

**CANBY CITY COUNCIL
REGULAR MEETING
OCTOBER 19, 1994**

Mayor Taylor presiding for the most of the meeting with Council President Prince taking over the last portion. Council members present: Roger Harris, Terry Prince, Cheryl Stark, Shirley Strong and Walt Daniels. Absent: Dennis Nolder.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, City Planner Bob Hoffman, Police Chief Jerry Giger, Librarian Beth Saul, Curt McLeod, Officer Tim Sommers, Vern Keller, Larry & Wanda Fraff, Patti Flag and several employees from the Police Department.

Mayor Taylor called the regular 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 REGULAR SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session October 5, 1994. Motion seconded by Councilman Daniels and approved 5-0.

Mayor Taylor announced that he would be moving various items on the agenda tonight. He noted that he would be leaving the meeting early to catch a flight out of town.

PROCLAMATION: Anne Frank Weeks - Mayor Taylor proclaimed the weeks of October 18 through October 30, 1994 as Anne Frank Weeks in the City of Canby. Mr. Taylor said he attended the opening ceremonies on Sunday and felt it was a "powerful and moving opportunity" for the citizens in Canby. He urged people to attend the exhibit at the Performing Arts Center at the High School.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approved accounts payable in the amount of \$117,655.33. Motion seconded by Councilwoman Stark and approved by roll call vote, 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Honorable Service Medal - Mayor Taylor commented that with recent articles and letters in the local newspaper, there appears to be problems between the City Council and Police Department. He said that the City Council was confident that the City Police were doing an excellent job.

Chief Giger introduced Officer Tim Sommer who had been recommended for the Chief's Medal of Valor by Lt. Jim Scharmota. Officer Sommer was injured on April 19, 1994 while in pursuit of a suspect that had caused a disturbance in a City park. Officer Sommer continued his pursuit after breaking his elbow. After the suspect was apprehended, it was revealed that his vehicle had been stolen and contained several hundred dollars of stolen property. Chief Giger noted that this award is given for "exceptional heroism."

The Chief reported that Officer Sommer is also eligible for the Legion of Honor Award due to his injury. The injury might be a permanent disability, however, Mr. Sommer is seeking further medical advise since he wants to continue his law enforcement career.

ORDINANCES & RESOLUTIONS: Resolution 576 - Beth Saul informed the Council that this resolution was drafted to officially acknowledge current library fees and to initiate future fees for various services. Some of the future and new fees are notary services and computer training.

****Councilman Daniels moved to adopt Resolution No. 576, A RESOLUTION ESTABLISHING FEES FOR THE CANBY PUBLIC LIBRARY. Motion seconded by Councilwoman Stark and approved 5-0.**

Ordinance on Excise Tax - Mayor Taylor announced that an ordinance on this subject had been on a previous agenda and is now back for further consideration.

Attorney Kelley reported that Metro had recently passed an "Excise Tax Ordinance," and he had used their example to make some changes to the version presented tonight. The proposal is to levy a tax on new construction or improvements for only residential development and is based on square footage. Mr. Kelley pointed out that Section 9 provides a procedure for rebates for low income and elderly applications. Also, a refund is allowed if the permit is canceled. The ordinance also has provisions for an appeal and sets forth penalties.

****Councilman Daniels moved that the Ordinance on Excise Tax, AN ORDINANCE RELATING TO TAXATION, ESTABLISHING A CONSTRUCTION EXCISE TAX; AND DECLARING AN EMERGENCY be posted and come up for final action on November 2, 1994. Motion seconded by Councilwoman Strong.**

Discussion - Councilman Daniels asked what the fee would be on a typical home. Administrator Jordan said a home of 1,000 square feet would be \$250; one of 1,500 square feet would be \$500; a home of 2,000 square feet would be \$875 and an additional \$1.00 per square foot for anything over 2,000 square feet. He added that the rebate provision will allow for affordable housing.

Councilman Harris commented that new housing costs the City money, specifically to provide services and infrastructure. He felt the proposed tax helps to equalize these added costs.

Councilman Prince pointed out that this was also a new revenue source and hoped the revenues would be designated for Police Department and road maintenance.

Mayor Taylor said that the proposed excise tax was discussed at a recent budget meeting as a method to help address cost of services and growth.

Councilwoman Stark asked the City Attorney if this tax was legal. Attorney Kelley replied that this is a political rather than legal decision. He noted that the City's "home rule" charter allows the Council to impose taxes.

Councilman Daniels commented that in his two years in real estate, it was his opinion, that it was less expensive to develop in Canby, and people were interested in living here because of the "livability."

Councilwoman Strong asked if there was a guarantee where the additional revenue would be designated. She was told that this would be a decision made by the budget committee.

****The motion on the floor to approve on first reading the Excise Tax Ordinance was 4-1, with Councilwoman Stark voting nay.**

****Councilman Prince moved to go into Executive Session under ORS 192.660 (10(d), regarding labor negotiations. Motion seconded by Councilwoman Stark and approved 5-0.**

Mayor Taylor recessed the regular session at 8:00 p.m. to go into Executive Session. The regular session was reconvened at 8:25 p.m.

Mayor Taylor informed the Council that Resolution No. 575, regarding Strom Water Master Plan and Methodology for SDC would be reset to the next session. Also, a public hearing is scheduled for the matter at that time.

NEW BUSINESS: METRO 2040 Preferred Alternative Impacts on Canby - Bob Hoffman recommended that the City participate in a Policy Advisory Committee to assist in evaluating the impacts of the METRO 2040 Preferred Alternative Plan. He suggested appointing three Canby representatives to this committee which will meet once a month. Canby will host the first meeting.

Councilman Prince and Daniels both volunteered to serve on the METRO Policy Advisory Committee. It was suggested that someone from the Planning Commission be appointed, as well as an alternative from the Commission.

Workshop - Mayor Taylor set November 2nd, 6:00 p.m., as a workshop session to discuss the Police Department shift scheduling.

ODOT Intergovernmental Agreement - Bob Hoffman reminded the Council that the City had been awarded a \$50,000 grant from ODOT to prepare a Highway 99 E Access Management Plan. The City will have an \$8,000 "soft match."

****Councilman Daniels moved to authorize the Mayor to sign on behalf of the City, an Intergovernmental Agreement between the City and Oregon Department of Transportation for a Highway 99E Access Management Plan. Motion seconded by Councilman Harris.**

Discussion - Councilman Prince asked if the portion of the highway north of Canby near the Spinning Wheel would be addressed in view of several recent accidents. Mr. Hoffman said it would be addressed since it is in the Urban Area.

Councilman Prince asked if S. Ivy to 13th Avenue would be considered. Administrator Jordan replied that it is a County road and only the connecting intersections on Highway 99E would be considered.

****The motion to authorize approval of the ODOT Intergovernmental Agreement was approved 5-0.**

Change Order for Logging Road Industrial Park - Curt McLeod first informed the Council that the State is looking for additional funding for the light on 99E and Pine.

Mr. McLeod reviewed the three areas needing additional funding for the Logging Road Industrial Park Project:

1. Concrete retaining wall at 254 S. Pine - \$2,500 to remedy the impact on this home for obtaining street right-of-way.
2. Manhole reconstruction - \$4,230 to reconstruct the manholes because when the sewer was installed last year the road grades were not available; manholes needed to be shortened.
3. Conduit Sweeps - \$312 to assist ODOT in construction of the signal wiring,

The total change order request is \$7,042.

****Councilwoman Stark moved to authorize the Logging Road Industrial Park change order in the amount of \$7,042. Motion seconded by Councilman Prince and approved 5-0.**

Mr. McLeod also pointed out that the project budget has a \$40,000 contingency fund.

ORDINANCES & RESOLUTIONS: Ordinance No. 928 - Administrator Jordan reported that this ordinance is being considered for final action to amend SDC charges to include storm water.

****Councilman Harris moved to adopt on final reading Ordinance No. 928, AN ORDINANCE AMENDING ORDINANCE NO. 867, REGARDING SYSTEM DEVELOPMENT CHARGES FOR CAPITAL IMPROVEMENTS FOR WASTEWATER, STORM WATER, DRAINAGE, FLOOD CONTROL, TRANSPORTATION AND PARKS AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved by roll call vote, 5-0.**

(Mayor Taylor left the meeting at this time and Council President Terry Prince took over the gavel, 8:45 p.m.)

Resolution 574 - Attorney Kelley noted that this resolution implements the adoption of the Transportation Systems Plan and establishes the SDC methodology.

Administrator Jordan pointed out that the requested additions were added with "Exhibit A."

Councilman Prince asked what phase the N. Ivy Street improvements would be in. Mr. Jordan replied that improvements from the highway to 10th would be very expensive, and a cost analyze should be done on such a project so a later phase was suggested.

Councilman Daniels said, in his recollection, no phase was mentioned and a traffic study would be done to see if N. Ivy fit the criteria as a collector street.

Curt McLeod estimated such a project to be \$300,000.

Bob Hoffman reminded the Council that SDC funds are only for growth projects, and there is still some question if any core area problems could be justified to meet the growth criteria.

Attorney Kelley pointed out that N. Ivy is an "existing" problem, and SDC funds cannot be used for existing improvement needs.

Administrator Jordan said the City would work with the consultant to see if N. Ivy can fit the necessary criteria for SDC funding.

****Councilman Daniels moved to adopt Resolution No. 574, A RESOLUTION APPROVING A TRANSPORTATION SYSTEMS PLAN AND ESTABLISHING A METHODOLOGY FOR A TRANSPORTATION SYSTEMS DEVELOPMENT CHARGE. Motion seconded by Councilwoman Strong.**

Discussion - Councilman Daniels pointed out the additions on Exhibit A:

1. Proposed new "signal" and related improvements for 13th Avenue and S. Ivy is moved from 6-10 year phase to the 1-5 year phase.
2. N. Ivy is proposed to be a collector street from NW 1st Avenue to NW 10th

Avenue with a collector street connection proposed for NW 4th between N. Holly and N. Ivy.

3. The related tax and maps of the proposed plan are revised to be consistent with the above described proposals.

****The resolution was approved 5-0.**

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Meetings - Administrator Jordan reminded the Council of the annual League of Oregon Cities convention November 17 - 21, 1994.

Mr. Jordan also informed the Council of the Clackamas Cities monthly meeting next Thursday in West Linn.

METRO 2040 - Bob Hoffman noted that hearings will be scheduled in the near future on this matter and the Council will be kept informed.

99E Hazard - Chief Giger informed the Council that a citizen committee has organized to meet with ODOT regarding the area on 99E near the Spinning Wheel where so many accidents seem to occur. Mr. Giger said his department will be setting up a reader board for speed indication.

Officer Training - Chief Giger reported that his Police Officers will be taking a refresher course this month regarding high speed pursuit.

- ACTION REVIEW:**
1. Request volunteers from Planning Commission for METRO PAB.
 2. Authorize ODOT Intergovernmental Agreement.
 3. Implement Logging Road Industrial Park Change Order.
 4. Implement Ordinance 928, regarding Storm Water SDC's.
 5. Post ordinance on Excise Tax in preparation for final action on November 2nd.
 6. Adopt Transportation Systems Plan and SDC methodology as per Resolution 574.
 7. Implement Library fee schedule as per Resolution 576.

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

EXECUTIVE SESSION
OCTOBER 19, 1994

Present: Mayor Taylor, Councilors Prince, Harris, Stark, Strong and Daniels, Administrator Jordan, Assistant Chaplen and Chief Giger.

The Executive Session was called to order at 8:02 p.m. in the CUB board room.

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

Mayor Taylor adjourned the session at 8:23 p.m.


Marilyn K. Perkett, City Recorder


Scott Taylor, Mayor

PROCLAMATION

WHEREAS, the Canby Anne Frank Community Exhibit Steering Committee, along with local businesses, PTA's, and other organizations are bring the Anne Frank Community Exhibit to the Canby High School Performing Arts Center from October 18 through October 20, 1994; and

WHEREAS, many related events will be scheduled during this two week period including a special Opening Ceremony and Holocaust survivors sharing their experience in classrooms and public forums, films, discussions and musical and theatrical presentations; and

WHEREAS, all exhibits and events will be free of charge to everyone;
and

WHEREAS, discrimination and prejudice are fostered by ignorance and misunderstanding, therefore, the exhibit is offered as a caution against man's inhumanity to man.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, hereby proclaim the weeks of October 16th through the 30, 1994 as

ANNE FRANK WEEKS

and call upon the citizens of Canby to observe the time by observing the exhibit or volunteering time and resources towards making the event a large success.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 19th day of October in the year of our Lord One Thousand Nine Hundred and Ninety-Four.

Scott Taylor, Mayor