

**CANBY CITY COUNCIL
REGULAR SESSION
APRIL 1, 1992**

WORKSHOP: The workshop on "social gaming", which was continued from March 18, 1992, was held at 7:00 p.m.

REGULAR SESSION: Mayor Shawn P. Carroll presiding. Council members present: Maureen Miltenberger, Scott Taylor, Terry Prince, Walt Daniels and Robert Smith. Absent: Keith Stiglbauer.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, City Planner Bob Hoffman, Police Chief Jerry Giger, City Recorder Marilyn Perrett, Milt Dennison, Betsy Ross, Diane Anderson, Carol Bedden, Jim & Georgia Newton, Shirley Tooley, Debbie Bell, Leonard Thompson and Cam Sivesind.

Mayor Carroll called the regular session to order at 7:42 p.m., followed by the flag salute and meditation.

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

MINUTES OF PREVIOUS SESSIONS: **Councilman Daniels moved to approve as distributed the minutes of regular meeting March 18, 1992, and special meeting, March 25, 1992. Motion seconded by Councilman Smith and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Carroll thanked the City Public Works crew for cleaning up the area around the trees and bark dusting around them on First Avenue.

PUBLIC HEARING: ANN 92-401, Elementary School Site - Mayor Carroll reviewed the public hearing criteria.

Mayor Carroll asked the Council to declare any conflict of interest. None was voiced.

Mayor Carroll asked the Council to declare any exparte contact. The Council all expressed none.

Mayor Carroll opened the hearing at 7:47 p.m.

Staff Report - Bob Hoffman, City Planner, noted that the entire record of the issue was available in the Planning Office and a summary of the record had been presented to the Council in their packets. The proposed annexation is a 20 acre site which fronts S. Redwood Street and Township Road which will be the site of a new elementary school. The Commission requested that a 40 foot wide right-of-way be included, as it will be the main entrance to the school. The existing street will be used for sidewalks and utility easements. The concern about the flow to the sewer plant has been eased with the recent approval of the sewer revenue bonds to expand the plant. The Planning Commission recommends approval of the annexation and said the application met the eight criteria of Municipal Code Section 16.84.040.

Councilman Taylor asked Mr. Hoffman to expand on the sewer flow issue. Mr. Hoffman said that there will be no new flow, since the amount of children already exist in other facilities; and the engineering of the new school has new energy saving measures which they feel will actually promote less flow to the plant.

Councilman Daniels asked if the appeal at LUBA had been tabled as suggested by the staff

report. Attorney Kelley said they had filed a motion to continue in six months at LUBA, pending a new site location.

Councilman Daniels noted that this site was a Priority "C", and asked what priority was designated for the Territorial site. Mr. Hoffman indicated the prior site was a Priority "A".

Councilman Prince asked if the request for the additional 40 foot right-of-way is indicated in the annexation. Mr. Hoffman said this was included on the map, which was "Exhibit A" of the resolution.

Mayor Carroll inquired how long the approval process would take at the Boundary Commission. Mr. Hoffman said approximately 60 days.

Applicant - Milt Dennison, Superintendent of the Elementary School District, reminded the Council that although the Territorial site was considered a Priority "A", it is currently in the City limits. Mr. Dennison said the board considered 12 possible sites and felt the one in question best fit their needs.

Proponents - None.

Opponents - None.

Rebuttal - None.

Mayor Carroll closed the hearing at 8:00 p.m.

Councilman Daniels asked if the site in question was as good as, or is it second best to the prior Territorial site. Mr. Dennison said the Territorial site presented a good balance regarding location, however, the problems that the Territorial site would bring verses the problems for this site, the current site on Township would win. This site has good access, no big trees, no sewer plant issues, and easy to develop. He reiterated that the board is confident with the plan that is in place.

Councilman Taylor questioned if Township Road would be able to handle the additional traffic and specifically buses. Mr. Klem said they would recommend a traffic study to deal with that issues and also the impact on the intersection of Township and Ivy.

Councilwoman Miltenberger asked about bike and walk paths for the area. Mr. Dennison said they did have a completed traffic study and summary report regarding the additional traffic. The traffic study indicated all of the area as a class "A", and there is a potential that the Township and Ivy intersection will drop to a class "B". The traffic engineer, at this point, recommends no additional requirements, either in signals or turn lanes. All students will be bused to the site.

Mayor Carroll asked if a recent traffic count had been done on Township. Mr. Hoffman said a report has been submitted to be considered during the Conditional Use Design Review of the site. The report shows a 10% increase in existing traffic.

Mayor Carroll asked if the school would be fenced. Mr. Dennison said this topic is still under discussion.

Councilman Prince questioned the sewer line issue. Mr. Hoffman said we will probably bring the line from the main at 99E. Administrator Jordan said the cost of bringing the line out to the subject area has not been finalized because a couple of industries are reviewing that vicinity for location. Hopefully, all the entities will share in the cost.

Councilman Daniels asked if the school can be built at the present site for the same money as was allocated for the prior Territorial site. Mr. Dennison noted that the bond issue had figures included for a future school site because they were aware of a need for an additional school 8 or 10 years from now. This project will allow them to keep the filbert orchard, off N. Holly, as a future school site.

****Councilman Taylor moved to adopt Resolution No. 502, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF CANBY ELEMENTARY SCHOOL DISTRICT NO. 86) APPROXIMATELY 20 ACRES LOCATED EAST OF S. REDWOOD AND SOUTH OF S.E. TOWNSHIP ROAD, and forward that resolution to the Portland Metropolitan Boundary Commission. Motion seconded by Councilwoman Miltenberger and approved 5-0.**

COMMUNICATIONS: Georgia Newton, from the Merchants Committee, along with Shirley Tooley, reviewed the events planned by the group for the Spring Open House on April 18, 1992. These included Easter egg hunt at the fairgrounds, kids parade, entertainment at Wait Park, roving musicians, miniature golf, petting zoo and a merchants treasure hunt. Mrs. Newton said they would ask the Fire Department to furnish a vehicle for the Grand Marshall, the Easter Bunny; and the Police Department to provide parade route assistance.

****Councilman Daniels moved to approve the request from the Canby Merchant Group to use Wait Park and the City streets for their Easter promotion and encourage the Police Department to assist in the activities. Motion seconded by Councilman Prince and approved 5-0.**

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to authorize payment of accounts payable in the amount of \$89,923.90. Motion seconded by Councilman Prince and approved by roll call vote, 5-0.

League of Oregon Cities Dues - Administrator Jordan noted that usually the Council is not requested to review the proposed dues, however, some new voluntary fees have been requested this year. The City has, in the past, paid the voluntary amicus contribution, but the LOC/AOC tax project and water program are both new voluntary contribution requests. Mr. Jordan said that due to the Federal Clean Water Act, he anticipates lobbying to change the funding of this proposal. Also, the state has long been working on tax reform issues.

Councilman Daniels asked Mr. Jordan for a recommendation. Mr. Jordan said he felt we would benefit by the water project proposal but had no recommendation on the tax reform matter.

Councilman Taylor expressed concern about funding the voluntary requests not knowing how many other entities are joining in the funding to make it worthwhile. Also, he suggested these be part of the dues structure.

Administrator Jordan will consult LOC regarding the concerns of the Council about other entities that contribute to the voluntary requests and also suggest they be incorporated into the dues structure. Mr. Jordan will place this on the April 15th agenda for further discussion.

Abstract of Votes - Administrator Jordan reviewed the official abstract of votes for our sewer revenue bond election of March 26, 1992, as presented by Clackamas County Elections. The issue passed with 1,170, yes votes; 1,015, no votes; 2 overvotes; and 82 undervotes.

****Councilman Prince moved to accept the abstract of votes presented by Clackamas County Elections for the March 26, 1992, Sewer Revenue Bond election. Motion seconded by Councilman Daniels and approved 5-0.**

UNFINISHED BUSINESS: Canby Arts Association Funding Request - Administrator Jordan informed the Council that he had discussed the issue with Dennis Nolder, our insurance agent, and it was his recommendation that the City sponsor the event so it could be covered under our insurance. There would be no addition premium to cover the event. Mr. Jordan concurred with the recommendation and said we could initiate an advisory committee to be in charge of General Canby Day.

Diane Anderson, President of the Arts Association, felt their group had "outgrown" the General Canby Day event and was perceptive to Mr. Jordan's recommendation. She also said their organization would then be free to focus on other events to promote.

Councilman Daniels asked what would happen if we went in the "red" financially. Mrs. Anderson indicated that they have worked with a \$5,000 budget, not including the fireworks. They have an auction and charge a fee for booths.

Mr. Jordan noted that the City has contributed some money in the past for General Canby Day. He suggested we have a budget and manage it so it is not a "drain" on the City.

Councilman Daniels asked if this would set a precedent for others asking for sponsorship for like events, such as the Kiddie Kapper parade and the Easter event that was approved tonight. Mr. Jordan said he didn't know, this could happen.

Councilman Prince asked if every event would be covered in the General Canby Day celebration, specifically food booths. Mr. Jordan indicated he would have to discuss this with Mr. Nolder.

Councilman Daniels asked if the Art Association would work on the event the same way they have in the past. Mrs. Anderson indicated they would do whatever was requested. Also, she said there is a chance of corporate sponsorship.

Mrs. Anderson asked if we were ultimately responsible anyway since we financially supported the event. Attorney Kelley said we put money into various organizations with no problems.

****Councilman Daniels moved to authorize the City of Canby to sponsor the General Canby Day festivities and to establish an advisory committee and that they operate within a budget. Motion seconded by Councilman Prince.**

Administrator Jordan said a list of applicants and a structure of this committee will be on the next agenda.

Councilman Daniels extended City appreciation to the Arts Association and indicated this action is only an intent to assist them.

****Motion was approved 5-0.**

Social Gaming - This decision has been continued with a workshop session set for Wednesday, April 8, 7:00 p.m.

Decision on Transfer to Sewer Reserve Fund - Administrator Jordan reminded the Council that because of the ongoing litigation case, Rinkes, the Sewer Reserve Fund needed to be reimbursed for money expended on legal fees for this litigation case. Terry Prince,

Chairman of the Budget Committee, made the following financial suggestions for decision package money that is in the current budget: \$100,000 be transferred to the Sewer Reserve Fund and the remaining \$19,000 be allocated as follows; \$3260 for Police Equipment Repair/Maintenance, \$10,000 for Community Service office remodel, \$1750 to the Library for a computer, and \$5000 for Police Parking area.

Mr. Jordan reminded the Council that ultimately this would be a supplemental budget process.

Councilman Daniels asked if we could transfer back out of the Sewer Reserve Fund, if needed. Administrator Jordan noted that we have "borrowed" from that fund, however, he was not sure if it is legal to transfer to the General Fund from the Sewer Reserve Fund.

****Councilman Taylor moved to approve transferring \$100,000 to the Sewer Reserve Fund from the 91-92 General Fund. Motion seconded by Councilman Daniels and approved 5-0.**

Councilman Taylor expressed a concern about maintenance and repair and felt the \$19,510 should first be considered for those expenses.

Councilman Prince said that if we do anything on the list, we address the Community Service remodel for safety reasons.

Administrator Jordan said that a recent OSHA audit reported the lighting in that office as deficient and the electrical system inadequate. He suggested this be qualified as repair and replacement. Mr. Jordan suggested that the immediate need at the Swim Center was a specific valve.

Councilman Daniels suggested that we consult with the Swim Center and Police Department to see what actual repair or maintenance has to be addressed.

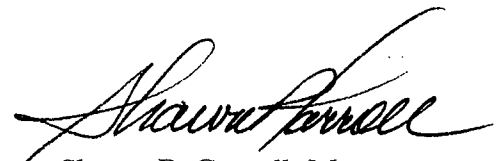
****Councilman Taylor moved to take the remaining \$19,510 in the General Fund and expend it on Police Department repair and maintenance; repair and maintenance of the Community Services office; and make an effort to repair equipment at the Swim Center. Motion seconded by Councilman Prince and approved 5-0.**

OTHER REPORTS OR ANNOUNCEMENTS: Chief Giger reported that Steve Landis, DARE Officer, has been on his own since March 1st and has been making several school contacts and doing a great job.

- ACTION REVIEW:**
1. Set a workshop on April 8th, 7:00 p.m. for Social Gaming.
 2. Send Resolution No. 502 to Portland Boundary Commission.
 3. Research LOC funding.
 4. Return with structure and names for a General Canby Day steering committee.
 5. Prepare a Supplemental Budget to include \$100,000 transfer from General Fund to Sewer Reserve Fund.
 6. Replace and repair Police equipment, do some repair and maintenance in Community Service Office and with the balance, some repair and maintenance at the Swim Center.

Mayor Carroll adjourned the session at 9:17 p.m.


Marilyn K. Perkett, City Recorder


Shawn P. Carroll, Mayor

SUMMARY OF VOTES CAST

CLACKAMAS COUNTY, OREGON

ELR200

ISSUE 111

3/25/92

SPECIAL ELECTION

PAGE 1

10:30

MARCH 24, 1992

JOHN KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :

* DATE OF ABSTRACT : *

* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* MAR 26 1992 *

CITY OF CANBY

MEASURE 3-5

SEWER REVENUE BOND AUTHORIZATION

CANDIDATE KEYS:

CAND-01 = YES

CAND-02 = NO

CAND-97 = OVERVOTES

CAND-98 = UNDERVOTES

CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
122	118	141	1	4	264
123	139	130	0	11	280
124	345	267	0	27	639
125	241	194	1	19	455
126	327	283	0	21	631
TOTALS	1,170	1,015	2	82	2,269