June 14th, as well as blocking off NW Third and Fourth Avenues for the event..

**\*\*Councilwoman Stark moved to approve the request of the American Legion Post No. 122 to use Wait Park on June 14th, 7:00 p.m. for their annual flag disposal services, and to allow NW Third and Fourth Avenues to be blocked off. Motion seconded by Councilwoman Strong.**

**Discussion - Councilman Daniels requested that the American Legion coordinate their activities with the Public Works and Police Departments.**

**\*\*The motion was approved 5-0.**

**Letter from Stan Elliot - Administrator Jordan reviewed a letter from Stan Elliot who was tendering his immediate resignation from the Canby Planning Commission due to a career change.**

**Mayor Taylor said it was with regret that Mr. Elliot's resignation was accepted. He also asked that citizens interested in serving on the Commission contact City Hall.**

**Letter from Bob Peebles - Scott Nelson noted that staff is recommending the Canby Community Park Pond be dredged in preparation for stocking of fish, as outlined in the letter from Mr. Peebles. He stated that the pond will be approximately 15-20 feet deeper after rehabilitation of the pond. Mr. Nelson pointed out that this type of work is done by the Army Corp of Engineers, Navy Seabees, local contractors, and could be done by City crew. He added that rental of necessary equipment would not exceed \$2,500 if the City pursues this project. Also, permits from the State agencies will be necessary.**

**Mr. Peebles informed the Council that staff had adequately addressed his concerns. He added that in 1997, when new Fish and Wildlife regulations are implemented, the Canby Pond fish stocking program will need to be reconsidered.**

**\*\*Councilwoman Stark moved to authorize the rehabilitation of the Canby Community Pond to a quality for fishing standards, using as little as possible of City funds, and to proceed with permits from state agencies. Motion was seconded by Councilman Daniels.**

**Discussion - Councilman Nolder asked if there would be a cost to the City for permits Mr. Nelson responded that he didn't believe there was a fee.**

**Councilman Prince asked if the plan was only to make the pond deeper, not to enlarge it.. Mr. Nelson said that was a correct assumption.**

**\*\*Motion was approved 5-0.**

**PUBLIC HEARING : Sale of City Property - Attorney Kelley stated that the City owns a piece of property, known as the Kraxberger property, on the corner of S.E. Third between S.**

Redwood and S. Pine. He further stated that the property has been listed for sale and an offer of \$42,500 from Roderick and Shari Larios has been received. Mr. Kelley noted that ORS 221.725 requires the City to hold a public hearing for public input prior to selling the parcel. Mr. Kelley added that the earnest money agreement is contingent on the closing of the transaction by June 25, 1995.

Mayor Taylor opened the hearing at 7:50 p.m. on the sale of the subject property.

Mayor Taylor asked if anyone in the audience wished to address the Council regarding the sale of the City property. No one came forward.

Mayor Taylor closed the hearing at 7:51 p.m.

**\*\*Councilman Nolder moved to authorize the City to accept the proposal for the purchase of the City property on S.E. Third and S. Redwood and S. Pine from Roderick and Shari Larios for the amount of \$42,500 and for the transaction to close by June 25, 1995. Motion seconded by Councilman Prince and approved 5-0.**

**NEW BUSINESS: Accounts Payable - \*\*Councilman Daniels moved to authorize payment of accounts payable in the amount of \$248,163.43. Motion seconded by Councilwoman Stark.**

Discussion - Councilman Prince questioned several expenditures tied to the Internet process and was informed that these were expenses that were authorized prior to the May 17th decision of the Council.

**\*\*Accounts payable was approved by roll call vote, 5-0.**

**ORDINANCES & RESOLUTIONS: Resolution No. 585 - Administrator Jordan reminded the Council that Chief Giger was not present at the last meeting to answer questions regarding the transfers.**

Chief Giger stated that the Police Department receives various amounts of forfeiture funds each year for drug arrests and activity. The money is being transferred to pay for the D.A.R.E. program and equipment. Also, the canine program is supported by these funds. Chief Giger added that the Intra Agency Sharing is costs associated with sharing assistance with other agencies.

**\*\*Councilman Daniels moved to adopt Resolution No. 585, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 1994-95 BUDGET. Motion seconded by Councilwoman Strong.**

Discussion - Councilman Prince commented about the overtime issue that appeared on the proposed resolution last meeting and was since eliminated. Chief Giger explained that this was overtime due to training of personnel or to fill a shift when someone was off on training.

However, since the department currently has a temporary employee and one on disability they have been able to save enough in funds to pay for this overtime and a transfer was not necessary.

**\*\*Resolution 585 was approved 5-0.**

**UNFINISHED BUSINESS:** LLA 95-03 Final Order - Bob Hoffman reminded the Council that this is the written Final Order for the appeal of the lot line adjustment by Eric Longstreet of Matt Hamstreet's lot. Mr. Hoffman said this document formalizes the decision of the City Council to uphold the Planning Commission decision to approve the lot line adjustment. He added that the appellant has 21 days from the date of this order to appeal the decision to LUBA. He further stated that those with standing would all receive copies of the final order.

**\*\*Councilwoman Stark moved to adopt the Findings, Conclusions & Order of LLA 95-03, applicant of Matt Hamstreet of a lot line adjustment approved by the Canby Planning Commission and for the denial of the appeal of Eric Longstreet. Motion was seconded by Councilman Nolder.**

Discussion - Councilman Prince stated that he felt this limits the number of lots for future development.

**\*\*The motion was approved 4-1, with Councilman Prince voting no.**

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan reminded the Council of the General Canby Day King and Queen Coronation on June 15th at the Canby Adult Center.

Mr. Jordan also reminded the Council of the Lake Oswego Mayor's Golf Tournament and encouraged anyone interested to sign up with the business office.

Administrator Jordan reported on a meeting held last Wednesday evening at Donna Jean McManamon's home to reorganize the "Growth Management Group" for the Canby visioning process. He advised the Council that another meeting for this group has been scheduled for June 15, 1995 in the Library from 7 to 9 p.m.

Mayor Taylor stated that staff will be working on a document to bring to the Council for review prior to moving forward with the remaining goals and benchmarks from the Canby visioning process, excluding the growth goal.

**ACTION REVIEW:**

1. Coordinate with the American Legion for the June 14 Flag Disposal Ceremony at Wait Park.
2. Seek applications for the Planning Commission vacancies.
3. Pursue the project of rehabilitating the Canby Community Park Pond.

4. Proceed with the closing transaction for the sale of City property.
5. Mail out final order to those with standing regarding LLA 95-03..
6. Transfer the necessary funds to balance the 94-95 budget.
7. Prepare final document for adoption regarding Canby by Design.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations and (1)(h) regarding pending litigation. Motion seconded by Councilwoman Stark and approved 5-0.**

Mayor Taylor recessed the regular session at 8:10 p.m. to go into Executive Session. The regular session was reconvened at 9:02 p.m.

**\*\*Councilman Prince moved to give the City Management department heads, a four percent (4%) raise for the 95-96 fiscal year. Motion seconded by Councilman Daniels and approved 5-0.**

Mayor Taylor said the Council would be reviewing the compensation package and salary schedule of the City management team, with a committee working on the matter, and proposed that a product be ready by September 30, 1995. The Mayor asked for a reminder each month on the matter.

Councilman Prince asked if the Council read the information from Community Schools regarding the affect the limited funding would have on the Slice of Summer program. He noted that Canby Telephone Company will pick up the major funding for that event.

Councilwoman Strong noted that she personally felt the Community School funding cut should have come from other programs.

Administrator Jordan said they discussed the matter with him and he agreed that Slice of Summer was the program to be cut since it would be funded from another resource. He added that other program cuts would have affected children and summer recreation programs. Mr. Jordan said that other businesses have expressed a desire to aid in the Slice of Summer program, if necessary.

Councilman Daniels asked what the total cost was for the summer. Mr. Jordan said last year the total cost, including talent, was between \$15,000 and \$20,000.

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

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#### EXECUTIVE SESSION

JUNE 7, 1995

Present: Mayor Taylor, Councilors Daniels, Strong, Stark, Prince and Nolder, Administrator Jordan and Attorney Kelley.

Mayor Taylor called the session to order at 8:17 p.m. in the conference room at CUB.

ORS 192.660(1)(d) - The Council discussed the Police Department Labor negotiations.

The Council discussed the Measure 8 labor case law.

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

The Kahut litigation at LUBA was discussed.

A pending litigation regarding the Broetje business in the Industrial Park.

Mayor Taylor adjourned the session at 9:00 p.m.



Marilyn K. Perkett  
City Recorder



Scott Taylor  
Mayor