

CANBY CITY COUNCIL  
REGULAR SESSION  
SEPTEMBER 4, 1991

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Clerk Marty Moretty, Public Works Director Rusty Klem, Library Director Beth Saul, John Falkenstein and Chris Curran.

Mayor Carroll called the session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum present.

**MINUTES OF THE PREVIOUS SESSION:** \*\*Councilman Smith moved to approve as distributed the minutes of regular session, August 21, 1991, seconded by Councilman Daniels. Councilman Prince pointed out a correction on page 2, to change a narrative regarding a drywell on 12th and Pine that "has no problems" to reflect that it "**has problems.**" The motion to approve the minutes as corrected was approved unanimously.

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

**COMMUNICATIONS:** Community School Update - John Falkenstein, Canby Community School Director, addressed the Council to give his annual report. Mr. Falkenstein said participation was up substantially in classes and workshops; recreation activities are consistent in participation; special events about the same as prior years; Slice of Summer increased by almost 50%; and additional programs remained constant in participation. About 50% of participants are from City limits.

John said that many of their accomplishments are from a cooperative effort, not only the three financing entities, but many service organizations, business community, general community and other nonprofit organizations.

Leisure activities are diversely provided for many participants.

John Falkenstein said the theme that CUHS has this year is, "Educating Everyone, Takes Everyone." He felt this statement fits with the Community School Programs.

Councilman Daniels asked if the grade school district is aware of all of Community School activities. Mr. Falkenstein said he'd take time to make sure they are aware.

Councilman Taylor asked if programs without registration are free and was told not all of them. Mr. Taylor also asked for a future breakdown of what the City money provides, which programs are free and who is accessing them.

Programs that cannot be underwritten are on a tuition basis to pay for the instructor. Tuitions are being increased by 15% to 20% to cover more costs.

Mayor Carroll asked if there would be an increase in variety of workshops. John said he tries to assure programs for various interests in the community and by age category.

Councilman Smith asked if a record of senior participants is kept and was told that several

hundred participants are senior citizens and the Gold Card Program is honored.

Mayor Carroll thanked Mr. Falkenstein and specifically for the successful Slice of Summer Program.

At this time Mayor Carroll introduced Marty Moretty who was acting as City Recorder for the evening.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Prince moved to pay accounts payable in the amount of \$78,804.44, seconded by Councilman Stiglbauer and approved 5-0, by roll call vote.

**ORDINANCES & RESOLUTIONS:** Ordinance No. 865 - Administrator Jordan explained that this ordinance was considered for final action to authorize a contract for design and construction engineering at the WWTP.

\*\*Councilman Daniels moved to adopt Ordinance No. 865, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC., FOR FACILITIES PLAN AMENDMENT, WASTEWATER TREATMENT PLANT DESIGN AND CONSTRUCTION ENGINEERING; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Smith and approved by roll call vote, 5-0.

Ordinance No. 868 - Rusty Klem reviewed this large ordinance, explaining that DEQ and EPA criteria are incorporated into this document.

Mr. Klem explained that in 1982 this ordinance was drafted from a Portland ordinance, in 1989 it was revised and again in 1990 due to the EPA Clean Water Act. He also noted that we are a model for the Pretreatment Program and we are the smallest City with a such a program. Mr. Klem also pointed out that sections on Deferral Sewer Connection Charges and System Development Charges are included in the document.

Councilman Prince asked if we needed to treat stormwater. Mr. Klem said we have to treat the stormwater with a permit, however, community-wide we don't have to treat stormwater only at the plant. However, some industries treat the stormwater.

Councilman Daniels asked if the section on "Prohibited Practices" referred to our sludge dispersal. Mr. Klem said no, it referred to raw animal by-products.

Councilman Stiglbauer commended Mr. Klem and his staff for this document, saying most cities hire a consultant to create such a document. Mr. Klem said Steve Hanson, WWTP Supervisor was instrumental in preparing the document.

\*\*Councilman Taylor moved that Ordinance No. 868, AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF CANBY, OREGON, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES; PROVIDING FOR THE MANNER OF PAYMENT AND COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; REGULATING THE DISCHARGE OF WASTES TO THE SANITARY AND STORM SEWER SYSTEMS OF THE CITY, LIMITING SUCH DISCHARGES ONLY TO THOSE ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS; ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS AND PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE NO. 566, ENACTED FEBRUARY 19, 1974, ORDINANCE NO. 618, ENACTED APRIL 1, 1977, ORDINANCE NO. 679, ENACTED AUGUST 6, 1980, ORDINANCE NO. 727,

ENACTED DECEMBER 1, 1982, ORDINANCE NO.. 835, ENACTED OCTOBER 18, 1989; AND DECLARING AN EMERGENCY, be properly posted and come up for final action on September 18, 1991. Motion seconded by Councilman Prince.

Attorney Kelley explained that the System Development Charges have been mandated by law. We are actually taking money as a sewer connection charge to improve the sewer system to pay for the increased load a development puts upon the system. It was suggested that deferred payment programs be abolished because we don't realize the capital up-front that a SDC is based upon. However, since the deferral program is used so seldom, staff decided to politically leave it active and have the Council decide if they wanted to keep the deferral system.

Councilman Taylor preferred to leave the deferral system in the ordinance as a flexible tool.

The rest of the Council agreed to leave in the deferral system.

Councilman Prince asked when rates would be set.'

Administrator Jordan explained that a SDC resolution will be on the agenda in October. However, Mr. Klem explained it would be several months before a "rate" resolution for sewer connection fees will be ready.

\*\*The motion on the floor for Ordinance No. 868 passed, 5-0.

Ordinance No. 869 - Administrator Jordan explained that this ordinance implemented a contract with Seattle-Northwest Securities to issue bonds for sewer plant improvements. Carol Samuels was with U.S. National Bank when we issued bonds for the Library facility, Ms. Samuels is now with Seattle-Northwest and we are suggesting they also do the underwriting of the sewer bonds.

Mr. Jordan explained that underwriting of bonds can be done by an open bid or negotiate with an underwriter, that is what this ordinance is proposing.

Administrator Jordan said that Seattle-Northwest fees will be about 1.4% to 1.75% to underwrite the bonds. Due to associations with Dick Roberts as bond counsel and Carol Samuels as financial counsel on the library bonds, he recommended that we utilize their services again as their fees are reasonable and he has confidence in their advice.

Mr. Jordan pointed out that in the ordinance where it states the City solicited proposals, he asked that the "s" be deleted, since he asked for only a proposal from Seattle-Northwest Securities.

Councilman Taylor questioned why we did not solicit more proposals and had we checked to see if these were normal fees.

Mr. Jordan said it was simply the confidence in the counsel we previously used, however we do have time to solicit more proposals. Also, he had checked with other City Manager's, Pete Harvey of Lake Oswego and Steve Rhodes of Tualatin, on fees with the normal ranges being 1% to 2%. An agreement will also be coming from Dick Roberts for his fee.

Councilman Taylor asked that we check with LOC to see if the rates are within a normal scale.

Mr. Jordan said he will have that information for the next meeting. Also, something from

Dick Roberts for bond counsel services.

Councilman Taylor asked what the total cost would be for these professional services.

Mr. Jordan said it would be "somewhere around" \$80,000 for both of the professional fees.

Mr. Klem also noted that we don't know the final figure for the plant improvements, it may be lower, which will affect the figure of the professional services.

**UNFINISHED BUSINESS:** Councilman Taylor asked if the letter that was in the packet regarding a resolution at the last meeting for road improvements had been mailed.

Mr. Klem said no, it was under his signature to Rod Santos a member of CTCC, but it could be amended to the Mayor's signature since it hasn't been mailed.

Administrator Jordan asked for any comments on the letter by September 11th so it can be redrafted for Council consideration and Mayor's signature.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan noted that the Council had a handout from Lake Oswego City Manager regarding a joint effort of LOC and Association of Oregon Counties to cooperate with the Governor's office regarding tax reform proposals. Mr. Jordan asked to be excused from the meeting of September 11th, so he could attend a meeting in Tigard of the LOC-AOC regarding this issue. The Council agreed to the request.

The second handout was from the Regional Governance Committee regarding Metro. Metro was authorized by voters to produce a home rule charter. A consultant is being hired to provide the charter committee with information that the RGC group would like to see incorporated into the charter to limit Metro's ability to do anything they want. Canby's amount to help pay for the consultant is \$1,300. Administrator Jordan asked the Council to give him any comments they would like passed along to the committee. Also, we are not "locked-in" to participating or paying the fee.

Beth Saul, Librarian, informed the Council of an Open House planned for Wednesday, September 11th, to celebrate their First Year Anniversary in the new facility. Also, Beth mentioned that the latch key noise increased with the first day of school. The library has purchased games for the latch key group to play in the afternoons and they are advertising for volunteers to supervise the kids from 3 to 5 in the afternoon.

Councilman Taylor suggested that events like the Open House have hours later in the evenings for those who work.

Chief Giger said the MPH speed zones have been painted on the newly completed Birch Street and it seems to be a positive measure.

**ACTION REVIEW:**

1. Execute contract with Curran-McLeod, as per Ordinance #865.
2. Post Ordinance #868 and prepare for second reading.
3. Return to next meeting with information on bond service fees, and returning Ordinance #869.

**\*\*Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e), regarding negotiation of real property; (1)(h), regarding pending litigation; and (1)(i), to review and evaluate performance of an employee. Motion seconded by Councilman Prince and approved 5-0.**

The regular session was recessed at 9:00 p.m. to go into Executive Session. The regular session was reconvened at 10:00 p.m. and immediately adjourned.

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EXECUTIVE SESSION  
SEPTEMBER 4, 1991

Present: Mayor Carroll, Councilor's Prince, Smith, Daniels, Taylor and Stiglbauer, Attorney Kelley and Administrator Jordan.

Mayor Carroll opened the session at 9:02 p.m. in the Police Department Conference Room.

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


ORS 192.660 (1)(e) - The Council discussed the real property negotiations between the City and Elementary School District.

ORS 192.660 (1)(i) - The council discussed a personnel review regarding Mr. Skipper.

Mayor Carroll adjourned the session at 9: 59 p.m.



Marilyn K. Perkett  
City Recorder



Shawn P. Carroll  
Mayor