

**CANBY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 20, 1995**

WORKSHOP: Present - Mayor Taylor Councilors Nolder, Harris, Prince, Stark, Strong and Daniels, Administrator Jordan, Sarah Jo. Chaplen, Gayle Henry, Larry Cole, Cam Sivesind, Harry LeeKwai, Gary Bauer, John Hoffman, Katie Vilander, Roger Reif, Vernon Hepler, Lyle Read, Gordan Wanner, Steven Eyman, Don Peterson, Dr. Mike Harms and Steve Miller.

Mayor Taylor called the session to order in the CUB conference room at 6:00 p.m. to discuss the Telecommunity issue. The session was adjourned at 7:20 p.m.

Larry Cole, from Canby Telephone Association, reviewed the structure and services provides by CTA. He also informed the Council of the position of the organization for the future. Mr. Cole made comments regarding the City's investigation into an "information utility".

REGULAR SESSION: 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 Administration Sarah Jo Chaplen, City Attorney John Kelley, Library Director Beth Saul, Assistant Planner Jim Wheeler, Nan Olson and Steve Hanson.

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 the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve the minutes of September 6, 1995, as published. Motion seconded by Councilwoman Strong and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Recycling Awareness Week - Mayor Taylor proclaimed the week of October 2-9, 1995 as Recycling Awareness Week in the City of Canby.

At this time, Mayor Taylor commended the local Canby Disposal for their recycling efforts in our community.

Letter from VFW - The VFW requested use of a portion of the SP Parking lot between N.W. Elm and First Avenue on October 1st for a fund raiser for local charitable work.

****Councilwoman Stark** moved to approve the request of the VFW Post No. 6057 and American Legion Post No. 122 to use the SP parking lot between NW Elm and First Avenue to hold a garage sale on Sunday October 1st, between 7 AM and 8 PM, Motion seconded by Councilman Prince and approved 6-0.

Levy Proclamation - Mayor Taylor read the proclamation regarding the results of the September 19th Levy Election with the following results:

POLICE LEVY	YES - 1,357
	NO - 1,082

STREET LEVY	YES - 1,14
	NO - 1,290

Mayor Taylor thanked the citizens for passing the police levy and expressed disappointment that the street levy was not passed.

Councilman Prince stated that there may have been a misunderstanding between the City street levy and a proposed County Levy which will soon go to the voters. He urged the citizens to give strong consideration to the forthcoming County Levy regarding streets.

Canby Adult Center Annual Report - Nan Olson, Adult Center Manager, addressed the Council to explain the annual report from the Adult Center. She thanked the City for support and said the new addition is near completion and encouraged everyone to come visit it. Ms. Olson informed the Council that on November 4th, the 10th Anniversary celebration of the Adult Center has been planned.

Letter from Claudia Johnson - Mayor Taylor reviewed the request from Claudia Johnson for her client, Francesca's Coffee House, to rope off a couple parking spots in front of the coffee shop at 248 NW First, for a Pastry Festival on Saturday and Sunday, September 30 and October 1st. A request for a temporary sign will go through the Planning Department.

Ms. Chaplen reported that Chief Giger had reviewed Francesca's request and gave approval, providing the surrounding businesses were notified.

****Councilman Harris** moved to authorize Francesca's Coffee House, 248 NW First permission to rope off no more than two parking spots directly in front of her business for a festival on September 30 and October 1, 1995. Motion seconded by Councilman Daniels and approved 6-0.

CUB Appointment - Mayor Taylor recommenced that Bob Gustavson be appointed to the

Utility Board position vacated by Dave Hoover.

****Councilman Daniels moved to accept the Mayor's recommendation to appoint Bob Gustavson to the Utility Board with his term expiring in February, 1998. Motion seconded by Councilman Nolder .**

Councilman Nolder thanked the candidates that were interviewed and said he was impressed with the quality of the people who had expressed interest.

Councilman Prince asked about Mr. Gustavson's term on the Planning Commission. Mr. Nolder said that Mr. Gustavson intended to complete that term which expires in December, at which time he will not ask for reappointment to the Planning Commission.

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

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to pay accounts payable in the amount of \$139,230.93. Motion seconded by Councilwoman Strong and approved 6-0, by roll call vote.

ORDINANCES & RESOLUTIONS: Resolution No. 591 - Administrator Jordan stated that Resolution No. 591, was necessary to inform the County Assessor to levy taxes after the successful election of September 19, 1995. Mr. Jordan noted that the assessment to property owners will be \$3.95 per thousand. Administrator Jordan commented that the City has historically "struggled" to keep the levied amount below \$5.00 per thousand, however, the assessed values has risen substantially the last few years. The new assessed value of the City is in excess of \$470,000,000 and in 1990 it was approximately half that amount.

****Councilman Daniels moved to adopt Resolution No.591, A RESOLUTION TO LEVY TAXES FOR THE 95-96 FISCAL YEAR. Motion seconded by Councilwoman Strong and approved 6-0.**

UNFINISHED BUSINESS: DR 95-09 Findings - Jim Wheeler stated that the Findings were drafted by staff to reflect the Council's reasons for overturning the Planning Commission's decision regarding the property of Mark Crorey located at S. Ivy and S.W. Second.

****Councilwoman Stark moved to adopt the Findings, Conclusions & Order Site of DR-95-09, for Mark Crorey. Motion seconded by Councilwoman Strong and approved 6-0.**

Phase II Construction at Sewer Plant - Steve Hanson, Sewer Plant Supervisor, addressed the Council requesting permission to continue with Phase II Construction of the Sewer Plant Expansion. He explained that this request is actually a change order to the original contracts with Slayden Construction and Curran-McLeod Engineering and will provide the following four tasks:

1. UV Basin Cover
2. Wash tank & Stabilized Biosolids Holding Tank Covers
3. Screening Compactor and Dewatering
4. Secondary Clarifier Scum Simmers for Outside Baffle.

Mr. Hanson also announced that he was informed by the Pacific Northwest Pollution Control Association that the City of Canby won their Municipal Water Protection Award. This award covers Oregon, Washington and Idaho.

Curt McLeod noted that the document presented tonight is an amendment to the contract that was executed in 1991 for expansion of the Sewage Treatment Plant. The current document address four projects for an estimate of \$230,000 of construction and approximately \$21,000 in engineering fees. Mr. McLeod said he would return with accurate costs for the proposed change order for construction.

****Councilman Daniels moved to amend the agreement with Curran-McLeod to extend their contract for design services for \$14,500. Motion seconded by Councilwoman Strong.**

****Councilman Daniels amended the motion to include additional funding of \$6,500 and the engineering services are not to exceed \$21,000. Amendment approved by the second.**

Councilman Daniels asked if this change order would cause any problems with the "bid" laws. Mr. McLeod said the bid laws allow you 20% of the original contract before you have to bid, at this point we are at approximately 6%. However, that ORS was appealed a couple years ago and there may be no limit at this time.

Mr. Jordan said both the OAR and ORS on purchasing requirements had been thoroughly reviewed regarding this issue and there is actually no limitation regarding professional services. However, the rules the City adopted allow up to \$50,000 and the construction rules have not been reviewed, but will be prior to that portion of the project.

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

OTHER REPORTS OR ANNOUNCEMENTS: Jim Wheeler passed out tapes of Planning Commission meetings for an appeal that will be on the next agenda.

Administrator Jordan reported that the Blue Heron District Committee has requested that the Council and Budget Committee meet with them regarding planning issues for that organization.

Mayor Taylor stated that his first priority was to set a date with department heads for a goal setting session. Mr. Jordan said that a Council/Staff goal setting session has been discussed for the month of October.

The Council set October 18th, as a workshop with the Blue Heron group and Budget Committee. The Council set October 11 and 25, as dates for Council/Staff goal setting sessions.

Councilman Harris stated that he had been approached by several citizens regarding the topless dancing issue and he was concerned if there were any rules or ordinances regarding this issue in the City limits. Attorney Kelley said the City has no rules or regulations on that issue and suggested if the Council is interested in prohibiting nude dancing that he have the opportunity to research the matter. The Council concurred with Mr. Kelley's suggestion.

Mayor Taylor reminded everyone of the Visioning Celebration at 6:45 p.m. at CUHS on Thursday, September 21st.

Mayor Taylor also reminded the audience of the Chili Cook-Off, Grape Stomping Festival, and other events downtown for the coming weekend.

ACTION REVIEW:

1. Work with VFW for the event in the parking lot for October 1.
2. Work with Francesca's for parking space closures for September 30 & October 1.
3. Notify Bob Gustavson of his appointment to CUB.
4. Forward Resolution NO. 591, to Clackamas County regarding the new Levy.
5. Forward the Findings of 95-09 to proper people.
6. Proceed with Wastewater Treatment Plant change orders.
7. Research the nude dancing issue,

Mayor Taylor reminded the Councilors of the Clackamas Cities Meeting on September 28th.

Also, the Mayor reported that the Clackamas County Historical Society will have an exhibit of quilts October 25-29, at the Historical Building in Oregon City.

****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 Strong and approved 6-0.**

Mayor Taylor recessed the regular session at 8:20 p.m. to go into Executive Session. The regular meeting was reconvened at 10:08 p.m.

****Councilman Nolder moved that due to the recent Court decisions on the PERS issues the retirement payments for the month of July will be reimbursed to the Police Department personnel; and to continue the injunction requirement by the Court to discontinue withholding PERS payment, with the City picking up that payment. Motion seconded by Councilman Harris and approved 6-0.**

****Councilman Harris moved that based on recent Court decisions the PERS withholdings be reimbursed to the City Management Team and temporary hires until such time when the Supreme Court rules on the matter. Motion seconded by Councilman Nolder.**

Councilman Prince stated that he wanted to continue the program that was enforced after the vote of the citizens to have employees pick-up the PERS 6% contribution. He felt we should wait, until the Supreme Court makes a ruling on the matter.

Mayor Taylor said with the recent Court decision regarding the Police Department, we are now bringing the management staff into line with other employees, noting that the department heads are not represented by an organized group or union.

Councilman Prince responded that AFSCME should be treated the same, even though their contract has not reached a termination date. He reiterated that the City was "jumping the gun" since the Measure issue has not been proven unconstitutional by the Supreme Court at this time.

Councilman Harris stated that the voters made a choice and the Council followed the voters wishes as best they could. However, four separate Court cases in various jurisdictions have made the decision to revoke the voters decision on the PERS issue. Also, the Police Department was able to obtain an injunction which provided that the City resume paying the PERS pick-up and he felt the department heads and managers would be penalized if we did not give them the same benefit as the Police Department who obtained their benefits by legal action.

Mayor Taylor reported that the Supreme Court ruling is expected before the end of this year.

****Motion was approved 5-1, with Councilman Prince voting nay.**

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

**EXECUTIVE SESSION
SEPTEMBER 20, 1995**

Present: Mayor Taylor, Councilors Nolder, Harris, Prince, Stark, Strong and Daniels, Attorney Kelley, Administrator Jordan, Sarah Jo Chaplen and Don Schaefer.

Mayor Taylor called the session to order at 8:27 p.m. in the CUB conference room.

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

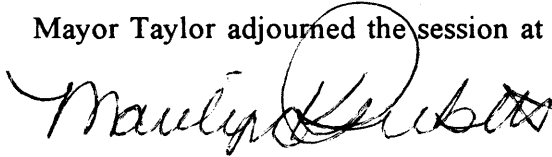
1. Dog case.
2. PERS matters.

3. Kahut/LUBA case.
4. Police Department PERS matter.
5. Rinkes vs. City case.

9:10 pm, at this time Attorney Kelley left and Don Schaefer joined the session.

ORS 192.660 (1)(d) - the Council discussed Police labor negotiations.

Mayor Taylor adjourned the session at 10:04 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor