

**CANBY CITY COUNCIL
REGULAR MEETING
FEBRUARY 16, 1994**

WORKSHOP: Present: Mayor Taylor, Councilors Nolder, Harris, Prince, Stark, Daniels and Strong, Administrator Jordan, Assistant to Administrator Chaplen, Attorney Kelley, Recorder Perkett and Jason LaBeck.

The Council discussed the role between City staff and Council members and the interaction expected. Also, Attorney Kelley reviewed some of the criteria for land use hearings and procedures.

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, City Attorney John Kelley, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Librarian Beth Saul, City Planner Bob Hoffman, Police Officers, Steven Landis, Tim Skipper and Greg Kroeplin, Jason LaBeck, Steve Hanson, Vern Keller, Jack Martin, Maureen Miltenberger, Neil Erickson and Donna Jean McManamon.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and meditation.

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, February 2, 1994. Motion seconded by Councilman Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Jason LaBeck addressed the Council regarding some personal concerns he had. Mr. LaBeck first expressed concern about the past OCA activity in the community; the fact that Elvis was impersonated at an event at the fairgrounds; and the mistreatment of handicapped people in Canby. Mr. LaBeck also noted that he had been volunteering at our local library and was recently expelled for thirty days. He asked consideration for reinstatement in volunteering at the library.

Mayor Taylor told Mr. LaBeck that Mrs. Saul and Council representation would meet and discuss his reinstatement to the library. Also, he informed Mr. LaBeck that it is not the City of Canby's intention to mistreat anyone.

COMMUNICATIONS: Letter from General Canby Day Committee - Administrator Jordan reviewed a letter from the General Canby Day Committee requesting that Chris Stutes be appointed to the committee to fill the position of Edward D. Jones who has resigned.

**Councilman Daniels moved to approve the appointment of Chris Stutes to the General Canby Day Committee, with his term expiring in July 1995. Motion seconded by Councilwoman Stark and approved 6-0.

Also, Mr. Jordan noted that the committee needed a Council liaison to be appointed since Maureen Miltenberger was no longer on the Council. Councilwoman Cheryl Stark volunteered to serve as the liaison on the General Canby Day Committee.

Letter from Mark Schmidt - Administrator Jordan read a letter from a residential and commercial building designer, Mark Schmidt, which commended Bob Godon for his expertise in the building field, and his caring and friendly manner.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve accounts payable in the amount of \$123,497.88. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.

Annual Audit Report - Neil Erickson, Senior Auditor with Grant Thornton, informed the Council that generally the City audit of financial statements was referred to as "present fairly," which he said is actually the best rate we could receive. Mr. Erickson commended Virginia Biddle for the "fantastic shape" of the City books.

Mr. Erickson briefly reviewed the 60 page "General Purpose Financial Statements and Report of Independent Certified Public Accounts." Also, the "Performance Review" for the year ending June 30, 1993, was reviewed by Mr. Erickson, which covered primarily general government revenues and expenditures, trend analysis, and common size analysis.

Mayor Taylor questioned the 1992 trend analysis. Staff informed the Mayor that planning fees from 8 subdivisions and 25 million dollars worth of school expansions explained the 1992 trend which differed from the previous and following years.

Administrator Jordan pointed out that when we issued bonds for the new library in 1990, the capital outlay increased highly. Also, we will see the same trend for the 1993-94 audit due to the capital outlay at the sewer plant.

CUB Board Appointments - Councilman Nolder, Chairman of the interview committee for CUB positions, informed the Council that the committee interviewed excellent candidates, and he was sorry only three of those interviewed would be placed in an available position.

**Councilman Nolder moved to appoint Bob Westcott to the CUB Board to complete Mrs. Kopelk's term, which expires in February 1996. Also, Georgia Newton and Ronald Berg were each appointed to a three year term on the CUB Board, with their terms expiring in February 1997. Motion seconded by Councilman Daniels and approved 6-0.

Budget Committee Appointment - **Councilwoman Stark moved to appoint Vern Keller to a three year term on the City Budget Committee, with his term expiring in July 1997. Motion seconded by Councilman Daniels and approved 6-0.

Intergovernmental Agreement for DARE Program - Dare Officer Steve Landis, addressed the Council requesting authorization to enter into a contract with Clackamas County to allow the Canby Area Prevention Team to conduct six courses for approximately 300 parents in our community regarding drug awareness. Officer Landis said the contract is for \$4,000, and the Prevention Team will provide matching funds of \$3,000. He also pointed out that Virginia Biddle, City Treasurer, has agreed to handle the bookkeeping area of the contract.

Councilman Harris asked if the programs would be in English only, and how the matching funds would be raised. Officer Landis said there would be two classes in English, two in Spanish and two for the religious organizations. Also, they plan on contacting churches, service organizations, businesses and the schools to complete the matching funds. Officer Landis noted that currently they have \$1,100 raised.

**Councilwoman Stark moved to authorize the Mayor to enter into an Intergovernmental Agreement between Clackamas County and the City of Canby for the youth alcohol and

drug abuse prevention program known as "Canby Together," in the amount of \$4,000. Motion seconded by Councilman Harris and approved 6-0.

Mayor Taylor commended Officer Landis for the "great job" he is doing with the youth of our community.

S. Locust Street Park Design Bids - Maureen Miltenberger, Chair of the Locust Street Park Committee, briefly updated the Council on the status of the S. Locust Street Park. Ms. Miltenberger pointed out that the City received a CDBG to purchase the property at 346 S. Locust Street for a proposed park. She noted that there are numerous apartments in the area with several children and the park complied with the CDBG criteria. Ms. Miltenberger said their group is planning neighborhood meetings for input on the design of the park. The first meeting will be at 7:00 p.m., February 28th, at the Bethany Free Evangelical Church. At this time, they are publicizing the meeting in hopes of gaining a good attendance.

Officer Tim Skipper addressed the viewing audience in Spanish to give details about the neighborhood meetings.

Jack Martin, City Public Works employee and member of the Locust Street Park Committee, informed the Council that he had requested bids for a Master Plan Design for the proposed park. Three bids were received: J.D. Walsh & Associated, \$3,8500 for phase 1-3, and fees for 4-6 phases to be determined later; Nevue Ngan Associates, \$9,950 for phases 1-6; and John Vosmeck, \$9,700 for phases 1-6.

Mr. Martin said all three firms were highly qualified, however, after careful consideration, including experience in design for small neighborhood parks, site inspection, willingness to meet in person, project samples, and basic overall attitude towards the project, the committee was recommending Nevue Ngan Associates for the design work.

Councilman Daniels suggested implementing the contract section regarding the architects' proposal for using the public schools to use the project for educational purposes. Mr. Martin said they would ask the contractor to pursue the suggestion.

Mayor Taylor commented that he would like to see local citizens involved in actually doing the labor. Mr. Martin felt the community involvement would work out fine.

Councilman Prince noted that the design takes 12% of the project; he asked if our staff would be able to do some of the design work in the future for other park projects. Mr. Martin said, at this point, he felt the City had the staff that could design the parks, however, they cannot afford to take the time from their current duties for such a project. Mr. Martin noted that he felt City employees would learn a lot from this design project.

Administrator Jordan commended Jack Martin and Jerry Stanbery for all the work they had done on this project. He noted that usually department heads handle bidding, analyzing and selection for these type of projects. Mr. Jordan said he agreed with Councilman Prince and, hopefully, in the future we can do these things internally.

Administrator Jordan reiterated that property acquisition was through the Community Development Block Grant program. The development will be paid with Park SDC's, which are for that purpose.

****Councilman Daniels moved to enter into a contract with Nevue Ngan Associates for designing the S. Locust Street Park for the sum of \$9,950. Motion seconded by Councilman Prince and approved 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 911 - **Councilman Prince moved to adopt Ordinance No. 911, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC. FOR ENGINEERING AND DESIGN SERVICES FOR THE LOGGING ROAD INDUSTRIAL PARK; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Harris and approved by roll call vote, 6-0.

Resolution No. 544 - **Councilman Daniels moved to REMOVE FROM THE TABLE a motion of February 2, 1994 to purchase a microfiche/microfilm reader/printer for the library. Motion seconded by Councilman Prince and approved 6-0.

Administrator Jordan reported that he and Beth Saul had discussed the acquisition and decided on an internal transfer to purchase the equipment.

Councilman Harris asked if they had researched the state surplus. Mrs. Saul stated she did call, however, they did not have any "plain paper" printer. She said her research has led her to the conclusion that printers that use plain paper, instead of the thermal paper, are far easier to maintain.

(MOTION ON THE FLOOR) **Councilman Daniels moved to approve Resolution No. 554, A RESOLUTION AUTHORIZING THE PURCHASE OF A MICROFICHE/MICROFILM READER/PRINTER AND AUTHORIZING AN AGREEMENT WITH U.S. NATIONAL BANK OF OREGON FOR A LOAN TO PURCHASE SAID MACHINE. Motion seconded by Councilman Harris.

Councilman Daniels encouraged the Council to vote down the motion on the floor.

****Motion FAILED, 2-4, with Councilors Stark and Strong voting in favor.**

The Council gave an unanimous consensus to allow the library to purchase the above mentioned equipment through an internal transfer.

Resolution No. 555 - Bob Hoffman reminded the Council that he had previously noted that funds were available from the Department of Transportation and Land Use Conservation and Development Department to aid cities in transportation and development management. The recommended proposals for funding are:

1. Hiway 99E Access Management Plan
2. Metro Preferred Alternative for 2040 Plan Applied to Canby
3. Application of Tools-Urban Reserve, Delayed Annexation, County Cooperative Agreement, etc.
4. Transportation System Plan Implementation Ordinance and Comprehensive Plan Policies.

Mr. Hoffman said the local match is 15%, which will be out of the current budget and basically include his time. He said he didn't expect to receive all four proposals, however, he would be happy to receive even one.

****Councilman Nolder moved to adopt Resolution No. 555, A RESOLUTION AUTHORIZING APPLICATION FOR STATE AND FEDERAL FUNDS (ODOT AND DLCD). Motion seconded by Councilman Harris.**

Councilman Prince asked if we could afford the matching funds if we were to receive all four grant requests. Mr. Hoffman said the current staff would be "stretched far," however, he really doesn't expect to receive all four.

Administrator Jordan reminded the Council that we had \$10,000 budgeted for matching grants, and none of that has been spent this fiscal year. He added that a good percentage of the matching funds will be in-kind services.

The Council discussed the Metro 2040 Plan, and it was noted that there are three alternatives to the 2040 Plan, and we don't know which scenario will be chose at this time.

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

(Mayor's "trivia" for the day.) Mayor Taylor commented that in 1943 the population was 910, today's population is almost 10,000.

UNFINISHED BUSINESS: Change Order Request for Sewer Plant - Steve Hanson, Sewer Plant Supervisor, requested approval for a change order to run new conduit and additional wire to correct the primary sludge vault and sludge blanket monitors to the SCDA system. The request is for approximately \$3,000. He pointed out that now would be the time during the construction process that this needs to be done.

****Councilman Daniels moved to approve the Change Order request for the Sewer Treatment Project in the amount of \$3,000 for conduit and wire for the primary sludge vault and blanket monitors. Motion seconded by Councilman Nolder.**

Councilman Daniels asked if this was actually a part of what would have been in Phase II. Mr. Hanson said that was correct.

Administrator Jordan reminded the Council that the SCDA system was authorized in a Change Order a few months ago for approximately \$69,000, and this request is a part of that system.

Councilman Harris asked if this was overlooked and what would be the consequences if it were not approved. Mr. Hanson said it was overlooked. Mr. Hanson said the SCDA system is an automation of many of the functions, which ultimately saves man-hours. If this were not approved the plant could still function; it would just keep staff from physically monitoring the sludge pump.

Councilman Daniels noted that because the original costs for the project were lower than budgeted, the City has had the opportunity to implement some of the future Phase II projects.

****Motion on the floor was approved 6-0.**

OTHER REPORTS OR ANNOUNCEMENTS: Emergency Management Information - Chief Giger reported that he has been participating in meetings since July 1993, for Emergency Management and Disaster Planning. He said the State of Oregon will be working on Disaster Preparedness Management from April 13-24, 1994. Clackamas County has planned a disaster exercise to assess our resources and needs. Mr. Giger said a simulated disaster will be scheduled in Canby, and the Police and Fire Department will work together with an "Incident Command System and Emergency Operation Center" during this exercise. Mr. Giger said the management groups will coordinate everything, such as: incident commander, people responsible for media releases, people responsible for operations, staff responsible for personnel, and people responsible for acquiring any needed resources. Mr. Giger said the schools, churches and some businesses will also be involved in this exercise. Chief Giger said it will take about four hours out of the "targeted" day to participate in this exercise.

Chief Giger said more information will be forthcoming regarding this exercise. After the exercise, they will meet with Clackamas County and assess the project.

- ACTION REVIEW:**
1. Appointing Chris Stutes to the General Canby Day Committee and Councilwoman Stark as liaison.
 2. Appointing Bob Westcott, Ron Berg and Georgia Newton to the CUB Board.
 3. Appointing Vern Keller to the City Budget Committee.
 4. Entering into an Intergovernmental Agreement with Clackamas County for DARE Program.
 5. Entering into a contract with Nevue Ngan Associates for Design on the S. Locust Street Project.
 6. Entering into a contract with Curran-McLeod for the design and engineering of the Logging Road Industrial Park Project.
 7. Internally acquiring a Microfiche/Microfilm Reader.
 8. Submitting applications to ODOT and LDCD for grants.
 9. Implementing a Change Order at the Sewer Plant for conduit and wiring.
 10. Reviewing Jason LaBeck's request for library privileges.

Mayor Taylor reminded everyone of the "Visioning" program on February 19, 1994, starting at 9:00 am at the high school. He urged citizens to call City Hall if they can attend.

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

Mayor Taylor recessed the regular session at 9:20 p.m. to go into Executive Session. The regular session was reconvened at 10:20 p.m. and immediately adjourned.

**EXECUTIVE SESSION
FEBRUARY 16, 1994**


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


Mayor Taylor called the session to order in the CUB board room at 9:38 p.m.

ORS 192.660 (1)(e) - The Council discussed the following real property issues: Andrus Property and the S. Pine Street Hellhake property.

There was no need for the ORS 192.660 (1)(h) litigation discussion.

Mayor Taylor adjourned the session at 10:17 p.m.


Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor