

CANBY CITY COUNCIL
REGULAR MEETING
MARCH 17, 1993

WORKSHOP: The City Council, Public Works Director, City Recorder and Dorothy McCormick met in workshop session at 6:00 p.m. in the Canby Utility Board Conference Room. The purpose of the session was to discuss the future of the Adult Center and to "brainstorm" on some future sessions with other agencies.

REGULAR SESSION: Mayor Scott Taylor presiding. Council members present: Maureen Miltenberger, Dennis Nolder, Terry Prince, Cheryl Stark, Walt Daniels and Joe Driggers.

Also present: Public Works Director Rusty Klem, Police Chief Jerry Giger, City Treasurer Virginia Biddle, Aquatics Director Scott Nelson, City Planner Bob Hoffman, Librarian Beth Saul, City Recorder Marilyn Perrett, Budget Committee members Dan Wilcox, Burt Lindsey, Donna Jean McManamon, Carole Lake and Morris Cederquist, Don Lauinger, Tim Hopkins, Paul Stipe, Karen Cederquist, Genevieve Hoffman, Tom Binder, Jean & Ken Perinchief, Craig & Karen Shinn, Susan Abe, Lynda Hines, Lillian Bigbee, Wendy Allison, John Cetshow, Ted & Terry Dolney, Nancy & Michael Powers, Pat Mitchell, Margaret Aurity, Kevin & Rick Cederquist, Sherry & Linda Cornett, Ken MacColman, Rick Maier, Rod & Kai Galyen, Sandie Schrabler, Helen Potampa, Dorothy McCormick, Neil Ericksen, Tom & Tamara Mahar, Nancy Cook, Nancy Silver, Kimberly Churchill, Tim, Tom & Janice Skipper, Frank Gutierrez, Becky Ashton, Paul Boring, Verda Miltenberger, Betsy Ross, Mark O'Shea and several others.

Mayor Taylor called the regular session to order at 7:30 p.n. 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 Daniels moved to approve as distributed the minutes of the regular meeting, March 3, 1993. Motion seconded by Councilman Prince and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Police Commendations - Chief Giger reported that he had three departmental awards to present. The first was an award to Jerry Gustaveson, "Exceptional Duty Metal", because of his spare time assignment to organize and manage drug abuse prevention programs. Office Gustaveson has worked several years with the school system in various capacities. Jerry Gustaveson was present to accept the award.

The next award was a "Honorable Service Medal" awarded to Dennis Swanberg, who was not available this evening. Officer Swanberg was instrumental in building a narcotics program from the ground up for the past three years.

Officer Tim Skipper was present to accept a "Combat Cross" in regards to an incident last November, 1992, which involved Officer Skipper's life being threatened by an armed individual. Tim Skipper went through an intense investigation by the Clackamas County Grand Jury and was found to have acted properly during the incident.

Mayor Taylor commended the officers and expressed the City's pride in the department. He also noted that Chief Jerry Giger has been accepted into the FBI Academy and will be leaving soon for that training.

(The Council Chambers was full of citizens that were opposed to the OCA initiative petition that was being circulated to make a City Charter amendment. In fact, prior to the meeting Mayor Taylor requested that some of the audience wait outside the building to keep us in compliance with the Fire Marshal's restriction of capacity occupants for the building.)

Ken Perinchief, 583 N.E. 10th Canby, acting as a spokesperson for many in attendance, requesting the Council to take immediate action on the petitions circulated by the OCA for a City Charter amendment. Mr. Perinchief commented that the proposed charter amendment will put the "quality of life in jeopardy in Canby" and affects citizens right to privacy and the right to a constitutional happiness.

Mark O'Shea, Canby resident, commented that a group of people are trying to take away the rights of another group of people; he urged the City Council to consider the Constitution of the United States. He urged the Council to stand on the position of "right and fairness."

Genevieve Hoffman, 291 S. Locust, the state chair for Oregon Common Cause, member of the Women League of Voters and active with the MECA group, noted that she was speaking for these organizations, as well as herself, against the petitions being circulated at this time. She urged the Council to fight this level of prejudice and discrimination.

Karen Cederquist, 396 S. Manzanita Court, as a part of the gay and lesbian community in Canby, urged the Council to deny the OCA a ballot measure. She said she asked for no special rights, only her rights as a human being.

Morris Cederquist, Canby resident, commented that the gay community is not requesting special rights, only the same rights as every other person in the community. "Hate thy neighbor should not be part of our mission," he urged the Council to make Canby a friendly place to live.

Lauretta MacColman, lives outside of Canby but considers Canby her home. She informed the Council that a campaign has been initiated to collect signatures who are against the OCA initiative. They will be returning to the Council at a later time with the petitions.

Susan Abe, resident of Canby, passed out text from a person not able to attend the meeting. She also passed out a copy of a resolution like one that has been adopted by Albany, Estacada and many other communities, to say there is no place in the town for "hatred and bigotry." She implied that if the proposed resolution that she passed out was not passed by the Council tonight, then this group would have a candle light vigil on April 7th.

Kevin Cederquist, informed the Council that he and his family were present to support his sister, Karen Cederquist, and requested that the Council not pass the proposed charter amendment.

Mayor Taylor thanked the audience and asked for comments from the Council.

Councilman Driggers thanked the audience for attending tonight. He reviewed a personal story which involved his Grandfather who was forced to become a farmer in Wyoming. Years later, Mr. Driggers said his Mother received a check and letter of apology from the U.S. government, however, his grandfather did not live to receive this apology. Mr. Driggers said he could not support any law that would deny civil rights to any other group of citizens.

Councilwoman Stark also thanked everyone for coming down to address the Council. She

agreed that she did not have the right to take away rights from others.

Councilwoman Miltenberger noted that she has been involved with the group that was present, she said she was proud to be a part of them and feels very strongly about what they are doing.

Mayor Taylor explained that the Council does not usually accept a resolution from the floor to act upon. He thanked them for coming down tonight.

Attorney Kelley said the resolution does not take the measure off the ballot, it urges the citizens to reject the measure.

Councilwoman Miltenberger requested this resolution, or one similar, be placed on the April 7th agenda.

Mayor Taylor noted that this issue will be addressed at the April 7th meeting.

Mayor Taylor requested a short recess at 8:04 p.m. to allow the those who were present on this issue a chance to exit the chamber. The regular session was reconvened at 8:10 p.m.

PUBLIC HEARINGS: 92-93 Supplemental Budget - Mayor Taylor reviewed the hearing process for the issue.

Mayor Taylor asked if any of the hearing body had any conflict of interest on the hearing matter. None was declared. The Mayor asked the hearing body if anyone had any exparte contact on the hearing matter. None was declared.

Mayor Taylor opened the hearing on one of two hearing matters at 8:12 p.m.

STAFF - City Treasurer, Virginia Biddle, reviewed the requests for the Supplemental Budget. The General Fund has a total of \$58,600 in resources that have been scheduled for expenditures. The Sewer Construction Reserve has a total of \$3,996,711 from the 1992 Sewer Bond sales and are scheduled for expenditures for this project.

Mayor Taylor asked if anyone else wished to testify on the Supplemental Budget. No one voiced an interest. Mayor Taylor closed the hearing on this issue.

State Revenue Sharing - Mayor Taylor again asked the hearing body for any conflict of interest or exparte contact. None was declared.

STAFF - Treasurer Biddle explained that we are anticipating State Revenue funds for 1993-94 in the amount of \$30,000. She said that this money has been historically budgeted for outside agencies, such as Canby Kids, Canby Adult Center, etc.

Mayor Taylor asked if anyone present wanted to testify on the State Revenue Sharing hearing. Nothing was declared.

Mayor Taylor closed the hearing sessions at 8:17 p.m.

****Councilman Prince moved to adopt Resolution No. 532, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET. Motion seconded by Councilman Daniels and approved 6-0.**

Mayor Taylor thanked the budget members for the many dedicated hours in helping with the City's economic affairs.

COMMUNICATIONS: Mayor Taylor informed the Council that he had received an announcement from the Clackamas Women's Services, the only agency in the County that provides service to victims of domestic violence. The group is having a casino night to raise funds for this organization at the Monarch Hotel this Friday night at 7:00 p.m.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$77,686.00. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.

91-92 Audit - Neil Erickson, from our auditing firm of Grant Thornton, briefly reviewed the 91-92 City audit. Mr. Erickson informed the Council of the three sets of standards that his company must follow in auditing the City. Mr. Erickson passed out a "Performance Review" to the Council and reported that the City of Canby had a financial department to be proud of and no significant problems exist. He specifically reviewed page six of this report and noted that our biggest problem had been in creating a "fixed assets" system, which has been accomplished. He mentioned that a couple of employees have gone over the limit in accrued vacation.

Mayor Taylor thanked Mr. Erickson for his report and requested that the City receive a copy of the CUB Performance Review as an informational tool.

Future of Canby Adult Center - Mayor Taylor reminded the Council that the Friends of the Canby Adult Center has requested consideration by the Council of terminating the current contract with Loaves & Fishes and develop a local control organization.

Dorothy McCormick, Adult Center Director, informed the Council that, historically since the senior citizens organized many years ago, the endeavor was to eventually have local control for the center. She said the Friends of the Adult Center unanimously voted to terminate the Loaves and Fishes contract and are willing to be a non-profit policy making board. Under this group a management team will be appointed from interested local citizens, hopefully, with expertise in various fields, such as finance; and under the management team, the staff will perform day to day operations. Mrs. McCormick felt it would be financially beneficial to have the local control and encouraged the Council to send a letter to the Loaves and Fishes requesting termination of the current contract. The Loaves and Fishes require a written 90 day notice of termination, and the Friends Group would like to take over the first of July.

**Councilman Daniels moved to instruct staff to notify Loaves and Fishes, Inc., of a 90 day notice to terminate the current contract for the Canby Adult Center. Motion seconded by Councilman Prince and approved 6-0.

Mayor Taylor encouraged citizens interested in serving on the management team to contact City Hall or the Adult Center.

Swim Center Appointment - Scott Nelson, Aquatics Director, reminded the Council that there has been a vacancy for a few months on the Advisory Board. To date, only one application has been received, however, Mary Jo Jarmer is very qualified and is an avid pool user.

**Councilwoman Stark nominated Mary Jo Jarmer to the Canby Swim Center Advisory Board, with her term expiring in July 1994. Motion seconded by Councilman Nolder.

Councilman Daniels suggested closing nominations.

**Motion to nominate Mary Jo Jarmer was approved 6-0.

ORDINANCES & RESOLUTIONS: Ordinance No.885 - Mayor Taylor noted that this was the second reading of an ordinance to purchase in-line television equipment with Flexible Video Systems. Also, members in the audience wished to address this issue.

Don Lauinger addressed the Council regarding his concerns about City procedure for purchase of the proposed in-line television system. He reminded the Council that in view of Oregon's Measure 5, we should be sure we are getting the best value for our money. Mr. Lauinger said the unit we are considering is \$95,000 and is a rehabilitated piece of equipment. His primary objection was that we did not follow the open bid process. He suggested there were other options to consider for a more cost effective purchase, including contracting services. He also implied that it would take two new additional employees to operate the system we are considering. He said that he was not saying the Flexible System was not a good system, however, he felt there were other options and systems at a better value. He reiterated that if we follow the open bid process with good specs we would receive a better value.

Tim Hopkins, a representative from the Cues provider from Washington and competitor of Flexible, informed the Council that prices for this type of equipment are now being bid at the 1980 year price. He suggested this was not a "sole source" piece of equipment since there are numerous vendors for this television equipment.

Rusty Klem said the crew looked at three systems very carefully and that Tom Binder from Flexible Systems was available to answer questions.

Tom Binder informed the Council that their equipment is typically not a "low bid" but a superior system. The equipment in question has a brand new electronic system, an on-board laboratory, and the chassis had only 7,900 miles and was totally refurbished. He said they are routinely 10 to 20 thousand dollars higher than other vendors due to the features of their equipment. Mr. Binder said they could build cheaper trucks, however, he felt the piece of equipment in question is the best value for our money. Mr. Binder said the crew has seen the equipment and likes it.

Councilwoman Miltenberger asked what our sole source policy entailed. Mr. Klem said we did not view this as sole source since we received quotes and checked out three systems.

Councilman Driggers requested that staff review the OAR regarding the open bid process.

Dan Mickelsen, City Public Works crew member, informed the Council that the entire crew agreed that the Flexible unit was of the highest quality, user friendly and far superior to the other units they tested.

Councilman Nolder commented that it was not the quality of the equipment, but the legality of the process that we used to obtain prices.

****Councilman Nolder moved to table Ordinance No. 885 to allow staff to research the proper purchasing method. Motion seconded by Councilman Daniels and approved 6-0.**

Attorney Kelley reported that he had researched the lease agreement on the proposed in-line television purchase and the proposed leasing company was charging 9.35 percent interest. Former Mayor Carroll had agreed to a 5.2 percent interest rate through the U.S. National Bank on the purchase, with a \$300 loan fee.

Mayor Taylor requested a brief recess at 9:26 p.m. and reconvened the regular session at 9:34 p.m.

Ordinance 886 - Curt McLeod reviewed the twelve bids received at the bid opening on

Tuesday, March 16th. The low bid was from Slayden Construction for \$2,681,000 and the second lowest from McClure & Sons for \$2,899,499. After that the bids were all very close, however, a bid from Boyd, Inc. was considered non-responsive due to an error in their bid. Mr. McLeod recommended that the Council allow him to award the bid to the low bidder, Slayden Construction.

Councilman Prince asked if this was a reliable firm. Mr. McLeod said that they have met the pre-qualifications, obtained full bonding for the project, constructed the Mt. St. Helens Visitor Center and are currently building a sewage plant in the City of Siletz.

Mr. McLeod pointed out that since the bids came in lower than anticipated, we may have approximately \$600,000 for "seed money" for phase two the plant expansion, as well as a 5 percent contingency fund for construction.

****Councilman Daniels moved that Ordinance No. 886, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH SLAYDEN CONSTRUCTION IN STAYTON, OREGON, FOR THE RENOVATION, REMODELING AND UPGRADING OF THE CANBY SEWAGE TREATMENT FACILITY; AND DECLARING AN EMERGENCY** be posted and come up for final action on April 7, 1993; and that Curt McLeod be authorized to sign the Notice of Award for the contract. Motion seconded by Councilwoman Stark.

Mayor Taylor commented that he would like to see the construction scheduled time line adhered to "as much as possible" and he was extremely pleased that the bids came in low.

Mr. McLeod said the construction start is scheduled for mid-April and the completion date is scheduled for June 1994.

****Vote on the motion on the floor was for approval, 6-0.**

Resolution 553 - City Planner, Bob Hoffman, informed the Council that this "fair share" contribution for Redwood Meadows Subdivision and Redwood Terrace Apartments on the corner of N. Redwood Street and Territorial Road was based on the same methodology used in the Willow Creek contribution proposal. This contribution is for a future traffic signal on Territorial and 99 E.

****Councilman Driggers moved to adopt Resolution No. 544, A RESOLUTION TO ACCEPT AN OFFER OF \$4,000 FROM REDWOOD MEADOWS SUBDIVISION AND REDWOOD TERRACE APARTMENTS AS A "FAIR SHARE" CONTRIBUTION.** Motion seconded by Councilman Prince and approved 6-0.

UNFINISHED BUSINESS: Mayor Taylor informed the Council that he had received a letter from Mayor Yamada thanking the City of Canby for the hospitality shown them during their recent visit during our Centennial celebration.


OTHER REPORTS OR ANNOUNCEMENTS: Library Department Update - Beth Saul informed the Council that she only had a couple things to review:

- * the library is currently doing citizen surveys on various questions by simply keeping a legal pad out on the counter for the patrons.
- * the library staff had developed a mission statement which the Council received in the last monthly report.
- * part of the grant money for the "English as a second language" program had arrived and the computer has been purchased.


Bob Hoffman passed out two documents to the Council, one a final draft of the proposed Historic Preservation Ordinance and suggested the Council set April 21, 1993 has a public hearing for this ordinance; the other document is an ordinance for a series of amendments to the development code.

- ACTION REVIEW:**
1. Return to April 7th meeting with a resolution similar to the Albany resolution regarding OCA issue.
 2. Resolution 532 approved a Supplemental Budget.
 3. Distribute copies of the CUB audit performance recommendations.
 4. Send letter to Loaves & Fishes requesting termination of the current contract.
 5. Appointment of Mary Jo Jarmer to the Swim Center Advisory Board.
 6. Staff research open bid process.
 7. Give Slayden Construction notice of award for the sewer project.
 8. Accept \$4,000 for the Redwood Meadows/Terrace Fair Share Contribution.

Mayor Taylor adjourned the regular session at 9:50 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor