

CANBY CITY COUNCIL
REGULAR SESSION
SEPTEMBER 20, 2000

Council President Daniels presiding. Council members present Walt Daniels, Barry Lucas, Randy Carson, Shirley Strong, Terry Prince, and Roger Harris. Mayor Scott Taylor absent.

Also present: Recreation Services Director Beth Saul, City Attorney John Kelley, Planning Director John Williams, Police Chief Jerry Giger, Municipal Court Judge Jon Henricksen, Senior Librarian Karen Wilson, Susan Wood, David Howell, Michaela Carroll, Jenny McCombie, Nancy Canning, Gwen Switzer, and Lila and Curtis Gottman.

Council President Daniels called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

SPECIAL PRESENTATION: Swearing in of New Police Officer - Police Chief Jerry Giger called Jeremy Holstad to the front. He was the newest police officer with the department, and in light of the two vacancies they had recently, they had done some recruiting. Mr. Holstad was one of their Code Enforcement Officers and in that position served all of the departments in the City plus he was familiar with the layout of the community. He had several years of part time experience with Salem as a Code Enforcement Officer. Judge Henricksen welcomed Mr. Holstad to the City and to the proud tradition of Canby's Police Department. He gave the oath of office which Mr. Holstad repeated. Chief Giger presented Mr. Holstad with his police badge. Council President Daniels welcomed Mr. Holstad to the City of Canby.

PROCLAMATION: Constitution Week - Council President Daniels read the proclamation stating that September 17-23 was Constitution Week. There were two representatives there that night to receive the proclamation, Nancy Canning and Gwen Switzer. Ms. Switzer said she was the chairman of the Constitution Committee, and Ms. Canning was the regent plus the curator of four museums in Oregon. On September 17, all Americans went outdoors and rang a bell. Ms. Canning said it was important to protect our constitution and be very aware anytime someone tried to change it.

Special Election Results - Council President Daniels read the proclamation stating the unofficial count of votes for Measure 3-87, which asked if approximately 301 acres located in the SE quadrant of Canby should be annexed into the City limits, showed that the measure failed. The no votes were 1,800, the yes votes were 895. The vote of the residents of the area to be annexed was no votes 3, yes votes 23.

CITIZEN INPUT ON NON-AGENDA ITEMS: Beth Saul, Director of Recreation Services, was there to represent Jean Fleetwood from the Irish Wolfhound Club. They were requesting use of the Community Park for their dog show and to have a motor home and vans down there overnight. They had a million dollars in liability insurance, and they would leave the area impeccably clean. She also spoke with the Police Department and they had no problems with it.

Their normal park rules did not allow overnight parking, this would be an exception.

****Councilor Harris moved to authorize the Irish Wolfhound Club to have their show at the Community Park on September 30, to allow overnight parking of an RV and four to six vans, and coordinating with the Police Department for this event. Motion seconded by Councilor Strong, and passed 6-0.**

Representative Kurt Schrader wanted to bring to their attention the fact that the Blue Heron Recreation District would be bringing a ballot measure forward in November. It was for a permanent fixed rate levy of \$.29 a thousand to buy park land and open space. The District had been around since the late 60s, and in the late 80s there was some renewed interest in the District as Canby started seeing a lot of growth and development and was behind in its parks and open space lands and it became a priority. It seemed logical that the community that took part of the recreation activities was a broader community than just the City, basically the boundaries of the school district. It was logical that their parks and open space grew as the community grew. They had gone out in two previous elections for some measures, but they were too visionary. They still thought recreation open space was important, particularly as the community continued to grow. They took the wishes of the voters to heart and defined their mission and now they were asking for \$.29 a thousand, and no personnel would be hired under this. It would be merely to buy land and provide for capital improvements. Some may ask why now? There was a great opportunity they had not had before. Bob Traverso, with Parker Northwest, offered to donate two million dollars worth of property to the Blue Heron Recreation District should they pass the tax base. That property would be four miles of logging road and about 50 acres of land mostly around the Molalla River. The City and County were feeling the pinch of Measure 5, and revenues for land acquisition and capital improvements were hard to come by. They were interested in working with the City Council again. In their last attempt in 1998, the Council was very interested in this type of approach and had created an Intergovernmental Agreement, a very open agreement that said if the tax levy passed, they would work cooperatively to develop projects and deal with the parks and recreation issues within the Blue Heron Recreation District. He talked with the Mayor, Councilor Lucas, and City Administrator Mark Adcock about this. He wanted them to consider this and work with them once again and they would be campaigning vigorously before the election.

Councilor Harris clarified that if the tax base of \$.29 per thousand passed, there would be a donation of two million dollars worth of property towards the recreation district. That was a deal they could not turn down. Councilor Lucas said it was a win win situation for the City, and the purpose of the Intergovernmental Agreement was to work together to help Canby create open spaces. Councilor Prince was also in favor of this, he thought the Systems Development Charges they developed for parks were not enough for new acquisition. Councilor Daniels said the Council was not different from the position they took before.

Lila Gottman, representative from the Bicycle and Pedestrian Committee, said several weeks ago they assigned City staff to come up with a solution to the parking problem on Knights Bridge Road, just across the bridge people were parking on both sides of the road to go down to the river. Laurie Sandsness from the Traffic Safety Committee and she were striving to come to a

solution before the next hot weather came in. They had a meeting with County Commissioner Michael Jordan and he expressed the County's desire to come to a solution as well. She believed they could find a solution to this. Councilor Daniels explained this was the area across from Canby Grove Conference Center and they put bicycle lanes in and people were parking in the bicycle lanes. A few people were injured down there, and Ms. Gottman was giving them a progress report about this issue.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the workshop, regular meeting, and executive session September 6, 2000; accounts payable in the amount of \$288,793.55; interagency agreements with CBR, Historical Society, and El Centro de Canby; appointment to the Bike & Pedestrian Committee; and reappointment to the Parks & Recreation Advisory Board. Motion seconded by Councilor Strong and passed 6-0.

COMMUNICATIONS: Judge Henricksen's Annual Report - Judge Henricksen said this was the twenty-second annual report of their municipal court, which was now the second oldest court in Oregon and the only court in the county of Clackamas that had statutory justice of the peace powers. This community had grown very large since 1979 when he was first appointed. They went from an average of 350 cases a year to currently 6,021 cases. Of those cases, 268 were major traffic crimes, 5,130 were other traffic cases, and 620 were other crimes, such as domestic violence, theft, etc. By edict of the Supreme Court, they were supposed to clear cases within 90 days of being filed. If they looked at the cases pending of the 6,000 cases that were filed, they only had 515 pending, showing they had a 30 day turnaround instead of the 90, which was well under the goal. Their revenues went up with the collection methods of the Court Clerk's office. They collected \$437,852 this last year. The first year budget he had in 1979 was \$15,000. From that amount, they were required to reimburse the Oregon Department of Revenue, Clackamas County to support the jail facility, and the balance of the money went to court expenses, and after paying for all the budgeted expenses, they had an overage of \$193,441 that went to the City for payment of general expenses. The income of the court system in the City was 14.9% of the total budgeted items. The court would fall apart if it weren't for the diligence of the Police Department, Police Chief and his administration, and City Attorney John Kelley. The court system was also being aided by volunteers in the community, and he specifically pointed out Ron Russ, who was the volunteer Spanish interpreter.

Judge Henricksen said this court had a history of being the guinea pig for every new experimental endeavor the County came up with. They were selected by Clackamas County to do an experiment three years ago to become the first community to enforce juvenile tobacco laws, which had significantly decreased juveniles from using those substances. Now there was a new experiment, which was similar to what they did in Japan. Rarely in Japan did a minor criminal problem get to the Court, because it was always referred to the elders of the community, and everyone sat down with the family and offender, and came up with a community solution. From that model, they created a Community Accountability Board, which were made up of volunteers from the citizens of Canby, and when Mr. Kelley got a particular case, he made the decision if it was appropriate to refer it to this Board. The Board had been in effect for 60 days, and the report back so far was positive. The object was to get the offender to learn with some

community dignity why they chose to do what they did and what they could do in the community to make it right. Everyone was watching to see if this worked, and if it did it would be picked up as a model and taken around the state.

Judge Henricksen said they now had a new faction that had come into the community, which they had a problem with years ago, called the Freeman Association. Those in the association decided they did not like the laws and did not want to comply with any of the laws for licensing, driving privileges, paying for taxes, etc. They declared that they seceded from the United States and the state of Oregon as a citizen and became a country unto themselves. They were now back. In conclusion, the court was doing well, and the ladies who worked in the office put forth more effort for this community and court system, and if it wasn't for them, it would not be as good as it was today.

Councilor Harris asked about the facilities, was there room? Judge Henricksen said they had to go to an extra day a month to relieve the pressure. They overburdened the courtroom every week, it was standing room only every week. They really needed additional space. They tried to stagger the court appointments, but there was still people hanging around outside and they had to be really careful that each person got the Advice of Rights, because if they did not hear it, they could get a court decision overturned later. Councilor Daniels asked who the court clerks were. Judge Henricksen said they were Kathy Mashek and Barbara McMillan. They did need additional help, and that was being worked on. Ms. Beth Saul said they were in the hiring process right now for another part time person in the office.

Council President Daniels moved to the discussion of the Skate Park grand opening.

Skate Park Grand Opening Update - Michaela Carroll and Jenny McCombie said so far they had flyers for the September 30th event. From 10 a.m. to 1 p.m. there would be a free skate and contest sign ups, the dignitaries would speak at 1 to 1:30 p.m., and there would be a free skate after the contest. There would be booths there and they had a lot of stuff to give away. They also requested that Third and Baker be closed off for this event, they talked with Chief Giger and the businesses down there. Councilor Lucas wanted to notify the businesses again in writing, and wanted to make sure they coordinated with the Police Department.

The consensus of the Council was to allow Third and Baker to be closed for this event.

Councilor Strong asked what hours they were going to close the road. Ms. Carroll thought it would be from 10 a.m. to 11 p.m. Councilor Daniels said he appreciated all of their efforts and the park was well used. Ms. Carroll also said that the graffiti and garbage was under control. Ms. Saul said one of the things they talked about at the Parks and Recreation Advisory Board meeting was they were getting more and more reports of collisions between bikes and skaters. It appeared that they would need to ban bicycles and scooters from there. There was a likely spot right next to the skate park that could be a bmx area. Ms. Carroll said bicycles were too fast and too big and the skate park was not built for them, they were scraping up the concrete already. They talked with the bikers about getting a dirt track. Councilor Harris made sure there would be port-o-potties, trash cans, etc. for the event.

Canby Rotary Nothing But Net - Chief Jerry Giger said they received a letter from Canby Rotary regarding the Nothing But Net tournament which was held on July 22 and 23. They thanked the Council for their participation in the tournament. The fund raiser was a success and the proceeds would help support many projects throughout the year. They invited them to the 2001 tournament which would be held July 28 and 29, 2001. Many City departments were involved in this, and they all organized together to set up and clean the parks. Councilor Carson said it was very well received and they were hoping to have twice as many people participate next year.

Canby Fun Run - Jerry Giger said there was a flyer at their places that night explaining this event. The Canby Community Fun Run was going to happen the morning of September 30. They wanted to do a Fall run sponsored by the City and Canby Telephone Association. Flyers were available around town. He reiterated that it was a run and walk. They would meet at Trost Elementary School at 9 a.m. for registration and the run/walk would start at 10 a.m.

NEW BUSINESS: Discussion Regarding Latino Heritage Day - Karen Wilson, Senior Librarian, said the Library had been working with El Centro de Canby to coordinate the first Latino Heritage Day event at the Library. They were planning to have three different Spanish story times, guest speakers, information tables from different community agencies, and refreshments. They coordinated with some bilingual high school students to help provide information about the Library, answer questions, and help people to sign up for new library cards. They were hoping for a big turnout and that this would become an annual event. They wanted to use the sidewalk space in front of the Library to set up tables and signs, they would maintain the four foot space necessary for pedestrians and wheel chairs, but they were requesting the Council's permission to be able to set some things out in the sidewalk area.

Councilor Harris asked what kind of booths they were going to have. Ms. Wilson said they were going to have a refreshment booth inside the library, and several area community services, state and county services, and the police and fire departments were all going to have booths.

Councilor Harris asked if she thought it required blocking off the streets. Ms. Wilson said at this time they still had enough space in the Library.

Councilor Strong asked if people who did not want to participate in this event could still use the library. Ms. Wilson said the majority of the programs were going to be short and scattered throughout the day, the storytimes and programs would be taking place in the children's section of the library and the booths would be in the community room and the Friend's Booksale room.

It was the consensus of the Council that they allow some of the sidewalk area in front of the Library to be used for this event.

Discussion Regarding September 27 Special Council Meeting - Planning Director John Williams said they had talked about having a special meeting on September 27 where they were going to certify the results of the election and to continue the discussion on the industrial area zoning. With the results of the special election, he recommended that they not hold a meeting on September 27. They could certify the results at a regular Council meeting, and as far as the

industrial zoning, he would like to have more time to do a more thorough job and give the process more time to develop.

Councilor Lucas wanted to move ahead with the industrial area zoning. Mr. Williams said they could still do it on a fast track schedule, but it would be nice to have more time for review and thorough discussions. Councilor Daniels asked how much more time he needed. Mr. Williams said he would bring it to the Planning Commission at the end of October and then it would come to the Council after that, so it could still be adopted in November, or at the latest December. Councilor Prince thought it was good to postpone it, that way they were not going too fast and could give Mr. Williams time to review the code language and the Fire District to give more input.

The consensus of the Council was to cancel the special meeting on September 27.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1055-

****Councilor Harris moved to adopt Ordinance 1055, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE 2.56.040 ABOLISHING TERM LIMITS FOR MEMBERS OF THE PARKS AND SWIM CENTER ADVISORY BOARD. Motion seconded by Councilor Carson, and passed 6-0 by roll call vote.**

Ordinance No. 1056 - City Attorney John Kelley said he had a memo from Senior Librarian Karen Wilson which indicated there was an obscure statute that said library boards were subject to certain requirements, and those requirements were in the language contained in their current ordinance. Library board members could not hold more than two consecutive terms, and they would have to wait a year before they could be appointed to another term. That was set forth in the Oregon Revised Statutes. Ms. Wilson found this through a publication called the *Handbook for Trustees of Oregon Public Libraries*, and that in turn directed her to the statute. He recommended the Council vote down this ordinance.

****Councilor Harris moved to adopt Ordinance 1056, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE 2.20.040 ABOLISHING TERM LIMITS FOR MEMBERS OF THE LIBRARY BOARD. Motion seconded by Councilor Strong, and failed 5-1 by roll call vote, with Councilor Lucas voting yes.**

Ordinance No. 1058 - Recreation Services Director Beth Saul said this was the utility truck they talked about during the budget process. They had gotten three different quotes as required. This would be the truck that the parks department would use that would have locking compartments on it to put all kinds of tools in because they found themselves going to parks and finding something needed to be fixed and then going back to the shops to get the tools to fix it. This would be much more efficient.

****Councilor Lucas moved to adopt Ordinance 1058, AN ORDINANCE AUTHORIZING**

THE PURCHASE OF A UTILITY TRUCK FOR THE PARK DEPARTMENT IN THE AMOUNT OF \$23,222.00 FROM NORTHSIDE TRUCKS AND EQUIPMENT, INC., OF PORTLAND, OREGON; AND DECLARING AN EMERGENCY be posted and come up for final reading on October 4, 2000. Motion seconded by Councilor Harris, and passed 6-0 on first reading.

UNFINISHED BUSINESS: Discussion Regarding Information Piece for Real Estate Community - Planning Director John Williams said this was the final wrap up that showed them what this was going to look like when it was sent out. He thanked those who came to the discussion on residential zoning they had on Monday. They talked about getting real estate developers and realtors involved in that group as well. Councilor Daniels commended his department for putting this out which explained all of the zoning in the City and also for the New Homeowner's brochure which had general information about the City and its codes. Those were available at the Planning Department.

MANAGER'S REPORT: None.

COUNCILORS' ISSUES: Councilor Harris said regarding the vote they just had on the annexation, he was concerned a few months ago when it was first publicly debated that it would be easy because both sides had people very passionate about the issue that there could be distortions and misinformation provided to the public. He complimented those who were actively involved in the debate in the *Canby Herald* through opinion letters, especially those who held positions in the community, such as Mayor Scott Taylor, Canby Business Revitalization Director David Eatwell, Planning Commissioner Corey Parks, and Chief Ted Kunze, who all presented their positions very well. The debate was clear and honest, it was a clean campaign. The result was clear and they now knew where the public stood on this issue. It was a very successful process where they had an informed public make a major decision for the direction of their community. He complimented the voters as well.

Councilor Prince thanked the citizens of Canby for voting against the 301 acres of industrial land to be annexed into the City. He believed the voters wanted a choice about what kind of development went into the industrial area. He believed service providers like the Fire and School Districts should not have their operating funds and bonding authority decreased to provide subsidies to developers. The City should never again be the applicant for anything other than their own property in annexations. This would make sure the City equally represented citizens and developers. The Urban Renewal District as it stood now would not make the Fire District whole and needed to be significantly downsized in the scope of projects listed in the current make up. This would decrease the number of years the Fire District would be denied operating funds. The citizens of this community sent a message to the City Council to keep the Fire District whole and development to be done in phases. He respectfully requested the City Council, after reviewing this Urban Renewal District document, put it to the vote of the people.

Councilor Daniels said he had a concern regarding helmets at the Skate Park, making them mandatory, because of the accident that happened there. He wanted to know if they needed the support of the Council to move forward with that. Chief Giger said they were not sure what the

requirements of the park were going to be. Mr. Daniels said signs were posted, but the kids were still not wearing helmets. Chief Giger said they had been unofficially enforcing it, they were encouraging the young people to look at their role models, the ones on t.v. who do their tricks with protective equipment on. That would also be one of the promotional things they were going to have on September 30, they would be promoting proper equipment. Those who needed it, they would try to assist them to get it.

Councilor Harris said he heard many stories about people getting injured down there, could they explore a way to have helmets and pads somewhere that they could check out and use down there and then bring back?

Recreation Services Director Beth Saul said this was quite a topic of discussion at the last two Parks and Recreation Advisory Board meetings, and at the last Council meeting she showed them a sample of what the rules sign would be, and it did include helmets required. The Board felt that the enforcement should be positive, such as handing out free ice cream cone coupons whenever they were caught doing it right, or if they could get some extra helmets to have helmets to pass out on opening day, or if a Police Officer saw someone did not have a helmet, they could give them one, and warn them that they did not want to see them without it again. It had been very difficult and the same problem had been encountered in every skate park. The rule about everyone under 14 were supposed to wear helmets when they rode their bicycles was not being very well observed either. Perhaps the community needed to do something like what was done with smoking campaigns where they had to convince them how dangerous it was not to wear the proper equipment. They were trying to find a positive way to teach and encourage them to do the right thing.

ACTION REVIEW:

1. Working with the Irish Wolfhound Club to use the Community Park on September 30.
2. Forwarding Blue Heron Recreation District information to them as it was received.
3. Reminding them of the Skate Park grand opening on September 30, and the Police and Street departments would work with the Skate Park people in closing the streets and directing traffic.
4. Reminding them of the Community Fun Run also on September 30, registration at 9 a.m., and starting at 10 a.m.
5. Allowing the Library to use some sidewalk space for Latino Heritage Day.
6. Implementing Ordinance 1055, and denying Ordinance 1056 following state statute.
7. Bringing back Ordinance 1058 for second reading on October 4.

There was no Executive Session.

Council President Daniels adjourned the regular session at 8:45 p.m.

Chauncey F. Seifried

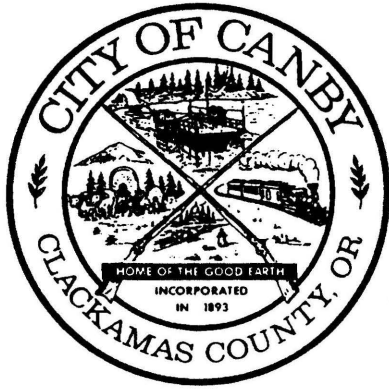
Chauncey Seifried,
City Recorder pro tem

Susan Wood

Prepared by Susan Wood,
Office Specialist

Scott Taylor

Scott Taylor,
Mayor



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Special Election on SEPTEMBER 19, 2000 to consider the following measure:

MEASURE NO. 3-87

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes as of 8:45 A.M., September 20, 2000:

MEASURE NO. 3-87

Shall approximately 301 acres located in the SE quadrant of Canby be annexed into the Canby City limits?

YES -895

NO -1,800

VOTE OF THE RESIDENTS OF THE AREA TO BE ANNEXED:

YES-23

NO-3

NOW, THEREFORE, I, Walt Daniels, Council President of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division.

Dated this 20 day of September, 2000.

Walt Daniels
Walt Daniels, Council President



Proclamation

"Constitution Week "

WHEREAS, September 12, 2000 marks the two hundred thirteenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is both fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the various celebrations which will serve to commemorate and recognize the occasion; and

WHEREAS, with the enactment of Public Law 915, the President of the United States designates the week of September 17 through 23 as Constitution Week; and

WHEREAS, the City of Canby desires to join in this national celebration and formally observe "Constitution Week" in the City of Canby by way of this proclamation.

NOW, THEREFORE I, Walt Daniels, by virtue of the authority vested in me as President of the City Council of the City of Canby and on behalf its Mayor and City Council, do hereby proclaim the week of September 17 through 23, 2000 as

Constitution Week

and ask all citizens of the City of Canby to join in this observance by reaffirming the ideals set forth in 1787 by the framers of the Constitution and further, to give thanks that this document has long served to protect the liberties and freedom of our citizens.

Given unto my hand this twentieth day of September, 2000.

Walt Daniels
President of the City Council