

**CANBY CITY COUNCIL
SPECIAL & REGULAR SESSION
AUGUST 18, 1993**

SPECIAL SESSION: Present: Mayor Taylor, Councilors Prince, Daniels, Driggers, Stark, Nolder and Miltenberger, and Administrator Jordan.

Mayor Taylor called the session to order at 6:24 p.m., in the conference room at CUB, following a brief workshop session.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(i), regarding employee performance and evaluation. Seconded by Councilwoman Miltenberger and approved 6-0.**

ORS 192.660 (1)(i) - The Council discussed the job performances of department heads.

Mayor Taylor adjourned the special session at 7:25 p.m.

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, City Planner Bob Hoffman, Library Director Beth Saul, Eugene Cole, Patty Holmes, Sandy Coleman, John Falkenstein, four students from Kurisawa, Japan and their teacher/chaperone (Yasushi Yasuda), Joan Avark, Nancy Wilmes and others.

Mayor Taylor called the regular 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 to be present.

MINUTES OF PREVIOUS SESSION: ****Councilman Daniels moved to approve as distributed the minutes from regular session, August 4, 1992. Motion seconded by Councilwoman Stark and approved 6-0.**

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: N. Willamette Telecom Letter - Larry Cole, N. Willamette Telecom Manager, addressed the Council regarding the Cable Act of 1992 and what it means to our local cable company.

Mr. Cole first noted that some of the effects will be confusing, some welcomed and some unpopular. In regards to the rates, the FCC has set a "benchmark" maximum that can be charged. Currently, Canby is under that benchmark so no reductions in monthly fees will be necessary, as is not the case with some cable companies.

Mr.. Cole said that NWT may do some rate adjusting to become revenue neutral. NWT can no longer charge for additional outlets, converters and remotes must be charged at cost, and all trouble calls that are customer related will have a charge since the customers now own all the wires within the homes.

The FCC regulates cable providers. Mr. Cole implied that the City could opt to become certified and work with the FCC in regulating the various rules. However, he said he hoped that the City had faith in CTA and would continue to let them be the local authority.

Mr. Cole said the new cable act gives "broadcasters" power over the cable companies in regards to how they will be carried in that particular company. "Must carry" stations can request companies to carry their station on a specific channel. If a broadcaster does not have "must carry" rules, it may demand payment in return for granting permission to cable companies to carry it, this is called "retransmission consent".

Currently, channels 6-KOIN, 12-KPTV and 22-KBSP are "must carry" channels. "Retransmission consent" channels are 2-KATV, 8-KGW and 49-KPDX. Mr. Cole said there are no changes at this time, and they will be continuing to negotiate with these channels, which may take two or more years. During negotiations, the channels will remain on the local cable system.

Mr. Cole said that 63% of Canby is on local cable TV, which is about 4% below the national average. NWT is constantly upgrading, and is aggressive and innovative. He felt they were a firm the City could be "proud" of in our community.

Councilman Driggers asked if it might affect loss of customers if one of the "retransmission consent" channels were to be eliminated. Mr. Cole felt it would make no difference, however, he reiterated that they will continue to negotiate with those channels.

Attorney Kelley asked if the FCC approves the rate structures. Mr. Cole said usually the only time the FCC responds to rates is on a complaint basis. Mr. Kelley reported that there are private companies doing rate studies in the area and asked how we would know if our cable company rates are fair. Mr. Cole suggested three things: check national averages, check "heartbeat" of local community and look at some nearby rates. NWT would be more than happy to discuss any issues regarding rates or anything else.

Mr. Cole reminded the Council of the September 18th "Canby Communications Classic" and challenged the City to submit a corporate team. The revenues will be donated to the Cancer Society. He reported that over 150 staff members volunteer to assist with this annual event that features a run, walk, corporate runs and children events.

Mayor Taylor thanked Mr. Cole for visiting the meeting and advising the Council of NWT goals, as well as current status.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to approve payment of accounts payable in the amount of \$104,103.84. Motion seconded by Councilwoman Miltenberger and approved by roll call vote, 6-0.

1979 Water Bonds Paying Agent - Administrator Jordan informed the Council that when the 1979 Water Bonds were purchased, Clackamas County acted as the administrator and paying agent. In June 1991, the County entered into an agreement with US Bank to become the paying agent, with the County absorbing the costs through July 1992. From that point on, the City will assume responsibility for the fees. This fee will be paid by CUB, as well as the bond payments. Mr. Jordan reminded the Council that during recent bond sales, we hired bond counsel to administer our bonds. The library bonds are currently paid at First Interstate and the sewer bonds at the US Bank. The 1979 bonds will actually be paid at First Trust, and the governing body, City Council, needs to formalize this matter by motion.

Councilman Driggers asked if the proposed charges are usual and customary. He also

asked if there would be a cost reduction to have all three bonds with one paying agent. Mr. Jordan said the proposed costs are actually a little under what we currently pay on bonds. Also, volume and term usually set forth the costs, not the amount of bonds.

Mr. Driggers asked if we had an agreement with Clackamas County for the prior bond administration. Mr. Jordan said he would have to research this issue.

Mayor Taylor asked if we could pick our own paying agent. Again, Mr. Jordan said he would research this issue and return with more information at the next meeting.

Councilman Prince also asked that we check into the interest amount and see if it is worth refinancing.

Canby Community School Annual Report - John Falkenstein, Community School Director, briefly reviewed last year's programs and participation. He reviewed participation in classes, workshops, recreational activities, special events, field trips, Slice of Summer, children's theater and other program activities. Mr. Falkenstein reported that they have 3 full time employees, and the remainder of the staff are paid by participation fees. He reported that CUHS provides over \$14,000 in volunteer services, and the elementary district provides \$75,000 in volunteer service hours.

He reported that the Community School endeavors to serve all ages, pre-school through seniors, with diverse programs including, self-improvement, cultural, arts and crafts and academic.

The "latchkey" program will be expanding from Eccles school to include the other elementary schools. The fees for this are very nominal.

Councilman Prince requested that future reports show prior years for a comparison basis.

Councilman Driggers asked that future reports relate the "outcomes" and measurements of compliance. He also asked if fees are waived if necessary. John said they have always waived fees for participants if necessary, and the criteria is rather lenient.

Mayor Taylor asked if they considered scheduling sessions all in one location, rather than several. Mr. Falkenstein said many are at CUHS, however, some access needs and other criteria require various locations.

Mayor Taylor asked if Measure #5 had affected their funding. John reported that both the City and college have maintained funding. However, CUHS has cut funding, but will help if the program cannot retrieve enough revenue from tuitions. Also, he pointed out that CUHS provides a very large amount of in-kind services to the Community School. About 20% of their total financing was paid by CUHS.

Councilman Driggers asked if they had discussed consolidated services with any other agencies. John said that no detailed discussions had taken place, however, he would be willing to participate in such.

Attorney Kelley, chairman of the S. Clackamas Recreation District, said they are aware of the fact that consolidations and stable funding has been considered. However, the current task force will be looking at intensifying services, which may ultimately absorb some presently provided services.

Councilman Driggers urged that these type of conversations regarding consolidation, with more service for the dollar, be pursued.

Mayor Taylor thanked John Falkenstein for his annual report.

ORDINANCES & RESOLUTIONS: Ordinance No. 896 - Administrator Jordan briefly reviewed this ordinance for final action to purchase equipment for the sewer plant.

****Councilman Daniels moved to adopt Ordinance No. 896, AN ORDINANCE AUTHORIZING THE PURCHASE OF A HYDRONIX SEWER LIFT STATION BY THE SEWER DEPARTMENT; EXEMPTING THE PURCHASE FROM THE PUBLIC BIDDING PROCESS; AND DECLARING AN EMERGENCY.** Motion seconded by Councilman Prince and approved 6-0, by roll call vote.

Resolution No. 549 - Attorney Kelley advised the Council that this resolution was prepared in the event that condemnation became necessary to acquire a 3,500 square foot parcel from Larry and Betty Faist for street and utility purposes. He said that a twenty day offer letter has been sent from the City, offering \$5,000 for the parcel. At this time, we have not heard from their attorney.

****Councilman Prince moved to adopt Resolution No. 549, A RESOLUTION DECLARING A PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY FOR PUBLIC STREET AND UTILITY RIGHT-OF-WAY PURPOSES.** Motion seconded by Councilwoman Miltenberger and approved 6-0.

At this time, Mayor Taylor noted that several visitors from our Sister City, Kurisawa, Japan, had just entered the Chambers, and they were asked to introduce themselves.

Mr. Yasushi Yasuda, their teacher and chaperone, introduced the four girls, who entertained the Council with a song.

Mayor Taylor presented Mr. Yasuda with a gift to be taken back to Mayor Yamada of Kurisawa.

Resolution No. 550 - City Planner, Bob Hoffman, reminded the Council that in 1984 the City adopted the Comprehensive Plan, with a Periodic Review in December 1988. In 1989, the state requested additional information regarding wetlands, economic development, public facilities plan and dual interest area agreements; this was done in September 1992. At this time we have been asked to take final action on the Periodic Review that was initiated in 1988.

Mayor Taylor asked if the passage of this resolution would imply that we feel we have taken care of all requests as suggested. Mr. Hoffman said we also commit ourselves to review it this next year to see if it is necessary to make further changes.

****Councilman Daniels moved to adopt Resolution No. 550, A RESOLUTION TO ADOPT THE PERIODIC REVIEW ORDER.** Motion seconded by Councilman Prince and approved. 6-0.

UNFINISHED BUSINESS: Budget Committee Recommendation - Administrator Jordan informed the Council that only the Budget Committee needs appointments at this time. Morris Cederquist has volunteered to serve again, and Roger Harris has committed to a term.

****Councilman Driggers moved to appoint Roger Harris and Morris Cederquist to three year terms, expiring in July 1996, on the City Budget Committee.** Motion seconded by Councilman Daniels and approved 6-0.

FOCUS Fees for Ensuing Year - Administrator Jordan explained that the "Forum on Cooperative Urban Services" (FOCUS) has increased the annual membership fee from \$525 to \$3,300, with the fee based on population. He said this is the only forum where all governmental agencies in the region can sit on a regular basis to discuss issues that may affect them all. He noted that the last two years the major issue has been METRO, which we are not a part of, but which may ultimately affect us. Mr. Jordan said that at this time, he makes no recommendation one way or the other for membership.

Mayor Taylor said that after his recent attendance at the State Mayor's Association, he felt Canby was "unique", in that we are not part of the Metro issues and yet we are part of those impacts from the urban centers. Someday we may become part of that unit or at least learn for future problems. The Mayor said we have not been very active in this organization in the past. He suggested that if we decide to proceed with membership we should attend and, in fact, appoint people to attend. He recommended joining.

Councilwoman Stark felt we should not join, since it is Metro oriented, and wait a year to see what is happening and perhaps join next year.

Administrator Jordan said he has attended about half of the meetings, and you could attend without being a paying member. Those in attendance are a mix: Mayors, CEO's from jurisdictions, elected officials and municipal staff members.

A poll of the Council showed that a majority were in favor of paying the membership fee request.

****Councilman Daniels moved to join the FOCUS organization and pay the \$3,300 annual dues and to designate a representative from the Council and an alternate. Motion seconded by Councilman Prince.**

Councilman Driggers asked what happened to CRAG. He was told that some organizations like LCDC and METRO changed the CRAG focus, ultimately resulting in their demise.

Councilman Driggers suggested that these type of groups which are often a "single issue generator" are sometimes focused on "protecting our turf". He expressed a concern that this group may be an "anti" oriented group.

Mayor Taylor said he did not get that sense; he felt they were trying to solve problems in a professional manner.

****The motion passed 4-1, with Councilman Driggers abstaining and Councilwoman Stark voting nay.**

Mayor Taylor and Councilwoman Miltenberger both expressed interest in attending the FOCUS meetings. Councilman Nolder volunteered to be an alternate.

OTHER REPORTS OR ANNOUNCEMENTS: Northwoods Hearing - Bob Hoffman suggested that the Council set the hearing date for the Northwoods application and suggested September 15th. Mayor Taylor suggested holding the hearing on October 6, 1993.

Attorney Kelley advised the Council that the Comp Plan Amendment portion of the Northwoods application could either be a de novo hearing, which would allow for all new testimony; or a hearing based on the record with no new testimony and only argument on the record. However, the Zone Change portion, had to be a hearing based only on the

record. Mr. Kelley also suggested holding the hearing at the Adult Center due to the number of participants expected to attend.

The Council discussed the fact that there were six (6) hours of testimony to listen to on tapes for a hearing based only on the record.

A poll of the Council showed that the majority wanted the Comp Plan Amendment hearing for Northwoods to be October 6th, and a de novo hearing.

Mayor's Ball - Mayor Taylor reminded the Council that he has tickets for the annual "Fall Into the Night" Mayor's Ball, October 9th, which benefits Clackamas County Social Services Agencies.

Community Meetings - Mayor Taylor noted that the community "Focus" meetings he had earlier in the year, will be scheduled to start again in September or October. He asked that any citizens interested in being a part of these meetings, call City Hall and leave their name for future notification.

ACTION REVIEW: 1. Return to the September 1st meeting regarding the 1979 Water Bonds Paying Agent.
2. Implement Ordinance 896, purchasing Hydronix Lift Station.
3. Implement Resolution 550, finalizing the 1988 Periodic Review process.
4. Notify Mr. Harris and Mr. Cederquist of their appointments to the Budget Committee.
5. Pay dues to become a FOCUS member.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1), labor negotiations; (1)(e), negotiate real property; (1)(h), pending litigation; and (1)(i), employee performance evaluations. Motion seconded by Councilman Daniels and approved 6-0.**

Mayor Taylor recessed the regular session at 10:00 p.m. to go into Executive Session in the CUB board room. The Mayor reconvened the regular session at 11:30 p.m.

Administrator Jordan gave the following dates to the Council to consider for a weekend workshop: October 1 & 2, October 8 & 9, October 15 & 16, October 29 & 30 and November 12 & 13. Mr. Jordan asked the Council to let the business office know what time frame meets their schedules. This is proposed to be a Friday afternoon and all day Saturday session.

Mr. Jordan outlined some proposed issues: ethics workshop, capital budget, tax base, tree ordinance, Comp Plan Amendments and advanced financing. The Planning Commission will meet with the Council on some of the proposed items.

Mayor Taylor adjourned the session at 11:40 p.m.

EXECUTIVE SESSION
AUGUST 18M 1993

PRESENT: Mayor Taylor, Councilors Driggers, Stark, Daniels, Miltenberger, Nolder, Prince, Attorney Kelley and Administrator Jordan.

Mayor Taylor called the session to order at 10:12 p.m. in the CUB board room.

ORS 192.660 (1)(e) & (1)(h) - The Council discussed the issues regarding the Faist property and the Park, Montgomery property.

ORS 192.660 (1)(h) - The Council discussed the tort claim filed by Rusty Klem.

ORS 192.660 (1)(d) - The Council discussed the Police Association labor contract.

Mayor Taylor adjourned the session at 11:28 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor