

**CANBY CITY COUNCIL
REGULAR MEETING
MAY 6, 1992**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Treasurer Virginia Biddle, City Planner Robert Hoffman, Assistant Planner Jim Wheeler, Librarian Beth Saul, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Steve Lakey, Phyllis Hester, Karen Sasse, Kenneth Kuhn, David Herman, Tom Tye, Maxine Peters, Ralph Funk, Pat Curran, Curt McLeod, Rick Given, Jack Wilberschied and Cam Sivesind.

President Taylor opened the session at 7:30 p.m., followed by the flag salute and meditation.

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, April 15, 1992. Motion seconded by Councilman Smith and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROCLAMATIONS: Poppy Month - President Taylor proclaimed the month of May, 1992, as Poppy Month and urged citizens to purchase poppies from the American Legion Auxiliary.

Better Hearing and Speech Month - President Taylor proclaimed May as Better Hearing and Speech Month.

National Teacher's Day - President Taylor read a proclamation proclaiming May 5th as Teacher's Day, however, he encouraged everyone to acknowledge our local teachers a day late.

National Preservation Month - The month of May was proclaimed National Preservation Month by President Taylor at the request of our local Canby Heritage League.

PROGRESS REPORT ON SEWER PLANT IMPROVEMENTS: Curt McLeod addressed the Council to bring them up to date on the progress of the plant improvements. He also introduced a new member of their firm, Ralph Funk.

Mr. McLeod said they were currently completing the Facility Master Plan. One of the major components, the Mixing Zone Analysis, has shown that we have no problem with our diffuser into the river and generally there are no toxic's that go into the water to harm wildlife.

Mr. McLeod handed out a copy that showed the new structures, modified existing structures and future structures, reviewing each of those structures and operational procedures.

The major change would be in the sludge handling, the prior need for a sludge lagoon is

not needed, it will be done with a DEQ approved mechanical process. The proposed plan is designed for 2 MGD (million gallons per day), however it will handle a peak of 5 MGD.

Councilman Prince questioned if the current odor problem will be solved. Mr. McLeod said the new lime stabilizing process would solve this problem. Also, Councilman Prince asked if it were a gamble not to include a sludge lagoon and was told that they work very closely with DEQ on the new regulations and felt it was safe.

Councilman Stiglbauer asked what the current flows were and was told it is 1 MGD and at peak is 1.4 MGD.

Councilman Smith asked if a sand filter was included in stage two and was told that the first five years of operation will let us know if it is required. However, presently is has not been proposed to be included since they don't plan to have the effluent meet the class necessary for residential irrigation.

President Taylor asked for clarification on the reduction of the cost of the project. Mr. McLeod said the total original project cost was \$12,600,000 and both of the stages of designed by Curran-McLeod comes to about \$7,300,000 with a \$5 million dollar savings. He implied that stage two may be "pushed" somewhat, depending on how stage one performs.

President Taylor thanked the engineers from Curran-McLeod for updating the Council on the sewer plant progress.

PUBLIC HEARING: ANN 92-02, David Herman Applicant - President Taylor reviewed the hearing process after opening the hearing at 8:05 p.m.

Mr. Taylor asked the Council if anyone had any conflict of interest on the hearing matter, none was expressed.

Mr. Taylor asked the Council to declare any exparte contact, none was declared.

STAFF REPORT - Jim Wheeler, Assistant Planner, said that the annexation was 23.62 acres, owned by D'Anne and Harvey Tofte, with the applicant being David Herman. The site is located on the north side of S.E. 13th Avenue next to Ackerman Junior High School. Currently the County zoning of the site is for farming use, however, it is not being farmed. The proposed zoning will be Low Density Residential, R-1. Mr. Wheeler explained the plans are for 3 to 4 years of phasing with 30 units a year up to an approximate 100 units. All services will be available to the site, specifically with the new school locating in that area.

The Planning Commission recommended that the City Council recommend approval of the proposed annexation to the PMALGBC with the following conditions: 1) all development and recording costs be borne by the developer when the property is developed; 2) all City and service provider regulations are to be adhered to at the time of development; and 3) any large scale development of the property must be preceded by a Subdivision Review or Design Review.

Councilman Smith asked if there were any trees on the site and was told there were not.

APPLICANT - Rick Gibbons, a planning consultant, asked that the Council support the proposed annexation.

PROPONENTS - None voiced.

OPPONENTS - None voiced.

President Taylor closed the hearing at 8:15 p.m.

****Councilwoman Miltenberger moved to adopt Resolution No. 506, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF D'ANNE AND HARVEY TOFTE), APPROXIMATELY 23.62 ACRES LOCATED ON THE SOUTH SIDE OF S.E. 13TH AVENUE, APPROXIMATELY 1780 FEET EAST OF S. IVY STREET and to recommend approval to the Portland Metro Boundary Commission. Motion seconded by Councilman Daniels and approved 6-0.**

COMMUNICATIONS: Literacy Program - Jack Wilberschied, from Simpson Paper Company in West Linn, addressed the Council about a literacy program that Simpson Company is sponsoring and is seeking volunteers for the instruction. Mr. Wilberschied noted that 1 out of 4 employees in the work force have below an 8th grade education and no high school diploma. His firm is seeking volunteers that are willing to give one to two hours per week for three months as a tutor. Simpson offers an 8 hour training course. The "Read Right" system, developed by Dr. Dee Tadlock, is used and usually brings the students up one grade level per month of training. Mr. Wilberschied urged any volunteers to call his West Linn office to sign up for training.

Letter from Lee School - Maxine Peters, 4th grade Lee Elementary Teacher, requested permission to hold a "smoke free" parade on May 29th, at 11:00 a.m., around Wait Park. Mrs. Peters said students from Eccles and Ninety-one will also be participating, and projects about 350 students. Chief Giger has approved the parade route.

****Councilman Daniels moved to approve the request from Lee School to allow them to hold a "smoke free" parade on May 29th near Wait Park and to coordinate their activities with the Police Department. Motion seconded by Councilman Smith and approved 6-0.**

Whiskey Hill Jazz Request - Steve Lakey, President of the Whiskey Hill Jazz Club, addressed the Council requesting use of Wait Park and closure of Grant and N.W. 3rd and 4th Streets on May 16th for the Second Annual Jazz Festival. Mr. Lakey indicated they would have 16 craft booths, nursery stock booths and hold a raffle.

President Taylor suggested he talk to the City Attorney regarding the proposed raffle.

****Councilman Daniels moved to allow the Whiskey Hill Jazz club the use of Wait Park and closure of said streets for their Jazz Festival on May 16th, and to coordinate their activities with City staff. Motion seconded by Councilwoman Miltenberger.**

President Taylor requested that in the future, these type of requests come before the Council at an earlier date prior to the event.

****Vote on the motion was for approval, 6-0.**

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to authorize payment of accounts payable in the amount of \$96,821.26. Motion seconded by Councilwoman Miltenberger and approved by roll call vote, 6-0.

Recommendation for Auditor - Virginia Biddle, City Treasurer, informed the Council that a request for RFP's had been published in February. Mrs. Biddle said she had received four proposals and along with Judy Hogland from Canby Utility Board, they interviewed all four. Mrs. Biddle said all four were qualified and it came down to economics. Staff recommendation was to contract with Grant Thornton for auditing services for the next

three years at a fee of \$8,000 per each year.

Councilman Daniels asked if this firm had experience in other cities. Mrs. Biddle said they had experience in "medium" sized cities.

****Councilman Daniels moved to enter into a contract, along with the Canby Utility Board, for auditing services with Grant Thornton firm with the option to renew at the same \$8,000 fee for two additional years; and to authorize the City Administrator to sign a contract on behalf of the City. Motion seconded by Councilman Prince and approved 6-0.**

Volunteer for County Board of Ratio Review - Administrator Jordan informed the Council that he had received a phone call from County Commissioner Judie Hammerstad requesting an elected official from our "rural" area volunteer to serve on the County Board of Ratio Review. The Board meets 2 or 3 times in July to review the formula and work done by the County Assessor's office in regards to property assessments. Ms. Hammerstad indicated that this person often goes on to serve on the County Board of Equalization, however, this is not a mandate.

None of the Council volunteered to serve at this time, however, Mr. Jordan requested they let him know by Friday of this week if they would be interested in serving on the Ratio Review Board.

ORDINANCES & RESOLUTIONS: **Ordinance No. 876** - Administrator Jordan advised that this ordinance was to be considered for final action regarding a street vacation on S. Elm Street.

****Councilman Prince moved that Ordinance No. 876, AN ORDINANCE VACATING A PORTION OF THE SOUTH ELM STREET EXTENSION RIGHT-OF-WAY be adopted and become part of the laws of the City of Canby. Motion seconded by Councilman Daniels and approved by roll call vote, 6-0.**

Resolution No. 507 - Planner Hoffman reported that the owners of property at 1655 S.E. Township, Joan Jones and Gertrude Thompson, requested to be included with the New School Annexation which will be before the Metropolitan Boundary Commission tomorrow night. The owners of the .8 acre site were interested in connecting to City services. The Planning Commission recommended approval with a R-1 zoning to be included.

****Councilman Daniels moved to adopt Resolution No. 507, A RESOLUTION RECOMMENDING APPROVAL OF THE ADDITION OF AN 0.8 ACRE PARCEL AT 1655 S.E. TOWNSHIP ROAD TO THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF CANBY ELEMENTARY SCHOOL DISTRICT NO. 86), OF APPROXIMATELY 20 ACRES LOCATED EAST OF S. REDWOOD STREET AND SOUTH OF S.E. TOWNSHIP ROAD; and a recommendation for annexation to the Metropolitan Boundary Commission. Motion seconded by Councilman Smith and approved 6-0.**

Resolution No. 508 - Rusty Klem, Public Works Director, reminded the Council that we had applied for the SRF loan for construction of our sewer plant improvements and did not receive it, however, we did receive an SRF loan from DEQ. The loan is for \$127,700.00, at 0% interest for five years, with annual payments of \$25,540.00. Mr. Klem explained the money can be used to pay for sewer improvement billings until the sale of bonds are approved, probably in December.

Attorney Kelley pointed out that even though our Charter has a \$100,000 debt limit, ORS 468.439, allows us to enter into this agreement, overriding the Charter.

****Councilman Daniels moved to adopt Resolution No. 508, A RESOLUTION AUTHORIZING THE BORROWING AND REPAYMENT OF LOAN NUMBER R20520, A STATE REVOLVING FUND LOAN FOR FACILITIES PLANNING AT CANBY'S WASTEWATER TREATMENT PLANT. Motion seconded by Councilman Smith and approved 6-0.**

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: President Taylor asked when the street repair was done on the corner of Territorial and Holly. Mr. Klem informed him it was done on Tuesday.

Also, Mr. Taylor inquired about the repair of S. Ivy that has been a "mess" for so long. Mr. Klem explained that the Canby Utility Board has been using their own crew to put in a new water main, then they go back and put in service lines. He said if they were to repair it right away after the initial line was installed, they would have torn it up again to put in the service lines. The road has been bid by Parker Northwest to pave a twelve foot path to repair the patching.

Robert Hoffman invited everyone to a Historic Slide Show on May 12, 7:00 p.m., at the Pioneer Chapel.

President Taylor noted that our "neighborhood forums" have not been attended by citizens and expressed a concern about how to communicate with our constituents. Administrator Jordan added that the Canby Herald had an editorial about the meetings, as well as a mail back opinion card regarding communicating with citizens. Mr. Jordan said if we get no better response, we will discontinue these meetings.

Terry Prince made the following statement: "I'd like to thank the members of the Budget Committee on the long hours being spent preparing the 1992-93 budget document. The need for the City services are up in almost every department, however, we are looking at possible cuts in these departments to stay within the tax base and to address state revenue decreases expected next year. This is in stark contrast to the Fire District, whose calls are down, but are looking to doubling their tax base without increasing their personnel or services."

Mr. Taylor noted that the budget committee is meeting more often and they are public meetings, anyone can attend those meetings.

ACTION REVIEW:

1. Recommend the ANN 92-02 application to the Metro Boundary Commission, by Resolution No. 506.
2. Implement Ordinance No. 876, a street vacation on a portion of S. Elm Street.
3. Amend the Elementary School Annexation to the Metro Boundary Commission, by Resolution No. 507.
4. Proceed with the SRF loan by Resolution No. 508.
5. Contract with Grant Thornton for auditing services.

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(i), to make employee evaluations. Motion seconded by Councilman Daniels and approved 6-0.**

Council President Taylor recessed the regular session at 9:08 p.m. to go into Executive Session. The regular meeting was reconvened at 10:54 p.m. and immediately adjourned.

EXECUTIVE SESSION

May 6, 1992

Present: President Taylor, Council members Stiglbauer, Miltenberger, Smith, Prince and Daniels, and Administrator Jordan.

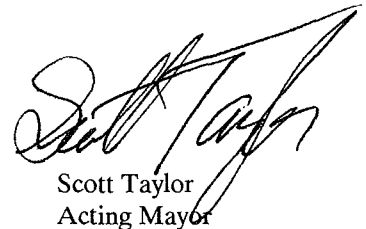
President Taylor opened the session at 9:21 p.m. in the Police Department Conference Room.

ORS 192.660 (1)(i) - The Council reviewed staff performance evaluations.

President Taylor adjourned the session at 10:52 p.m.



Marilyn K. Pekett
City Recorder



Scott Taylor
Acting Mayor

PROCLAMATION

WHEREAS, Hearing, speech and language disorders are this nation's most widespread handicapping conditions; and

WHEREAS, Some 24 million Americans, about 10 percent of the population, and an estimated 270,000 Oregonians, have speech, language, or hearing impairments which affect their educational, vocational, personal and social functions; and

WHEREAS, Most people with communicative disorders can be helped by audiologists and speech-language pathologists, but often need to be made aware of the availability of the services; and

WHEREAS, Better Hearing and Speech Month is an annual national campaign to inform the public about communicative disorders and ways to get help and to encourage early detection, proper treatment and prevention of these disorders; and

WHEREAS, The Pacific Northwest Hearing and Speech Council urges families to arrange to have their children's hearing checked "the Sooner the Better!" by calling 1-800-SAFENET.

NOW, THEREFORE, I, Scott Taylor, Acting Mayor of the City of Canby, Oregon, do hereby proclaim that

MAY IS BETTER HEARING AND SPEECH MONTH

and I encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 6th day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Two.



A handwritten signature in cursive script that reads "Scott Taylor".

Scott Taylor, Acting Mayor

PROCLAMATION

WHEREAS, teachers help shape and transform lives through their critical roles in the schools of this nation; and,

WHEREAS, they strive to open doors to opportunity through learning; and,

WHEREAS, they seek to motivate and inspire their students to develop to their full potential; and,

WHEREAS, they endeavor to make learning meaningful for students from all walks of life; and,

WHEREAS, they prepare this nation's students for the demands of a rapidly changing, increasingly competitive and technological society,

Now, therefore,

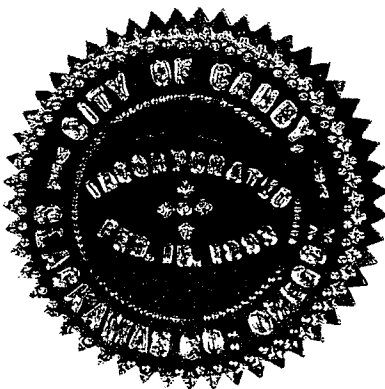
I, SCOTT TAYLOR,
serving as ACTING MAYOR
of THE CITY OF CANBY, OREGON,

Do hereby proclaim Tuesday, May 5, 1992, as

NATIONAL TEACHER DAY

I urge all citizens to observe this day by taking time to remember and salute those individuals who teach — and transform lives through education.

Signed this 6th day of May, 1992



PROCLAMATION

WHEREAS, Historic preservation gives American an authentic experience of their diverse heritage and provides direction for future generations; and

WHEREAS, Historic preservation enhances the livability of cities, towns and rural areas across America; and

WHEREAS, Preservation Week 1992 provides an opportunity for citizens of all ages and cultures to appreciate, preserve and protect America's heritage; and

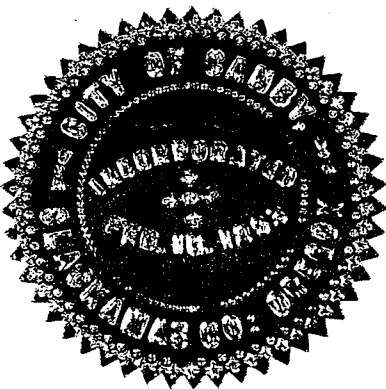
WHEREAS, "Preservation Brings History to Life" is the theme for Preservation Week 1992, cosponsored by the City of Canby Historic Preservation Task Force, Canby Heritage League and Canby Historical Society in the Canby, Oregon and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Scott Taylor, Acting Mayor of the City of Canby, Oregon, hereby proclaim May 10-16, 1992 as

NATIONAL PRESERVATION WEEK

and call upon the citizens of Canby to recognize and participate in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 6th day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Two.



Scott Taylor, Acting Mayor

PROCLAMATION

WHEREAS, the American Legion Auxiliary adopted the Poppy as its Memorial Flower which pays tribute to the war dead, and aids the living veterans and their families; and

WHEREAS, the contributions are used for Children and Youth and Rehabilitation in our local community of Canby.

NOW THEREFORE, I, Scott Taylor, Acting Mayor of the City of Canby, Oregon, do hereby proclaim the

MONTH OF MAY, 1992, AS POPPY MONTH
and May 20 through 23, 1992, as **POPPY DAYS** in the City of Canby.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 6th day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Two.

Scott Taylor, Acting Mayor