

**CANBY CITY COUNCIL
REGULAR SESSION
JUNE 16, 1993**

WORKSHOP: The Mayor and City Council met in workshop session at 6:00 p.m. in the Utility Board room. Present were Mayor Taylor, Councilors Prince, Nolder and Stark, Administrator Jordan and Recorder Perkett.

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Librarian Beth Saul, City Treasurer Virginia Biddle, City Planner Bob Hoffman, Assistant Planner Jim Wheeler, City Recorder Marilyn Perkett, Betsy Ross, Dorothy McCormick, Jack & Lois Murray, Barbara Guild, Rick Maier, Ted Dolney, John Watson, Curt McLeod, Ray Milborn, Janet Paulson and Cam Sivesind.

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

Roll call of the Council showed a quorum of four members present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session, June 2, 1993. Motion seconded by Councilman Nolder and approved 4-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Rick Maier, representing Canby Neighbors for a Safe Community, read a letter of thanks to the City Council and several staff members for assisting in making their June 13th event, "Sounds of Harmony" a success.

Mike Dawson, OCTS Production Coordinator, presented the City with a video copy of the May 19, 1993 Council meeting, when the Council observed the 100th anniversary of the first original City Council meeting in May, 1893.

PROCLAMATION: Mayor Taylor proclaimed the week of June 23-30, 1993, as "Dorothy McCormick Week" in honor of her retirement as the Canby Adult Center Manager. The Mayor presented Mrs. McCormick with a bouquet of flowers in an engraved crystal vase and a restaurant gift certificate. Mrs. McCormick thanked everyone for the honor and gifts.

PUBLIC HEARING: Mayor Taylor reviewed the hearing procedure for the four hearings scheduled and noted they would be under one hearing time period. The hearing procedure was opened at 7:40 p.m.

Mayor Taylor asked the audience for an indication of those wishing to testify on any of the hearing matters. None was expressed.

1992-93 Supplemental Budget - STAFF - Treasurer Biddle explained that Swim Center revenues of \$15,000 and Cash Carry Over of \$10,000, for a total of \$25,000 needed to be supplemental budgeted to allow expenditure. The Swim Center expenditure was for part time guards and instructors, \$15,000; and the \$10,000 was for Community Service Remodeling.

There were no questions by the hearing body.

1993-94 State Revenue Sharing - STAFF - Treasurer Biddle explained that this was the second hearing proposed \$30,000 the City would receive in State Revenue Funds, which are usually budgeted for out expenditure.

There were no questions by the hearing body.

1993-94 City Budget - STAFF - Treasurer Biddle briefly reviewed the proposed 93-94 budget of \$11,507,030. Ms. Biddle pointed out that approximately \$3,000,000 was for the sewer project with another \$2,000,000 to be in-house transfers to create new funds. Taxes to be levied are \$1,479,327.

There were no questions by the hearing body.

Street Vacation on S. Pine Street - Mayor Taylor asked the hearing body if anyone had any conflict of interest on the hearing matter. None was declared. The Mayor asked the hearing body to declare any ex parte contact. None was declared.

STAFF - City Attorney Kelley explained that one of the conditions of dedication of street right-of-way by John Watson for his S. Pine Street Mobile Home Park was to relocate S. Pine Street which required a vacation of the old "public way" known as S. Pine that bisects the Watson property. Mr. Watson has made his dedication and now the City is implementing the street vacation process. Mr. Kelley noted that we are still trying to obtain a proper legal description to become a part of the ordinance for recording.

There were no questions by the hearing body.

Mayor Taylor closed the public hearings at 7:50 p.m.

At this time, there were numerous resolutions and ordinances to consider to complete the hearing process.

Resolution No. 542 - **Councilwoman Stark moved to adopt Resolution No. 542, A RESOLUTION ADOPTING BUDGET AND MAKING APPROPRIATIONS FOR THE 1993-94 FISCAL YEAR. Motion seconded by Councilman Driggers and approved 4-0.

Resolution No. 543 - **Councilman Prince moved to adopt Resolution No. 543, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET. Motion seconded by Councilman Driggers and approved 4-0.

Resolution No. 544 - **Councilman Nolder moved to adopt Resolution No. 544, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion seconded by Councilman Driggers.

Administrator Jordan explained that this is a "housekeeping" document necessary to verify that the City provides the proper service requirements to qualify for revenues from cigarette, gas and liquor taxes.

**Motion was approved 4-0.

Ordinance No. 892 - **Councilman Prince moved that Ordinance No. 892, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR 1993-94 FISCAL YEAR be posted and come up for final action on July 7, 1993. Motion seconded by Councilman Driggers and approved 4-0.

Ordinance No. 895 - **Councilman Prince moved that Ordinance No. 896, AN

ORDINANCE VACATING A PORTION OF THE PUBLIC WAY KNOWN AS SOUTH PINE ST WITHIN THE PRESENT CITY LIMITS OF CANBY, AND DECLARING AN EMERGENCY be and come up for final action on July 7, 1993. Motion seconded by Councilman Driggers and approve

COMMUNICATIONS: General Canby Day Committee - Administrator Jordan reviewed a letter received at City Hall today from the General Canby Day Committee requesting use of City streets for a parade and walk; and blocking off the streets around Wait Park for the annual July 4, 1993, activities.

****Councilman Nolder** moved to authorize the General Canby Day Committee to hold their annual July 4th parade and to coordinate blocking off the streets around Wait Park with the Public Works Department. Motion seconded by Councilman Driggers.

Councilman Prince asked if the parade route had been changed for this year and was informed that part of the area on the map that was indicated as a route was for the walk/run event, the parade route is much the same.

****The motion was approved 4-0.**

Fourth of July Neighborhood Street Celebration - Administrator Jordan reminded the Council that this same request appeared last year from the Wieseans and Oswalds on N.E. 14th Avenue for a "Block Party" on July 4th.

****Councilman Prince** moved to authorize the requests from the Wieseans and Oswalds to block off N.E. 14th Avenue between Locust and Lupine Streets for their neighborhood "Block Party" on July 4, 1993. Motion seconded by Councilman Nolder and approved 4-0.

NEW BUSINESS: Accounts Payable - ****Councilman Prince** moved to pay accounts payable in the amount of \$272,301.28. Motion seconded by Councilman Driggers.

Mr. Prince noted that approximately \$140,000 of this sum was for payment for the ongoing sewer project.

****Motion was approved by roll call vote, 4-0.**

Year End Accounts Payable - Administrator Jordan reminded the Council that our fiscal year would end on June 30, 1993, and a Councilperson should come into City Hall to review the accounts payable so checks can be distributed on June 30.

****Councilman Prince** moved to authorize payment of the June 30, 1993, year end accounts after review by Councilman Daniels. Motion seconded by Councilwoman Stark and approved 4-0.

Mr. Prince noted that he would be available to review the year end accounts if Mr. Daniels was not available.

Sewer Rate Increase - Mr. Jordan reported that the Council had passed a resolution on March 25, 1992, establishing a rate structure that would increase sewer rate fees. The rate increase was necessary to pay the debt service on the bond for the sewer plant expansion project. Ray Bartlett, who performed the rate analysis, agrees with continuing the three phase increase. Mr. Jordan noted that a motion was not necessary, however, the general consensus of the Council was to go forward with the action taken last year and continue with the next phase increase effective July 1, 1993.

Emergency Communications Intergovernmental Agreement - Administrator Jordan

informed the Council that he has been working with a group for several months regarding the emergency communications in Clackamas County. This group worked mostly on the governance and funding. The five PSAP's (Public Safety Answering Points), of which Canby communication center is one, through Clackamas County. This agreement asks the entities that use the emergency communication services to form a management group (representatives from the elected body of all entities, a management group of CEO's of the entities and technical group) to operate county emergency communications. At this time, they do not know they would end up with five PSAP's, two or only one; this group, CREG, will make those decisions. "Futures" committee is focusing on what kind of structure to "buy into". This is the first step in moving to a centralized and coordinated look at county-wide communications.

Mayor Taylor noted that this is a management agreement and not a financial obligation.

****Councilman Prince moved to enter into an Intergovernmental Agreement with Clackamas Regional Elected Group for discussions of Emergency Communications. Motion seconded by Councilman Stark.**

Councilman Driggers asked what type of models were reviewed. Administrator Jordan said they discussed consolidating all PSAP's into one, creating more PSAP's, leaving the current five and ultimately setting up a structure that would deal with the issues. This is based on a Lane County model and is flexible to allow other technical groups to work on issues for other things, such as data processing.

Mayor Taylor said this is an area of personal interest for him and has met with the facilitator to briefly discuss the process.

Councilman Driggers asked if the need that inspired this was primarily due to areas that do not receive adequate emergency communications. Mayor Taylor said there are different types of equipment, the problem of "crossing lines" of certain areas in regards to radio use, and the technical/electronic use which needs a coordinated effort for all entities.

****The motion was approved 4-0.**

Adult Center Contract - Administrator Jordan reminded the Council that we have been working for about six months on the issue of having the Canby Adult Center run by a local group. This document would enter us into an agreement with the Clackamas County Area Agency on Aging for funds to assist in operating the Center, with the City sub-contracting to the non-profit group that will do the actual day-to-day operation.

****Councilwoman Stark moved to authorize the Mayor and City Administrator to enter into an Intergovernmental Agreement with Clackamas County Social Services Division/Area Agency on Aging and the City of Canby/Canby Adult Center in regards to operation of our local Adult Center; with the City as the contractor and the Friends of the Adult Center as sub-contractor. Motion seconded by Councilman Driggers and approved 4-0.**

Mayor Taylor and Administrator Jordan thanked the Adult Center patrons who have worked hard on this issue.

ORDINANCES & RESOLUTIONS: Ordinance No. 888 - Attorney Kelley reported that this was second reading on an ordinance that adopts the 1993 Oregon Dwelling Code so we are current.

****Councilman Nolder moved to adopt Ordinance No. 888, AN ORDINANCE ADOPTING THE 1993 OREGON EDITION ONE AND TWO FAMILY DWELLING CODE, REPEALING SECTION 2 (F) OF ORDINANCE 884; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved 4-0, by roll call vote.**

Ordinance No. 890 - Planner Hoffman pointed out that this was the final reading of an ordinance that incorporated 75 total changes in the current planning and development code. He said that copies were in the packet of the changes that were discussed at previous sessions.

****Councilman Driggers moved to adopt Ordinance No. 890, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE, seconded by Councilman Driggers.**

Councilman Prince said he opposed the motion for three reasons: allows day care for more than 12 children in a single family residence; allowing an increase from 3 to 8 visits a day in businesses in residential areas; and it allows bed & breakfast sites in residential areas. Mr. Prince felt these issues were intrusive to residential neighborhoods.

****Motion was approved by roll call vote, 3-1, with Councilman Prince voting nay.**

Ordinance No. 893 - Administrator Jordan noted that this was final reading on an ordinance to implement a contract for professional services for the County and Molalla for the development of the bike/walk path on the Old Logging Road.

****Councilman Driggers moved to adopt Ordinance No. 893, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH OTAK FOR PROFESSIONAL SERVICES; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Nolder and approved by roll call vote, 4-0.**

Ordinance No. 894 - Curt McLeod informed the Council that this ordinance covered a project on N.W. Fourth which has had continuing drainage problems. Two bids were received, Parker Northwest and Gelco, with a recommendation to hire Parker Northwest Paving.

****Councilman Prince moved that Ordinance No. 894, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING CO., CANBY OREGON, FOR STREET IMPROVEMENT TO N.W. FOURTH AVENUES; AND DECLARING AN EMERGENCY, be posted and come up for final reading on July 7, 1993. Motion seconded by Councilman Nolder.**

Councilman Driggers asked if it was typical to only receive two bids. Mr. McLeod, said that was unusually low and the engineering estimate was \$58,000 and Parker Northwest in Canby, was below this, also it was an accelerated procedure to begin before the end of the fiscal year, but have backed off a couple weeks on this time frame. Administrator Jordan interjected that Parker Northwest is also very competitive and it is difficult for other bidders to compete with Parker prices. Mr. McLeod could not explain the "large spread" between the two bids, \$54,000 to \$96,000.

****Motion on the ordinance was for approval, 4-0.**

Resolution No. 545 - Mr. Jordan explained that ORS 150-280.100 sets forth criteria for reserve accounts. Specifically, reserve accounts are limited to ten years, which means our Building Reserve Account has expired; and the need to establish a Motor Pool Reserve Account since we eliminated that two years ago.

****Councilman Driggers moved to adopt Resolution No. 545, A RESOLUTION CREATING ACCOUNTS FOR THE CAPITAL RESERVE FUND AND MOTOR POOL RESERVE FUND. Motion seconded by councilman Prince and approved 4-0.**

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan informed the Council that he had excused Lt. Jim Scharmota from this evenings meeting, therefore, the Police Department Update would be reset to another session.

Mr. Jordan reminded the Council of the Clackamas County Cities meeting of June 24th in Estacada.

Library Director, Beth Saul, informed the Council that author, Ralph Friedman, will be present at the Library a week from Saturday to autograph books. He primarily writes about travel and Oregon history.

Planner Hoffman informed the Council that he had been elected to the Executive Board of Planning Directors which is part of the League of Oregon Cities. This requires attendance of one meeting a month and will give us early information on legislative actions around the state. Mayor Taylor congratulated Mr. Hoffman and felt it was an honor to have him selected for this board.

ACTION REVIEW:

1. We will be honoring Dorothy McCormick next week on her retirement.
2. Authorizing the General Canby Day parade/walk and blocking off streets around Wait Park for the event.
3. Authorize street closure on NE 14th for the Block Party.
4. Implement a sewer rate increase, effective July 1, 1993.
5. Enter into an agreement with Clackamas County for the Emergency Communications CREG.
6. Implement Ordinance 888, 890 and 893.
7. Post Ordinances 892, 894 and 895 as required prior to second reading.
8. Implement Resolutions 542, 543, 544 and 545, all related to budgetary matters.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d), regarding labor negotiations; (1)(h), pending litigation; and (1)(i), employee evaluation. Motion seconded Councilman Driggers and approved 4-0.**

Mayor Taylor recessed the regular session at 8:42 p.m. to go into Executive Session. The regular meeting was reconvened at 9:52 p.m.

Councilman Driggers asked why the Council had not acted upon the information on SB 34, as presented by Mary Wendy Roberts. Mayor Taylor said he had received that information at the June 13th rally from Ms. Roberts and had passed it on to the Council. Mr. Driggers said that in January, we had been asked to support SB 34, and suggested that the Council consider the issue. The Council decided to wait until results of the June 29th vote, and then place SB 34 on the July 7th agenda.

Mayor Taylor adjourned the regular session at 10:00 p.m.

**EXECUTIVE SESSION
JUNE 16, 1993**

Present: Mayor Taylor, Councilors Driggers, Stark, Prince and Nolder, Attorney Kelley, Administrator Jordan, Oregonian Reporter Paulson and Herald Reporter Sivesind.

Mayor Taylor opened the session in the Canby Police Department conference room at 9:04 p.m.


ORS 192.660 (1)(h) - discussion regarding pending litigation on the Faist issue.

Attorney Kelley left at this time.

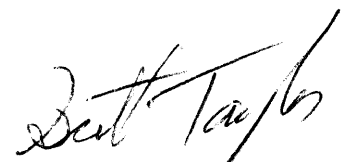
ORS 192.660 (1)(d) - the Council discussed the labor negotiations for the Police Department and AFSCME contracts.

ORS 192.660 (1)(i) - the Council discussed the performance evaluation of the Public Works Director, Rusty Klem.

Mayor Taylor adjourned the session at 9:30 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor