

CANBY CITY COUNCIL
REGULAR MEETING
JULY 19, 1995

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

Also present: Administrator Michael Jordan, Assistant to the Administrator Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Library Director Beth Saul, Assistant Planner Jim Wheeler, Parks & Rec Director Scott Nelson, Cam Sivesind, Duane & Jan Weeks, Glen Arthur, John Falkenstein and Representative Jerry Grisham

Council President Prince called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

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

MINUTES OF PREVIOUS SESSION: **Councilman Stark moved to approve as distributed the minutes of regular session July 5, 1995. Motion seconded by Councilman Daniels and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PRESENTATION: Representative Jerry Grisham, District 23, addressed the Council regarding "light rail." Mr. Grisham informed the Council that Governor Kitzhaber may be calling a special legislative session on July 28th to discuss the light rail issue.

President Prince commended Representative Grisham for his efforts on behalf of the City of Canby to expedite the installation of the traffic signal at S. Pine and Hwy 99 E.

Mr. Grisham explained that he does not support the light rail system as it is currently proposed. The system would be about 28.5 miles, starting at Clackamas Town Center, going down the Milwaukie Expressway to Sellwood, going to Portland State University, crossing the Steel Bridge and terminating at the new Rose Garden Arena. The proposed cost is \$100 million dollars per mile, and operational costs will come from increases in taxes, primarily payroll and property taxes.

Mr. Grisham stated that the proponents claim the light rail will be faster, but ill be slower; it will have more riders, he countered that 50-60% will be bus riders and not transit riders; and that it enhances economic development, again, this hasn't been the case.

Councilman Nolder asked if the light rail would directly aid Canby. Mr. Grisham said it probably would not. However, he noted that a "high speed rail" is being considered which would probably be more beneficial to our community.

In summary, Representative Grisham stated that several alternatives are being considered: a Willamette Valley Transportation Plan is considering the high speed components; a statewide plan proposing high-tech including the possibility of relocating core area services to urban sites; and HOV (high occupancy vehicle) lanes, where citizens could travel in the HOV lane and pay a fee if they have fewer than the required passengers for the HOV status. He added that with the addition of Telecommunity technology, citizens working from their homes should make a difference in the transportation system.

Attorney Kelley questioned the parking problems in the METRO area. Mr. Grisham noted that moving some of the services to urban satellites will help, however, parking will continue to be a problem and will ultimately be more expensive in the future.

President Prince thanked Representative Grisham for his presentation.

COMMUNICATIONS: Request for Block Party, Karen Hughes - Karen Hughes was requesting a street closure for S.E. 11th Loop on September 9th for a Block Party. The Police and Fire Departments, as well as the Public Works Supervisor, all reviewed the request and gave approval.

****Councilman Harris** moved to approve the request of Karen Hughes, 1285 S.E. 11th Loop, for a Block Party on September 9, 19095, and to coordinate her activities with the appropriate City agencies. Motion seconded by Councilman Nolder and approved 6-0.

NEW BUSINESS: Accounts Payable - ****Councilman Daniels** moved to approve accounts payable in the amount of \$162,631.01. Motion seconded by Councilman Stark and approved by roll call vote, 6-0.

Contract with Clackamas County AAA for Adult Center - Administrator Jordan pointed out that each year we contract with Clackamas County Area Agency on Aging for services at the Canby Adult Center. Although the text of the contract has not changed, a change was pointed out in the dollar amount which ultimately will provide for approximately an additional \$4,000 to the center.

****Councilman Harris** moved to authorize the Mayor and City Recorder to enter into a contract with Clackamas County for services provided at the Canby Adult Center. Motion seconded by Councilwoman Strong and approved 6-0.

Sp 95-01, Temporary Mobile Home Permit - Jim Wheeler, Assistant Planner, stated that applicant Glen Arthur has applied for a medical hardship special permit to allow a double-wide mobile home at 623 N.W. Territorial. The site is a flag lot off of Territorial which currently has an existing home on the site. Notices were mailed to adjacent property owners and no one came forward with any concerns, therefore, no public hearing was required. Staff recommended approval of the permit with the following conditions:

1. An annual review by the City Council to verify the medical hardship.

2. An affidavit agreeing to remove either the existing home or mobile home upon termination of the hardship. If the mobile home remains, a permanent foundation will be necessary.
3. Connection to the City water and electricity to code requirements; and connection to the sewer or a County approved septic system.

****Councilman Daniels moved to approve the SP-01, Temporary Mobile Home Permit for a medical hardship at 623 N.W. Territorial and to adopt the three conditions set by City Staff. Motion seconded by Councilwoman Strong.**

Discussion - Councilman Harris asked how many of these types of special permit exceptions were currently within the City. Mr. Wheeler said there were none at this time, and that one expired a year ago and the mobile home was removed.

Councilman Prince expressed a concern about setting a precedent. Mr. Wheeler noted that is why the condition of an annual review is attached.

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

LGPI Negotiation Contract - Administrator Jordan stated that the Labor Relations Contract Agreement between LGPI and the City had not been updated for a couple years. There is a fee increase for those services Don Schaefer provides the City during negotiation procedure. Mr. Jordan said he thought the old rate was \$60 per hour; the new fee will be \$75 per hour for LGPI members. Canby has been a LGPI member for many years.

Councilman Prince commented that he felt this was money well spent by the City.

****Councilman Daniels moved to authorize the City Administrator to enter into a contract with LGPI for Labor Relations Services. Motion seconded by Councilwoman Strong and approved 6-0.**

ORDINANCES & RESOLUTIONS: None presented.

UNFINISHED BUSINESS: Contract with Canby Community School - Scott Nelson, Parks and Recreation Director, informed the Council that this agreement with Community Schools was to provide a service for the community.

John Falkenstein, Community School Director, expressed concern about the "hold-harmless" clause of the agreement. He pointed out that in 1978 the City, Clackamas Community College and the School District entered into a "joint relationship" for the Community School Program. Mr. Falkenstein expressed concern about a "good on-going relationship" when a hold-harmless clause is a part of the agreement.

Councilman Nolder stated that the "hold-harmless" portion of the contract is just doing good business and should have no bearing on the relationship between the entities.

John Kelley stated that the hold-harmless section of the agreement prevents the City from being named in a law suit. He added that the School District carries insurance and this is not an additional expense to them.

Most of the Council members agreed to leave in the "hold harmless" section of the agreement, even though some "mixed feelings" were expressed.

****Councilwoman Stark moved to authorize the Mayor and City Recorder to sign the Agreement between the City of Canby and Community School for various services provided to the City. Motion seconded by Councilwoman Strong and approved 6-0.**

OTHER REPORTS OR ANNOUNCEMENTS: Beth Saul, Library Director, distributed out her monthly report, stating she was sorry it was late.

Scott Nelson announced that the Grand Opening celebration for the new Locust Street Park will be Monday, July 31st, 6 to 9 p.m., with food and music. He encouraged everyone to attend!

ACTION REVIEW:

1. Coordinate with Karen Hughs for a Block Party on September 9th.
2. Implement the Clackamas County Contract for Adult Center Services.
3. Approve Sp-01, A Special Mobile Home Medical Hardship Permit.
4. Implement the Labor Relations Services Contract with LGPI.
5. Implement a contract for services between the City and Canby Community Schools.

****Councilwoman Stark moved to go into Executive Session under ORS 192.660(1)(d), regarding labor negotiations; (1)(e), to negotiate real property; and (1)(h), regarding pending litigation. Motion seconded by Councilman Harris and approved 6-0.**

Council President Prince recessed the regular session at 8:56 to go into Executive Session. The regular session was reconvened at 10:05 p.m.

Councilman Nolder noted that morale seems to be low within the City Police Department. Both he and Councilwoman Strong requested staff to gather information on what the comparison would be for Clackamas County to provide Police services for the community. This would include all services, and would include response times with the same number of staff.

Administrator Jordan noted that normally they provide services by the hour per day. He stated that he would request a copy of the contract that Wilsonville has with the County for Police Services. Mr. Jordan said he had talked with Sheriff Bradshaw a couple years ago, and the County was willing to provide any type of service the City wanted. Mr. Jordan added that he would need a month to gather the information, however, he will try to have it ready by August 15th.

Councilman Nolder commented that several of our police officers do a "good job", however, some officers seem to be uncooperative.

Councilman Harris asked if we would still use the dispatch center. Mr. Jordan said that could be an option.

Council President Prince adjourned the session at 10:13 p.m.

EXECUTIVE SESSION
JULY 19, 1995

Present: Council President Prince, Councilors Daniels, Strong, Stark, Harris and Nolder, Administrator Jordan, Attorney Kelley and Assistant to Administrator Chaplen.

President Prince opened the session at 9:04 p.m. in the conference room at CUB..

ORS 192.660 (1)(h) - The Council discussed the following pending litigation cases:

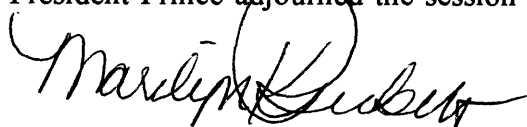
Rinkes vs. City of Canby
Bruce Broetje
Canby Police Law Suit regarding PERS

ORS 192.660 (1)(d) - The Council discussed labor relations.

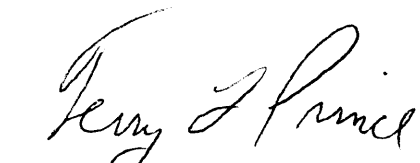
ORS 192.660 (1)(e) - The Council noted that the property transaction regarding the purchase of City property by Larios was closed.

A Tualatin Valley Water District issue was discussed, including conversation with the Canby Utility Board.

President Prince adjourned the session at 10:04 p.m.



Marilyn K. Perkett
City Recorder



Terry Prince
Council President