

**CANBY CITY COUNCIL
REGULAR SESSION
SEPTEMBER 1, 1993**

Mayor Scott Taylor presiding. Council members present: Terry Prince, Maureen Miltenberger (arriving at 7:41 p.m.), Dennis Nolder and Walt Daniels. Absent: Joe Driggers and Cheryl Stark.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Planner Bob Hoffman, Police Chief Jerry Giger, Library Director Beth Saul, City Recorder Marilyn Perkett, Michael and Irene Breshears, Murray Taylor, Leonard Rothenberger, Floyella Moore, Mark & Patricia Gilbert, Dorothy Kellim, Don Smeback, J.D. Tramel, Cam Sivesind, Janet Paulson and others.

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

Roll call of the Council showed a quorum to be present.

CITIZEN INPUT ON NON-AGENDA ITEMS: CCC, Patricia Gilbert - Mrs. Gilbert addressed the Council about a proposal from her organization, Citizens for a Cleaner Canby, that listed six major concerns they wished the City to take action on or address. She implied that City codes and ordinances are out of date, and with the population growth she felt this was a concern. The CCC group had gathered approximately 100 signatures from concerned citizens regarding the proposed issues. Mrs. Gilbert reviewed the concerns:

1. Occupancy - specifically in multi-family dwellings, she felt there were too many people living in units designed for one single family.
2. Public Alcohol Consumption - this is occurring in private and public areas and needs to be addressed.
3. Noise Ordinance - Mrs. Gilbert said she was surprised that the City did not have such an ordinance and felt it was necessary in residential and recreational areas.
4. Unauthorized Camping - she pointed out that a travel trailer is under Knights Bridge with their sewage running into the Molalla River. Also, people are bathing in that river.
5. Vacant Lot Maintenance - this could be a potential fire hazard, as well as health, due to weed growth and rodents.
6. Non-operative vehicles - Mrs. Gilbert said that vehicles on blocks/jacks, with broken glass and leaking various substances are located all over town.

She also pointed out that there needed to be more involvement with the Hispanic population so they can learn what the laws are that govern the City.

Mrs. Gilbert read a letter from Diane Cessna, 383 N. Cedar, regarding the apartment complex next to her with many Hispanics living in one unit, a great deal of trash and several automobiles in disrepair. The letter stated that she moved from that address to 1400 S. Elm due to the deplorable conditions at that apartment complex.

Mrs. Gilbert said her group is simply asking for sanitation, health and safety regulations.

Mayor Taylor said he was pleased to see citizens involved with various issues and trying to resolve them. He said when we are made aware of specific issues we try to address them and correct them. Mayor Taylor requested that Mrs. Gilbert work with City Attorney Kelley and Administrator Jordan on the issues of concern. He also noted that the City has a "desire" to work with the Hispanic population and has been addressing this issue.

Dorothy Kellim, 835 SE First, informed the Council that she was asked to sign the CCC petition at Cutsforth's "if" she was interested in a "cleaner Canby". Ms. Kellim said that when she returned home she read the literature from the CCC and felt it was of a discrimination nature towards Hispanics and low income citizens. She pointed out that she has not seen any "dirty Mexicans" in our community and felt this was a "controlling witch hunt." Ms. Kellim felt we could all work together for the concerns of the community.

Mayor Taylor interjected that this issue was not to be debated this evening, however, the City staff will be willing to meet with Mrs. Gilbert or anyone concerned to address the various issues.

MINUTES OF PREVIOUS SESSIONS: **Councilman Daniels moved to approve as distributed the minutes of the regular and special sessions, August 18, 1993. Motion seconded by Councilwoman Miltenberger and approved 4-0.

PROCLAMATIONS: National POW-MIA Day - Mayor Taylor proclaimed September 10, 1993, as National POW-MIA Recognition Day in Canby. Mayor Taylor presented the proclamation to Mike Breshears, local VFW President. Mr. Breshears presented the City of Canby with a POW-MIA flag to fly along with American flag on special occasions, and specifically on September 10th. He also handed out POW-MIA lapel pins.

Recorder Perkett informed the Council that Mr. Breshears also served on the City ADA Task Force Committee and has been a valuable asset to this group.

Neighbors Make the Difference Day - Mayor Taylor proclaimed the day of Tuesday, September 14, 1993, as Neighbors Make the Difference Day. Mr. Taylor presented Shirley Strong, local Key Bank representative, with the proclamation and commended our local Key Bank employees for volunteering to do cleaning duties at the Canby Adult Center. Key Bank will be closed on September 14th from 1:00 to 5:00 pm to comply with the proclamation.

SEWER PLANT PROJECT UPDATE: Curt McLeod passed out pictures of the construction progress at the sewer plant. He said the project is 55% at this time. Mr. McLeod said the pictures indicate the three major projects: rehabilitation of the ponds, new clarifiers, and three new buildings under construction.

PUBLIC HEARING: Logging Road Industrial Park OEDD Grant/Loan - Mayor Taylor opened the hearing at 8:23 p.m. and explained the procedure.

Mayor Taylor asked the hearing body to declare any conflict of interest. None was declared.

Mayor Taylor asked the hearing body to declare any exparte contact. None was declared.

STAFF - Curt McLeod explained that the hearing was in compliance with our application to the State of Oregon for an Oregon Economic Development Department Grant/Loan program through the Special Public Works Fund, using lottery money. Total cost of the project is proposed at \$1,216,300. He said the OEDD will put emphasis on the benefit of jobs and employment to be provided from this Industrial Park project. He noted that the

site is away from residences, close to transportation, and utilities are in place. The first phase is 77 acres with a potential total of 500 acres ultimately being a part of the Logging Road Industrial Park.

Mr. McLeod said the primary revenue source would be an Advanced Financing District. Other sources would be SDC's for sewer and state gasoline taxes.

To date, two firms have expressed interest in locating in the proposed Park. Canby Disposal has purchased a 16 acre parcel for expansion. Bruce Broetje has purchased property for his Inertia Systems, Inc., business.

PROPONENTS: None voiced.

OPPONENTS: Don Smeback, 625 S.E. 7th, said he was not opposed to the project or the application. However, he was opposed to the letter dated July 6 submitted by Fred Kahut, Canby Disposal, as a part of the application. He noted that this proposal has not been before the Planning Commission, and he felt that if the letter were allowed as a part of the application it would lend support Mr. Kahut's request for development. He also felt this type of industry would not help in enticing other industries to the area. Mr. Smeback requested that the Kahut letter be taken out of the OEDD application.

Bob Hoffman informed the Council that Mr. Kahut will soon be submitting his application for development.

Mr. Smeback reiterated that he did not oppose the park, however, he said it should be an environmentally clean and safe area. He pointed out that the Oregon City collection agency has an odor problem, and he felt Canby could encounter this problem.

REBUTTAL - Curt McLeod said there are two types of applications, one with firm business commitment and the other capacity building application. He said we do not have any firm commitments, only two firms that are interested in the area, and we are not using them as leverage for the funds.

Mr. Smeback reiterated that the letter would allow justification in the Planning Commission process for Mr. Kahut's proposed development.

Councilman Nolder asked if the letter would give Mr. Kahut any leverage prior to an application process. Mr. Hoffman said the letter does not indicate any approval, only Mr. Kahut's desire to pursue a business in the area and there is no commitment.

Councilman Prince asked if it were true that OEDD was not interested in businesses relocating. Mr. McLeod said what they are interested in is "new jobs," and the OEDD encouraged us to solicit the letters of interest.

Administrator Jordan said the numbers are "soft" at this time, this is a way to have our project considered by OEDD. It can be considered as an infrastructure capacity with no business commitments for a loan only. If we have business commitments then they will consider us for a loan/grant. Mr. Jordan noted that the City is truly interested in a grant, and Mr. Broetje's business is the primary interest. Mr. Kahut's is not an essential portion of the application.

Mayor Taylor said the options regarding the Kahut letter were whether the letter should be left in on its own merits; submit the application with a letter indicating there is no obligation due to the use of Kahut's letter; or remove the Kahut letter entirely.

Councilman Daniels felt the Kahut letter was not a commitment and felt this opportunity

would get us started, and more industries will show interest.

Councilman Prince was interested in the loan/grant, and felt the letter would help, and would not be a commitment.

Councilman Nolder said we should submit the application as presented and indicate that both Mr. Kahut and Mr. Broetje have no construction approvals at this time.

Councilwoman Miltenberger agreed that the Kahut letter should be included, however, a letter should address the Council's "stand."

Mayor Taylor said he felt the consensus was that, by accepting the application, we are not guaranteeing any future approval for either Mr. Kahut or Mr. Broetje, only that these people have indicated an interest in the proposed Park.

Administrator Jordan pointed out that the \$63,000 listed under Private Funds from the School District were not entirely from the district, but other sources were included.

Councilman Prince pointed out that we still need to prioritize projects in the community for the highway funds. Mr. Jordan said we are working with ODOT with the Surface Transportation Program (STP), and we hope to use some of that money for this project. ODOT has begun design work on the proposed signalization for S. Pine Street.

****Councilman Daniels moved to instruct staff to submit the application to the Oregon Economic Development Department for a Special Public Works Grant/Loan Program, as presented. Seconded by Councilwoman Miltenberger, approved 4-0.**

Mayor Taylor closed the public hearing at 9:00 p.m.

COMMUNICATIONS: Police Building Mural - Chief Giger passed around a draft of the proposed mural that will be painted on the front (N. Holly) side of the Police Department. He explained that funds have all been collected, and the project should proceed within a couple weeks.

Councilman Daniels suggested that the mural identify some of the scenes depicted, or perhaps have some type of legend for the mural.

The Council gave an unanimous consensus of approval for the mural project to proceed with their work.

Mayor's Ball - Mayor Taylor reminded everyone of the October 9th, "Fall Into the Night" Mayor's benefit dance at the fairgrounds, with proceeds going to Clackamas County Social Agencies.

NEW BUSINESS: Accounts Payable - ****Councilman Prince moved to approve payment of accounts payable in the amount of \$346,670.82. Motion seconded by Councilman Daniels and approved 4-0, by roll call vote.**

Agreement for Adult Center Food Service - Administrator Jordan reminded the Council that we actually contract with Clackamas County for senior services and funds for the Canby Adult Center. This would be a subcontract between the City and the Friends group and delegate authority to the Friends group to provide the day-to-day food services at the Center.

****Councilman Daniels moved to authorize the City Administrator to sign the Agreement**

for the Adult Center Food Service as presented. Motion seconded by Councilman Nolder and approved 4-0.

Mayor Taylor called for a short recess at 9:08 p.m. and reconvened the regular session at 9:14 p.m.

Advanced Financing - Administrator Jordan informed the Council that Municipal Code 4.12 allows the City to "advance finance" infrastructure whereby future developers will repay through agreements. The code requires a motion directing the City Administrator to start the application process. The engineer of record will be submitting a report for the public hearing on the costs of the project, the benefited properties from the project, and how the costs would be equitably allocated by a formula.

****Councilman Nolder moved to direct the City Administrator to apply for Advanced Financing for the Pedway Project and Logging Road Industrial Park Project. Motion seconded by Councilwoman Miltenberger and approved 4-0.**

Deed for S. Pine Street Right-of-Way - Administrator Jordan reminded the Council that a street vacation was implemented in June on S. Pine Street which crossed a portion of the Watson/Wodtli properties. Mr. Watson's project had a condition of approval that a portion of their properties be dedicated for City street purposes. This deed needs to be accepted for recording to complete the condition.

****Councilman Daniels moved to accept for recording a deed from Watson and Wodtli for a portion of property on S. Pine Street for City right-of-way. Seconded by Councilman Prince and approved 4-0.**

ORDINANCES & RESOLUTIONS: Resolution 551 - Bob Hoffman reminded the Council that Myra Weston had requested the Council to reconsider a street name in the S.W. section of town, to keep in compliance with other streets. Since the renaming was taking place, three other streets needed to have corrections in their names:

In Willow Creek, Teakwood Drive and Teakwood Circle need to have **NORTH** designated, as well as **STREET**.

Radcliffe Court will become **S. BAYWOOD COURT**.

N.E. 13th Place has been using the name N.E. **13TH CIRCLE**, and this will be made official.

Mr. Hoffman said the owners have been made aware of the suggested changes and were in approval.

****Councilman Prince moved to adopt Resolution No. 551, A RESOLUTION CHANGING THE NAME OF TEAKWOOD DRIVE, PLATTED AS PART OF WILLOW CREEK ESTATES I & II, TO N. TEAKWOOD STREET; CHANGING THE NAME OF TEAKWOOD CIRCLE, PLATTED AS PART OF WILLOW CREEK ESTATES II, TO N. TEAKWOOD STREET; CHANGING THE NAME OF N.E. 13TH PLACE, PLATTED AS PART OF O-ME-CO INC. III, TO N.E. 13TH CIRCLE; AND CHANGING THE NAME OF RADCLIFFE COURT, PLATTED AS PART OF CEDER RIDGE REPLAT TO S. BAYWOOD COURT. Motion seconded by Councilman Daniels and approved 4-0.**

Ordinance No. 897 - Bob Hoffman explained that the City advertised for RFP's for the Transportation Plan and System Development Charge and received numerous replies. Two firms were selected by the review committee: Kittleston & Associates and David

Evans. David Evans proposal was \$130,000, and without the full compliance with the State's new Transportation Planning Rule (which is not required) their proposal was almost \$100,000. Kittleson & Associates includes all work as requested, including full compliance with the State Transportation Rule, for \$70,000.

Staff recommended hiring the Kittleson firm.

****Councilman Prince moved that Ordinance No. 897, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH KITTLESON AND ASSOCIATES, INC., FOR THE PREPARATION OF A TRANSPORTATION AND TRAFFICWAYS PLAN be posted and come up for final action on September 15, 1993. Motion seconded by Councilwoman Miltenberger and approved 4-0.**

Ordinance No. 898 - Mr. Hoffman said the same type of procedure was used for RFP submittals and reviews. Four firms were finally considered: KCM, Curran-McLeod, OTAK, and HGE. The proposed costs ranged from \$59,300 to \$69,832, with Curran-McLeod being the lowest. Staff recommends Curran-McLeod for several reasons: local knowledge of current system, including water and sewer systems; long-standing positive relationship with Canby personnel; and their team includes a statewide recognized expert in financial analysis, including SDC's.

****Councilman Daniels moved that Ordinance No. 898, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC. FOR THE PREPARATION OF A STORMWATER MASTER PLAN be posted and come up for final action on September 15, 1993. Motion seconded by Councilwoman Miltenberger.**

Councilman Prince asked the definition of a French drain. Mr. McLeod said a trench with drain rock.

Mayor Taylor noted that while he had a great deal of respect for the Curran-McLeod firm, he was concerned about the appearance of hiring the City's engineer of record and suggested that future reviews include a member from a neighboring City.

Administrator Jordan interjected that the review team had discussed this issues at length.

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

Ordinance No. 894 - Administrator Jordan reminded the Council that first reading of this ordinance was in June. However, the amount of \$54,000 was over budget. Mr. McLeod and Parker Northwest reviewed and reworked the project.

Curt McLeod reported three other projects helped deplete the street fund: Birch Street, High School and Pedway projects. Mr. McLeod said in order get the work done for a cost under \$40,000, a change order is the next agenda item. The new scope of the project will include a 15 foot extension of the road, a 1-1/2 inch overly over the entire street, curbs on the south side, and utilizing the partial curb on the NE side of the street. There are reduced quantities of work, increased unit prices, but in total the project is about \$38,900.

Councilman Prince asked about the reduction in footage on the sidewalks. Mr. McLeod said they would be utilizing a large portion of the existing sidewalk on the south side.

****Councilwoman Miltenberger moved to adopt 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 AVENUE; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved by roll call vote, 4-0.

UNFINISHED BUSINESS: Change Order for Ordinance No. 894 - **Councilman Prince moved to approve the Change Order for the 4th Avenue Street Improvement Project, changing the total bid to \$38,906. Motion seconded by Councilwoman Miltenberger and approved 4-0.

1979 Water Bonds Paying Agent - Administrator Jordan reported that City Treasurer, Virginia Biddle, had researched the questions by the Council regarding this matter. She could find nothing in the file stating why Clackamas County was the initial paying agent. Mickey Shroyer, in the County Treasurer's Office, said they did not go out for formal RFP's, but called for comparison costs. The County received the lowest price from US Bank based on the number of bonds they are currently handling for the County. The County also paid the first year cost to make the transition easier for the City.

**Councilman Nolder moved to authorize the City Administrator to enter into an agreement with First Bank National Association as the paying agent for the 1979 Water Bonds. Motion seconded by Councilwoman Miltenberger.

Councilman Prince asked if it were worth refinancing the bonds. He was referred to page 106 of the packet that noted they cannot be refinanced due to the maturity dates.

**Motion was approved 4-0.

OTHER REPORTS OR ANNOUNCEMENTS: Chief Giger informed the Council that letters has been sent to all property owners in the area of the safety issues concerns that were proposed by the Traffic Safety Committee.

The proposed ONE-WAY (west to east) ALLEY between N. Holly to N. Ivy and NW 2nd and NW 3rd, appeared to be no problem and will be implemented for safety reasons.

The proposed FOUR-WAY STOPS on NW 4th and Grant and NW 4th and Holly brought only two responses. Mrs. Orma Kraft felt we already had too many stop signs in town. The Canby Christian Church was in favor of the proposal.

The NO PARKING on S. Ivy on the west side between SW 2nd and SW 8th, brought one favorable response and two against. The rationale for the request was outlined by the Chief: need for vision clearnce at the intersections; the volume of traffic, 9,000 vehicles per day; a recommendation from ODOT in March 1993, who actually were surprised to see parking was allowed; and in 1992 the County reviewed it for realignment and a left turn lane for Township, which resulted in a no parking suggestion on Ivy for their purposes. Chief Giger read Mr. Tramel's (home owner on SW 2nd and Ivy) letter of opposition, which related his feelings that the property value would be reduced for commercial use. However, Mr. Giger said new commercial use will be required to have off-street parking.

**Councilman Daniels moved to accept the report from the Traffic Safety Committee to implement the following:

One-way traffic, from west to east, in the alley between N. Holly & N. Ivy and NW 2nd and NW 3rd;

Four-way stops on N. Grant at NW 4th and N. Holly and NW 4th;

No Parking on S. Ivy from Second to 8th Avenues.

The motion was seconded by Councilwoman Miltenberger.

Councilman Daniels pointed out other alternative routes to eliminate the stop signs, such as Ivy Street.

Staff was directed to contact Mr. Tramel to discuss the issue.

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

ACTION REVIEW:

1. Attorney Kelley will prepare a memo in answer to the CCC issues and report back at the next meeting.
2. Submit an application to OEDD for the Special Public Works Fund.
3. Proceed with the mural painting on the Police Department building.
4. Execute an Agreement for Food Services with the Friends of the Canby Adult Center.
5. Begin the Advanced Financing process for the Pedway and Logging Road Industrial Park Projects.
6. Record the deed for right-of-way on S. Pine.
7. Rename four streets.
8. Post Ordinances 897 & 898 and return to the next meeting for second reading.
9. Contract with Parker NW Paving for an amended project on NW 4th.
10. Authorize First Trust of Oregon as 1979 Water Bond pay agents.
11. Implement recommendations from Traffic Safety Committee as per Chief Giger's report.

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

Mayor Taylor recessed the regular session at 10:02 p.m. to go into Executive Session in the CUB board room. The regular session was reconvened at 10:53 p.m.

Administrator Jordan informed the Council that he has been discussing with the former City Administrator of West Linn, Walt Johnson, the possibility of contracting for a pre-project manager of the Logging Road Industrial Park and the privatization of the cemetery. Mr. Johnson has submitted a "draft" contract with compensation of \$85.00 an hour, not to exceed \$15,000 on the management project and \$2,000 on the cemetery issue. Mr. Jordan requested Council permission to proceed discussing the issues with Mr. Johnson. Also, Mr. Jordan said he had discussed contracting with Carl Mosely, however, Mr. Mosely does not have the time for these projects at this time.

Mayor Taylor asked that the Council be able to review in more detail such a proposed contract but had the consensus to proceed with finding someone to do the projects.

Administrator Jordan noted that he has had conversation with someone who is extremely interested in managing the cemetery, and this will be pursued.

****Councilwoman Miltenberger moved to approve the Police Association labor contract as**

negotiated and authorize the City Administrator to sign the contract. Seconded by Councilman Nold approved 4-0.

Mayor Taylor adjourned the session at 11:15 p.m.

EXECUTIVE SESSION
SEPTEMBER 1, 1993

The session was held in the conference room at the Canby Utility Board.

Present: Mayor Taylor, Councilors Prince, Daniels, Nolder, and Miltenberger, Administrator Jordan and Cam Sivesind.

ORS 192.660 (1)(e) - The Council discussed the possible purchase of real property.

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

Mayor Taylor adjourned the session at 10:50 p.m.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor

PROCLAMATION

WHEREAS, neighbors who volunteer their time provide assistance which can't be measured in terms of dollars, for volunteers provide a spirit of helping that multiplies in value when each neighbor reaches out to assist another; and

WHEREAS, volunteers throughout the City donate their time to a wide variety of human service programs such as the senior center, youth center, the developmentally disabled, literacy, housing for the low income citizen and the disabled homeless, public library and various local school programs; and

WHEREAS, employees of Key Banks throughout the State of Oregon will volunteer their time and efforts to be a "good neighbor"; and our Canby Key Bank Branch employees will volunteer at the Canby Adult Center in various cleaning duties.

NOW THEREFORE, I, Scott Taylor, Mayor of the City of Canby do hereby proclaim Tuesday, September 14, 1993 as

NEIGHBORS MAKE THE DIFFERENCE DAY

in Canby and I urge all residents to recognize this day by supporting their efforts and commend these volunteers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 1st day of September in the year of our Lord One Thousand Nine Hundred and Ninety-Three.

Scott Taylor, Mayor

PROCLAMATION

WHEREAS, the POW-MIA flag is the sole flag to fly over the White House, other than "Old Glory," since 1982 when the National League of Families of American Prisoners and Missing in Southeast Asia Organization requested this action; and

WHEREAS, U.S. Public Law 101-355 officially recognizes the POW-MIA flag as the designated symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoners, missing and unaccounted for in Southeast Asia; and

WHEREAS, there are 125 MIA from World War I, 78,000 MIA from World War II, 7,140 MIA from the Korean Conflict and unofficially 2,253 MIA from the Vietnam War; and the State of Oregon has 47 MIA listed from the Vietnam War; and

WHEREAS, September 10th has been proclaimed by President Bill Clinton as National POW-MIA Day to set aside a time to call attention to all those Americans still unaccounted for in Southeast Asia, as well as those still missing in action from all wars.

NOW THEREFORE, I, Scott Taylor, Mayor of the City of Canby do hereby proclaim Saturday, September 11th as

NATIONAL POW-MIA RECOGNITION DAY

and urge all the citizens in our community to set aside this day as a reminder of those still missing that have given so much to our country. And, as a show of faith, the City will proudly fly the POW-MIA flag on this day, as well as other holidays.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 1st day of September in the year of our Lord One Thousand Nine Hundred and Ninety-Three.

Scott Taylor, Mayor