

CANBY CITY COUNCIL  
REGULAR SESSION  
MAY 3, 2000

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

Also present: City Administrator Mark Adcock, Recreation Services Director Beth Saul, Police Lieutenant Ken Pagano, Community Development Director Jerry Pineau, City Attorney John Kelley, City Treasurer/City Recorder pro tem Chaunee Seifried, Police Chief Jerry Giger, Irene Breshears, Kaila Dillon, Niki Dillon, Sherri Dillon, Marilyn Hunter, Vickie Teerman, David Fisher, Sue Fisher, Sharon Tramel, and Curtis and Lila Gottman.

Mayor Taylor called the regular session to order at 7:32 p.m., followed by the opening ceremonies.

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

**CONSENT AGENDA: \*\*Councilor Daniels moved to adopt the consent agenda: minutes of the workshop, March 29, 2000; minutes of the regular meeting and executive session, April 19, 2000; and accounts payable in the amount of \$180,496.42. Motion seconded by Councilor Strong, and passed 6-0.**

**PROCLAMATIONS: Poppy Month** - Mayor Taylor read the proclamation which proclaimed May 2000 as Poppy Month and May 1 through May 7, 2000 as Poppy Days.

Marilyn Hunter introduced herself to the audience and Council. She explained she was the poppy chairperson for this year and with her tonight was Kaila Dillon who was the State of Oregon Junior Poppy Girl.

Mayor Taylor presented Marilyn Hunter with the proclamation.

At that time Kaila Dillon passed out poppies to the Council.

**National Association of Letter Carriers National Food Drive** - Mayor Taylor read the proclamation.

Irene Breshears introduced herself as the lead contact person for the food drive and Vickie Teerman as the co-chairman. She thanked the City and the Chamber of Commerce for allowing them to speak at the May and April luncheons to promote the food drive. She also thanked the Canby Herald for the astonishing amount of publicity.

Mayor Taylor presented Irene Breshears with the proclamation.

At that time Vickie Teerman picked up the food from the Council.

Mayor Taylor thanked the letter carriers because this showed an astounding display of community involvement and support.

Mayor Taylor said some citizens had come in late who wanted to address the Council under Citizen Input.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** David Fisher explained he started two campaigns. One was the helmet cam for the fire department which collected approximately \$38,900. The second campaign was to get a crime scene van for Canby. He explained it did not work out like he thought it would. He said in the meantime he had sold his business which was Fishers Meats and he had also moved out of town.

He explained yesterday he received a phone call from the bank which notified him that the account was overdrawn where the money was automatically transferred. He explained they still had cans throughout the community collecting money. He said he found out there was some forfeiture money and was wondering if the City Council could help him out of this since it was something for the community.

Mayor Taylor said the remaining bill was \$14,792 to GMAC and \$341.66 to Key Bank.

Councilor Prince said there were a lot of businesses that were interested in this. He said since there were forfeiture funds, the money would be put to a good use.

Jerry Giger said the original reason for the van was they served several warrants a year for narcotic purposes and the majority of the time they used three or four agencies, six police cars, boxes full of stuff, then try to serve a search warrant and process the crime scene. The van would allow them to use one vehicle instead of five and it would always be equipped for that particular purpose.

Jerry Giger said there were two types of forfeiture. One was Federal forfeiture which had limited restrictions and there was Federal forfeiture money that allowed this to be used for that purpose. State forfeiture money was more restrictive and had to be used for more specific purposes. He said some other things they might be able to use the van for would be for public information training or maybe as a D.A.R.E. or a narcotic information van for neighborhood groups.

He said there were four or five businesses waiting for the City to take ownership of the van because they had some in-kind things and equipment they wanted to donate to the van such as cabinets, paint, decals, generators, etc.

Councilor Harris asked how the forfeiture funds were maintained and how were they accounted for? Jerry Giger said they had a process they went through. When they made an arrest in regards to illegal drugs, if the circumstances were correct, they could take a vehicle. If they served a warrant in regards to a residence or business that was selling drugs or had acquired a home or property as a result of drug transactions, they could take possession of that property. Then they would go through a court process and notify the owner that they would be filing forfeiture. He said if it were forfeited by the owner, the police department would take possession of it. Money would go in the bank, property would be used by either the police department or they put it in an auction, then that money would be put into the forfeiture fund.

Councilor Harris asked if the forfeiture funds went through the City budget? Jerry Giger said there was a separate section in the budget and the funds were kept separate from the general fund. Jerry Giger explained they had a narcotic dog and his expenses were paid out of those funds and also the overtime and training of that officer and the cost and expenses of maintaining the vehicle for that specific position. He said if they sent officers to narcotic officer's conferences, those training costs would come out of the fund also.

Councilor Harris asked Jerry Giger if he were confident in devoting this amount of money to the van, would there be enough funds for the other purposes they routinely used those funds for. Jerry Giger said currently they had \$29,000 in the Federal forfeiture account and were expecting to receive two large sums of money within the next couple of months.

Councilor Strong asked Mr. Fisher if the amount that was overdrawn were charges or the automatic payment. Mr. Fisher said it was the automatic payment.

Councilor Harris wanted to add that this was a significant benefit to the police department and to the community.

**\*\*Councilor Prince moved to approve the payment of \$14,792 to GMAC to transfer the title of the police van to the City of Canby. Motion seconded by Councilor Harris.**

Councilor Harris was all for this, but he wanted to make sure they were not causing any problems by dividing it into two motions. John Kelley said they were buying the van with one motion and paying the bank with the other motion.

**Motion passed 6-0.**

**\*\*Councilor Prince moved to pay the sum of \$341.62 to Key Bank for the balance of payments for the van.**

**\*\*Councilor Prince amended his motion to pay the sum of \$341.62 to Key Bank for bank overcharges. Motion seconded by Councilor Harris.**

Councilor Strong asked what the payment was on it. Jerry Giger said the payment was \$338.11, so there was one payment and another part of a payment due which was a draft owed.

Councilor Harris asked if this account was his business account. Mr. Fisher said the account required two signatures. Councilor Harris said he did not have a problem with the vehicle payment itself, but it would be awkward for the City to pay any overdraft charges or penalties.

Mayor Taylor explained that anything more than \$15,000 needed to have an ordinance. He asked Dave Fisher if they paid \$14,999, could he come up with the rest of the money. Mr. Fisher said he would be able to.

**\*\*Councilor Prince moved to override the previous approved motion and adjust the amount to \$14,999 payable to Dave Fisher for the title to the police van previously attempted to be purchased. Motion seconded by Councilor Harris.**

Councilor Harris wanted to make sure the citizens knew the City was not trying to get around the law by doing this.

**Motion passed 6-0.**

**COMMUNICATIONS:** None.

**NEW BUSINESS:** Acceptance of Deed for Arneson Park - Mark Adcock said in the Council packet there was a staff report from John Williams. He said part of the agreement with Gramor related to the construction of the shopping center was the donation of 1.88 acres located at the rear of the store for use as a city park and they were ready to convey the deed to the city.

**\*\*Councilor Daniels moved to accept the deed from Gramor for the Arneson Park. Motion seconded by Councilor Prince, and passed 6-0.**

Mayor Taylor wanted Beth Saul to explain to the audience where they could find the park. Beth Saul said the dedication ceremony for Arneson Gardens was going to be Saturday, May 6 at noon. The garden was located behind the garden center at Fred Meyers. If people went to the garden center there were two stone columns and that was where the park was located.

#### **ORDINANCES & RESOLUTIONS:**

Ordinance No. 1048 -

**\*\*Councilor Lucas moved to adopt Ordinance 1048, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FROM THE LOW DENSITY RESIDENTIAL ZONE TO THE HIGH DENSITY RESIDENTIAL ZONE FOR A PORTION OF TAX LOT 2900 OF TAX MAP 3-1E-33CB.**

**Motion seconded by Councilor Prince, and passed 6-0 by roll call vote.**

Resolution No. 729 -

**\*\*Councilor Prince moved to adopt Resolution 729, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY COMMITTING THE CITY TO JOINT FUNDING AND POOLING OF LABOR, MATERIALS, AND EQUIPMENT RESOURCES AND ENCOURAGING THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS TO LIKewise COMMIT THE COUNTY TO JOINT FUNDING AND POOLING OF LABOR, MATERIALS, AND EQUIPMENT RESOURCES FOR MUTUALLY AGREED UPON COUNTY ROAD PROJECTS WITHIN THE CANBY COMMUNITY. Motion seconded by Councilor Strong.**

Councilor Prince felt this was a good step for the City and County to become part of this agreement.

Councilor Carson said they were already seeing the benefits of this.

Councilor Harris was glad the County Commissioners came to the City and talked to them about this.

Mayor Taylor also thanked the County Commissioners for coming out and also for holding the Road Summit.

Councilor Lucas asked if this was open ended and how it was going to work in the future for other projects. Jerry Pineau said this resolution was for upgrading and reconstruction of roads. He said whenever a project would be coming in that was going to be over and above the normal maintenance, that would be a project which would go to the City Council.

**Motion passed 6-0.**

Resolution No. 730 -

**\*\*Councilor Harris moved to adopt Resolution 730, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO PROVIDE WORKER'S COMPENSATION COVERAGE FOR ALL VOLUNTEER WORKERS, INCLUDING JUVENILES PERFORMING COMMUNITY SERVICE WITHIN THE CITY OF CANBY AND ELECTED OFFICIALS OF THE CITY AND REPEALING RESOLUTION 713. Motion seconded by Councilor Carson.**

Councilor Harris said this would put the Mayor, City Council, and inmates on work release all in the same category and would be receiving the same benefits.

**Motion passed 6-0.**

**UNFINISHED BUSINESS:** None.

**MANAGER'S REPORT:** Annual Spring Century Bicycle Ride - Mark Adcock said in the packet there was a letter from the Portland Wheelmen Touring Club advising the Police Chief that on June 3, the touring club was going to hold their annual spring century bicycle ride which would be coming through the city and in the past the police department had assisted with traffic control.

Mayor Taylor wanted to make sure the Chamber of Commerce and the downtown merchants knew this was coming so some of the coffee shops and donut shops might be open when this came to town.

Mark Adcock said with the Youth Summit there had been a heightened interest in the skate park and the School District had received calls from kids asking about more information. He asked Beth Saul to give a brief update on how the skate park was progressing.

Beth Saul said they were in the third week of construction. The projected time to be finished was going to be in August, but if the rain held off it could be finished sooner. Beth Saul said during the Youth Summit, she had some students indicating an interest in doing something to help out with the skate park. She explained Barry Lucas had brought together a wonderful group of students originally who had helped in planning the skate park and she felt it was time to revitalize that group and any new kids who were interested.

Councilor Lucas asked if there were copies of the plan at the library. Beth Saul said they were at the planning department but they could also be put at the library.

Beth Saul mentioned that at the next Park and Recreation meeting, she would bring this up and schedule a special meeting to talk with everyone who might be interested. Councilor Lucas suggested having sign up sheets by the set of plans, so when kids came in to look at them they could sign their names and list their phone numbers.

Mayor Taylor talked with the Mayor in Tualatin about how they involved the youth in the project.

Mark Adcock said they were moving along with the recruitment for the planning director position. He asked Jerry Pineau to give the Council a brief schedule of events associated with that.

Jerry Pineau said they started the recruitment process the second week in January and recruited for about a month and out of that they received fourteen applications. After reviewing the applications they advertised the following month and closed the process the last week in April.

Out of that they received twelve additional applicants with five applicants having Oregon experience. After going through all of the applications they came up with four finalists. The four finalists were scheduled to be invited to come to interview on May 11. At the same time they would be making a formal written and oral presentation to the Planning Commission to get them involved so there would be some interaction.

He passed out the basic background of the applicants to the Council.

Mayor Taylor said they looked like outstanding applicants to him.

**COUNCILORS' ISSUES:** Councilor Daniels said they had the unveiling of the new logo for the new Canby Utilities on Saturday. He said it was a great celebration and demonstration.

Councilor Carson said the Canby Rotary was planning on getting the three on three tournament started. He said this would be tied in with the Cutsforth's Cruise-In with a band and a dance. He said they would be coming back to the Council at a later date with the street closures.

**ACTION REVIEW:**

1. Accepted the deed for the Arneson Park property.
2. Implement Ordinance 1048.
3. Implement Resolutions 729 and 730.
4. Make payment of \$14,999 from asset seizure funds to Mr. Fisher for the purchase of the police vehicle.
5. Follow up on the Chamber notification for the bicycle ride.
6. Getting kids involved in the progress of the skate park.

**\*\*Councilor Daniels moved to go into Executive Session under ORS 192.660 1(c) personnel performance evaluation of public officers and employees, and 1(h) pending litigation. Motion seconded by Councilor Prince, and passed 6-0.**

Mayor Taylor adjourned the regular session at 8:23 p.m.

Mayor Taylor reconvened and immediately adjourned the regular session at 9:20 p.m.

EXECUTIVE SESSION  
MAY 3, 2000

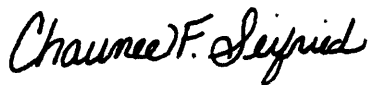
Present: Mayor Scott Taylor, Councilors Barry Lucas, Roger Harris, Randy Carson, Terry Prince, Walt Daniels, and Shirley Strong, City Administrator Mark Adcock, City Attorney John Kelley, and City Treasurer/City Recorder pro tem Chaunee Seifried.

Mayor Taylor called the session to order at 8:25 p.m.

ORS 192.660 1(c) - The Council discussed personnel performance of a public employee.

ORS 192.660 1(h) - The Council discussed funds owed to Canby Business Revitalization for Economic Improvement Assessments.

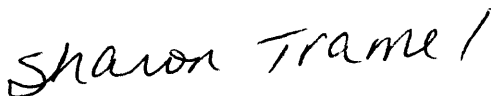
Mayor Taylor adjourned the session at 9:20 p.m.



Chaunee Seifried,  
City Recorder pro tem



Scott Taylor,  
Mayor



Prepared by Sharon Tramel,  
Office Specialist