

**CANBY CITY COUNCIL  
REGULAR MEETING  
JULY 21, 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, Stark, Daniels and Nolder, Administrator Jordan and Recorder Perkett.

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Planner Bob Hoffman, Librarian Beth Saul, Public Works Supervisor Roy Hester, Aquatics Director Scott Nelson, Sewer Supervisor Steve Hanson, Curt McLeod, Don Peterson, Jim McKibbin, Adrian Fisher, Doug Traan, Scott Peterson, Rosemary Glutsch, Dave Fisher, Janet Paulson, Cam Sivesind and others.

Mayor Taylor called the regular session to order at 7:30 p.m. in the Council Chambers, followed by the flag salute and a moment of silent 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 regular session July 7, 1993. Motion seconded by Councilwoman Stark and approved 4-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None presented.

**COMMUNICATIONS:** Sign Ordinance - Rosemary Glutsch, owner of Francesca's Coffee House, informed the Council she was the chair of a committee of merchants interested in revising the City sign code. She said there are about 15 in the group and at this time they are requesting some technical assistance from Bob Hoffman, City Planner. Ms. Glutsch also requested that the Council consider issuing no citations until the issue is resolved.

Mayor Taylor said he would like to set a time line for the committee to return to the Council and set the first meeting of October. Citations will cease to be issued until the October meeting, however, if serious violations occur, such as vision clearance, they will be cited.

Councilman Nolder also requested a report from the committee in thirty days to review their progress.

Ms. Glutsch also inquired about the one citation that has been issued and asked for a "freeze" on this cite. Attorney Kelley said he would have to ask both the Municipal Court Judge and the individual cited, if they agree to a continuance on the sign code citation.

Chief Giger said he would inform his staff not to enforce the sign code, however, letters will be sent to violators.

Chamber Letter - Mayor Taylor read a letter from the Chamber of Commerce, thanking the City for assistance in the recent event the Chamber sponsored in providing a lunch stop at Wait Park for the Cycle Oregon group.

Don Peterson, Canby Pharmacy owner, addressed the Council regarding the sign code and implied that he was not in defiance of the Police Department, however, he felt the sign code was very restrictive. He said he now puts his sandwich board sign against the building and leaves it there, and even then he was cited for a violation.

Don Peterson said that the City of Canby violated the sign code ordinance when they allowed sandwich board signs for the Library Book Sale and the annual City Auction. He felt the ordinance should be changed.

Mayor Taylor thanked everyone for their input and encouraged everyone to work together on the issue.

**NEW BUSINESS: Accounts Payable** - \*\*Councilman Daniels moved to pay accounts payable in the amount of \$161,350.77. Motion seconded by Councilman Prince and approved by roll call vote, 4-0.

**Dispute Resolution** - Administrator Jordan introduced Marty Price, Assistant Director of the Clackamas County Dispute Resolution Center. Mr. Price informed the Council that this was a new program, about three months old, and is administered by ETBS, offering both civil and criminal resolution.

Mr. Price reviewed some of the services offered by their entity: negotiation, mediation, conciliation, facilitation and arbitration.

He also reviewed the Victim Offender Program which is offered in the juvenile court system and has an extremely high success rate.

Councilman Nolder asked about the cost of the program. Mr. Price said that, at this time, they will be charging \$100 flat rate per case, regardless of the solution. He said the program was implemented with a \$27,000 State of Oregon grant.

Councilwoman Stark asked how long it takes to complete a case. Mr. Price said it varied, however, most cases take a few weeks or a month and after mediation it takes usually only one meeting before reaching an agreement.

Mayor Taylor questioned the volunteer role. Mr. Prince said that they will develop a group of local volunteers which will be trained.

Administrator Jordan said he had spoke to Judge Jon Henricksen about the program, and he was very impressed. Also, the Judge suggested we could impose a small assessment on each traffic citation to fund this program. Mr. Jordan said the directors of the center suggested doing a criminal and civil case "free gratis" for the City to let the City know how the program works.

Mayor Taylor instructed staff to continue working with the Dispute Resolution Center for a possible Intergovernmental Contract on the proposed program.

**Public Works Reorganization** - Administrator Jordan presented a memo to the Council with some suggested options for reorganizing the Public Works Department due to some personnel changes.

The Council decided to review one department at a time.

**CEMETERY** - The Council agreed to pursue option #3, "Privatize the Cemetery either by selling it outright or by retaining ownership and contracting for its management and

maintenance." Mr. Jordan reported that he had discussed this issue with our local funeral chapel, they consider us a "rural" cemetery. The local business said that few rural cemeteries make money, and in fact, many are forming districts.

Councilman Prince suggested we consider an open bid process if we opt to contract the cemetery services.

**SEWER** - The Council selected option #2, "Shift the entire wastewater treatment function to CUB." Mr. Jordan said he has discussed this proposal with the CUB Manager, and he is receptive to more discussion on this issue.

Roy Hester reminded the Council that the collection system is currently under the street department program.

Steve Hanson reported that the City's discharge permit is under the City's name, and it may prove difficult to separate the functions. He also noted that a popular new concept is to put the domestic water, wastewater and storm water system under one "environmental" department.

**STREET** - The Council agreed to keep the street department in the present arrangement, except that Roy Hester would report directly to Mr. Jordan.

Mayor Taylor asked Mr. Hester what percentage of time would be saved in his department if the collection system was removed. Mr. Hester said if the street department no longer was responsible for the sewer and storm collection system, it would save 20%.

Steve Hanson interjected that his crew, with a little expansion, could take care of the collections system.

**MOTOR POOL** - The Council agreed to continue the present arrangement with Joe Witt reporting to Roy Hester. Mr. Jordan commended Mr. Witt for doing such a good job as the City Mechanic.

**PARKS** - The Council accepted Mr. Jordan's recommendation to create a Parks & Recreation Department with parks maintenance, swim center operations and recreational programming under the direction of Scott Nelson. Mr. Jordan said Mr. Nelson would be responsible for acting as a liaison with the Canby Kids, Community School and Adult Center. The proposed change would take affect on August 1, 1993.

Mr. Nelson informed the Council that he looked forward to the new challenge and would expect there would be a lot to learn. He also said this would probably add extra responsibilities to Eric Laitinen, Aquatics Supervisor.

**ADMINISTRATION** - Mr. Jordan commented that currently several people are handling the Public Works Administration. He he presented several options for proposed changes. Mr. Jordan recommended as option #6, a combination of three (3) options: leave things as they are with Mr. Jordan taking on administrative duties; use a consultant on a retainer basis to work on some "special projects" and planning projects; and hire an assistant to the City Administrator to take on some of the special projects work and act as a contact for dealing with the public.

Councilman Prince asked for a clarification on the duties of a Community Development Director. Administrator Jordan said they deal with land use issues, planning, building department and infrastructure issues, and usually demand a higher salary.

Councilwoman Stark asked if it would be more economical, long term, to use consultants. Mr. Jordan said that Canby is in a "transition" period, between being a small town and a middle size town. He said currently we pay hourly for our "engineer of record", and the proposal is to contract on a retainer basis. Mr. Jordan felt a contract relationship would be most economic and efficient. Also, he suggested that we could hire a project manager, like Carl Mosely who did our library project, for special management issues.

Councilman Prince approved of Mr. Jordan's # 6 recommendation, however, he was concerned about budgetary issues in implementing this structure.

Administrator Jordan said an Assistant to the Administrator would be less money than a Public Works Director. Also, we do need the stamp of "P.E." from an engineer for many of our land use documents.

Curt McLeod said his firm works on a retainer for about a dozen communities, such as Claskanine on a no fee per month, rather an ala carte basis. They also work on a retainer for several water districts, as well as the City of Sandy and Gladstone.

Councilman Nolder said he was interested in a cost comparison for option #6.

Mayor Taylor commented that Mr. Jordan needed some support so he can stay focused on necessary work, and therefore approved the #6 recommendation. Mr. Taylor commented that the most important thing was to maintain the budget and yet get things done.

The general consensus was to proceed with recommendation #6. Mr. Jordan said before implementing any contracts the Council would review them.

Mayor Taylor thanked the City staff, on behalf of the Council and citizens, that have worked very hard due to the staff vacancy.

Swim Board Appointment - Mayor Taylor reported that Valerie Fenske had been recommended by the Advisory Board to fill the position vacated by Mr. Triebwasser on the Swim Center Advisory Board. Mr. Taylor nominated Valerie Fenske to the three year term on the Board.

**\*\*Councilman Daniels moved to accept the recommendation of the Mayor to appoint Valerie Fenske to a three year term, expiring in July 1996, to the Canby Swim Center Board. Motion seconded by Councilman Nolder and approved 4-0.**

**ORDINANCES & RESOLUTIONS:** Resolution No. 548 - Administrator Jordan said this resolution was drafted to support the application for the request of ISTEAFUND from ODOT for the proposed Molalla River Pathways Project.

**\*\*Councilman Prince moved to adopt Resolution No. 548, A RESOLUTION ENDORSING THE APPLICATION TO ODOT FOR ISTEAFUNDING FOR THE MOLALLA RIVER PATHWAYS PROJECT. Motion seconded by Councilman Daniels.**

Administrator Jordan explained that the proposed project is 22 miles long going from Molalla State Park to the Glen Avon Bridge above Molalla. The pathway would have low pathway lighting and fencing from Territorial to 99 E. The entire project and funding request is for 2.5 million dollars.

**\*\* Motion was approved 4-0.**

**UNFINISHED BUSINESS:** 34th & Maple Lift Station Rehabilitation - Steve Hanson,

Sewer Plant Supervisor, informed the Council that the 34th Street lift station has been an ongoing problem for several years. Mr. Hanson suggested that we pursue a Hydronix "package" station, which we currently use, and are very reputable. In accordance with OAR, it was suggested that a sole source condition applies to the purchase of the proposed equipment.

Curt McLeod said that the Hydronix package station would be most efficient and fit in with the plant. He said this would standardize the current equipment used, and cost and quality-wise they are the least expensive. These factors allow us to select a sole source supplier. Also, since it is less than \$25,000, open bidding can be eliminated.

**\*\*Councilman Daniels moved to recommend that staff prepare an ordinance for purchasing a Hydronix package lift station pursuant to OAR 125-310-030 (1) sole source. Motion seconded by Councilman Prince and approved 4-0.**

**Wastewater Treatment Plant Modification - Curt McLeod said he had several modifications to discuss regarding the treatment plant project, some were critical and previously approved by staff, however, some are optional. The following were reviewed:**

1. **Tree Removal/Cleanup - \$2,638.00 - Contractor removed trees that were scheduled for Phase II. COMPLETED.**
2. **Waterline Replacement - \$2,562.00 - A waterline along the access road to the plant has been broken twice; the City agreed to improve the line and split the cost. COMPLETED.**
3. **Dewater Expenses - \$9,930.00 - This was not bid since it would have been guess work, rather it was to be covered as a change order. Additional minor expenses are anticipated prior to completion of the project. ONGOING.**
4. **Additional Reinforcing Requirements - \$3,575.00 - The State of Oregon upgraded their seismic zone classification in January, 1993, resulting in reinforcing steel in the secondary clarifiers for the additional costs. COMPLETED.**
5. **Control Building Changes - \$24,851.00 - The ADA prompted architectural changes in the building, from a two story to single story, as well as changes to enhance the building. NOT COMPLETED.**
6. **Instrumentation and Controls - \$27,316.00 - To enhance the computer based system of monitoring with the SCADA system. This includes \$6,000 for future purchase of two computers. The SCADA would be the state of the art in telemetry and automation at the plant. NOT COMPLETED.**

**Currently we have a "hands on system" with call out time dispatched by the Police Department.**

**Councilman Prince asked what is spent on call out time at this time. Mr. Hanson said most of his crew takes comp time, however, a total would be about \$3,000. The system would allow automation of some process control things which usually require a person on site. He implied that the system is easy to use. Mr. Hanson said that without some "tighter controls", the plant may have to consider a 7 day operation, instead of the current 5 day work week.**

**Mr. McLeod said this is advanced equipment for the plant, however, it would be substantially beneficial to the plant.**

7. Pump Station Telemetry - \$37,104.00 - This is for installation of the SCADA for all six existing pump stations. The system will permit remote control of basic functions. NOT COMPLETED.

Mr. McLeod reviewed a few of the things the system could do: pumps running or failed, water level, direct pump to turn on or off, know any alarm condition, accumulate pump run time for service schedules and do a lot of "de-bugging" operations.

Mr. McLeod suggested that he come back to the Council with a more specific package on items 6 and 7, but would like a concurrence to head in that direction.

8. Polymer Feed Tanks - \$4,974 - The lowest bidder for the Polymer Feed System took exception to the bid specs and felt the two mixing tanks and a mixer were not necessary and deleted these items from the bid. Mr. McLeod said their conclusion was that these items were needed. The bidder, would still be the low bidder, however, he wants us to pay for the tanks and mixer and this has been a three month "battle" between the contractor and engineering firm. NOT COMPLETED.
9. 8" Drainline to Sludge Thickening Equipment - \$998.00 - The design called for an 8-inch drain and two 4-inch drains. He didn't know how they got there. COMPLETED.

Curt asked for Council approval for items 1 through 5 and 9, items 6,7 and 8 can be discussed further.

Councilman Nolder asked if items 6 and 7 were in the original bid and asked about item 8. Mr. McLeod said that items 6 & 7 were not in the bid. This allows for an enhanced remote control and item 8 was a misunderstanding in the pre-approval process.

Councilman Prince said he would like more information on items 6 & 7, and felt item number 8 was the problem of the contractor.

Mayor Taylor said he relies on the recommendation and expertise of the engineer, however, he was adamant about having to pay more money on every bid we have for the sewer plant. He said the requests made sense, but it was the "principle" that presented a problem for him, and some of the things should have been considered during the design of the plant.

Mr. McLeod said the design is really elaborate in regards to equipment and controls. However, what prompted us for enhanced equipment was the available funding.

Administrator Jordan interjected that since the bid came in much lower than the initial engineering cost, that is why we are able to consider some of the other options. He pointed out that he instructed the staff and engineer to pursue opportunities that might fit into the Phase II construction, specifically if they might ultimately save us money. Mr. Jordan added that most major construction projects have many change orders.

Curt McLeod added that they initially talked about SCADA and computers at pre-bid, but they were "nixed". They went into the bid process with what they felt was "only needed".

**\*\*Councilman Daniels moved to accept all nine items as presented by the engineer for change orders, and they be implemented and funded for the sewer plant project. THE MOTION DIED FOR A LACK OF A SECOND.**

Councilwoman Stark asked if number 6 & 7 could be eliminated with no problems. Mr.

McLeod said they could. Steve Hanson reiterated the time and manpower hours the two items would save, if implemented.

Councilman Nolder asked how soon the proposed equipment, in 6 & 7, would be considered old technology, due to how fast the state of the art appears to be in this type of equipment. Mr. McLeod said it could reach "old" stage rapidly, however, it will be functional for a very long time.

Mayor Taylor said that a cost benefit analysis, specific to savings, on the proposed additional equipment would have been helpful to the Council.

**\*\*Councilman Nolder moved to approve the proposed change orders as submitted with the exception of item # 8. Motion seconded by Councilman Prince.**

Councilwoman Stark asked if the elimination of #8 would create a problem. Mr. McLeod said it would be functional without the equipment, however, they will "fight" to get this equipment and anticipated seeing this request again in the future. He said he would submit documentation on the issue to the Council for their review, asking that they defer action on #8.

**\*\*Councilman Nolder amended his motion to defer # 8 in the submitted modification request. The second to the motion agreed.**

**\*\*Motion was approved 4-0.**

**UNFINISHED BUSINESS: S. Clackamas Recreation District** - Scott Nelson passed out two documents to the Council regarding the S. Clackamas Recreation District. Mr. Nelson briefly reviewed the "Focus Groups Wrap Up Session" document. He reported that a five member body runs the group; focus groups were organized for input on how to proceed with the district; a list of the 47 participants of the focus groups; findings from the focus groups were listed and reviewed; priority of facility/programs - Mr. Nelson noted that the top ten were the same ideas that the City Master Plan produced; funding; programming; what needs to happen for success; how to get to it; district concepts; community uniqueness; and finally a brief general conclusion session. Mr. Nelson said there is a small working group, 8 to 10 members, that will be finalizing a plan with attached costs. He implied that they hope to have this ready for the ballot in May 1994.

**Police Department Update** - Chief Giger gave a brief update of his department:

**\*Steve Floyd, Code Enforcement Officer, is doing an excellent job. Mr. Giger said he will soon be advertising to fill this as a full time position, which is non-criminal and non-uniform personnel.**

- \* Steve Landis, DARE Officer, will present programs to K through 6, with the 6th grade as 16 week intense program. Mr. Landis is currently training to teach 7th & 8th grade; hopefully, the high school will be implemented next year. Also, Mr. Landis is one of five state certified to train other DARE Officers in the State of Oregon.**
- \* Jim Scharmota is on a 7 week training session at the academy for the polygraph machine, which we will have soon to operate.**
- \* The department is, on a daily basis, tracking their calls, including traffic contacts.**
- \* There are 16 sworn officer, 6 communication officers and 7 reserve officers.**

In regards to future plans:

- \* They plan to update their goals and objectives.
- \* In about two weeks the Chief will have an information session with the entire department regarding what he learned at the FBI Academy.
- \* A "community assessment need" will be done to evaluate how the department handles what is expected of them.
- \* The Chief will be suggesting a Police Academy for the Policy Community Advisory Team, a program specific for citizens.
- \* The Neighborhood Watch program and the triad system, which is using volunteered services for crime prevention with the local Police, Sheriff's Office and scenario citizens groups are being pursued.

Mayor Taylor asked if the Community Policy Group is meeting regularly and was told they meet once a month. Also, he asked if Mr. Scharmota would have to serve an apprenticeship under a certified examiner for quite some time. Mr. Giger said this was a correct assumption. The Mayor complimented Steve Landis on his accomplishments in the community.

Mayor Taylor reminded the Council that the "Fall Into the Night" annual Mayor's Ball, sometime in October, will feature Joni Harms.

- ACTION REVIEW:
1. Working with Merchants Committee on the Sign Ordinance.
  2. Working with Marty Price regarding the Dispute Resolution Program.
  3. Implementing some Public Works reorganization and returning to Council with detailed budget information.
  4. Forwarding Resolution 548, regarding Molalla Pathways Project.
  5. Preparing an ordinance for the 34th Street Lift Station.
  6. Implementing all modification items on the sewer plant project, except item # 8.
  7. Notifying Mrs. Fenske of her appointment to the Swim Center Board.

Mayor Taylor suggested that the Code Enforcement Officer be a part of the meetings regarding the sign code.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d), labor negotiations; (1)(e), to negotiate real property; (1)(h), pending litigation; and (1)(i), employee evaluation. Motion seconded by Councilman Daniels and approved 4-0.**

Mayor Taylor recessed the regular session at 10:10 p.m. to go into Executive Session. The regular session was reconvened at 11:27 p.m. and immediately adjourned.

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EXECUTIVE SESSION  
JULY 21, 1993

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



Mayor Taylor called the session to order at 10:20 p.m. in the CUB board room.

ORS 192.660 (1)(h) - The Council discussed the ongoing Rinkes litigation case.

The ACLU law suit was discussed.

ORS 192.660 (1)(e) - The Council discussed the ongoing Faist property issue.

The S. Side Locust Street Park property was discussed.

ORS 192.660 (1)(d) - Police Department labor negotiations were discussed.

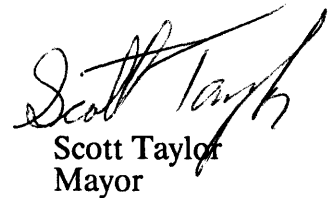
AFSCME labor negotiations were discussed.

ORS 192.660 (1)(i) - Administrator Jordan reviewed employee performance for City department heads.

Mayor Taylor adjourned the session at 11:25 p.m.



Marilyn K. Perkett  
City Recorder



Scott Taylor  
Mayor