

CANBY CITY COUNCIL
WORKSHOP SESSION
MARCH 19, 1997

PRESENT: Mayor Taylor, Councilors Harris, Nolder, Gerber, Daniels, Strong and Lucas, Planning Commissioners Terry Prince, Dan Ewert, Vern Keller, Michael Jordan, Sarah Jo Chaplen, Jim Wheeler, Larry Vasquez, Andy Mortensen and Cam Sivesind.

The meeting was called to order at 6:00 p.m., in the Library Conference Room, a lite dinner was served.

The purpose of the session was to discuss amendments to the City's Transportation Systems Plan.

The meeting was adjourned at 7:20 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
MARCH 19, 1997

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Brad Gerber, Walt Daniels, Barry Lucas and Shirley Strong.

Also present: Administrator Michael Jordan, Finance and Administration Director Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Planning Assistant Larry Vasquez, Kip Hayes, Sandra Bolsinger, Dan Ewert, Terry Prince, David Fisher, Jeff Hartwell, Officer Barnhart, Corporal White, Sergeant Ken Pagano, Officers Chris Mead, Mary Rash, Jose Gonzales, Brian Howarth, and Greg Kroeplin, Cam Sivesind and two German Shepard Police Dogs.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

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 workshop session March 3, 1997 and regular session March

5, 1997. Motion seconded by Councilwoman Strong and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Sandra Bolsinger, representing the Trost School PTA, requested the Council consider waiving a \$900 fee for a variance on a sign application. She explained that the sign was a reader board.

Attorney Kelley cautioned that the Council should “only discuss” the waiver, not the application since it would be heard by the Planning Commission.

Mayor Taylor reported that he and Councilman Gerber had attended a meeting and spoke to Ms. Bolsinger regarding the fee and encouraged her to make this request to the City Council.

****Councilman Daniels moved to authorize a waiver of the variance fee for the Trost PTA sign application. Motion seconded by Councilman Nolder.**

DISCUSSION - Councilman Gerber noted that the waiver was for the variance not the sign permit.

Councilman Harris asked where the funds came from for the sign. Ms. Bolsinger said fund raisers generated the revenue.

****The motion to waive the variance fee was approved 6-0.**

Will Greenleaf, a local citizen, informed the Council that the Zion Cemetery Sexton had stated that he had been approached to purchase the City cemetery. Mr. Greenleaf said he had moved to Canby six years ago and buried his child in the City cemetery. He added that when the City ran the cemetery the lawn was often unmowed, the hedges not trimmed and the grounds were generally not well kept. When the City contracted the cemetery to a private entity, the appearance improved. Mr. Greenleaf stated that since Ken Robinson contracted the cemetery services the improvements have continued, such as painting the buildings, pressure washing the stones, mowing, trimming, and a personal congenial personality from Mr. Robinson.

Mr. Greenleaf said the City has an obligation to the people buried there to maintain the cemetery on a perpetual basis. He encouraged the Council to consider keeping the current arrangement of contracting with Mr. Robinson. Also, if the cemetery is to be sold to a private entity, he suggested that people having plots be notified of the matter.

Mayor Taylor stated that the interest in selling the City cemetery was generated from citizen meetings in prioritizing budget issues because of Measure 47. He thanked Mr. Greenleaf for his concern and addressing the Council on the issue.

COMMUNICATIONS: Letter from Canby Business Revitalization - Mayor Taylor reviewed a letter from the Chamber that specifically detailed the location of the Farmers Market that will be held each Saturday, starting May 10th. The location site is the east end of the First Avenue SP parking lot, directly across the street from Heart n Soul, Francesca's, etc. A form with the signatures of business owners on First Street supported the location. The Council concurred with the proposed location.

Letter from Canby Music Boosters - Administrator Jordan reviewed the request from the Canby Music Booster for use of the northwest corner of the SP Parking lot at First and Elm for their fireworks stand. He noted that they used the same location last year, and they have reviewed this request with the Chamber because of the Saturday Market, and the Chamber "welcomes" them to that site.

****Councilman Daniels** moved to grant the request of the Canby Music Boosters to use the northwest corner of the SP Parking Lot at First and Elm to sell fireworks, complying with the state law for dates to sell, and to coordinate this with the Canby Public Works and Police Departments. Motion seconded by Councilman Harris and approved 6-0.

Letter from S. Elm Residents - Mayor Taylor read a letter signed by several S. Elm Street residents regarding traffic concerns in their area. They urged the Council to consider addressing the traffic control issue during the budgeting session and to take a proactive stand on the matter.

Councilman Harris agreed that safety is a high priority for the City, however, all of the City Police Officers enforce traffic laws, not just one dedicated officer.

Police Chief Giger reported the following data from a survey in the subject area:

- survey started in August 1996 for 15 days, showed the average vehicle speed to be 37 mph.
- heavy enforcement was started and 60 warning tickets were issued.
- in September 1996 the traffic "dummy" was posted in a police car in the area for several days.
- in October 1996 block home meetings were held.
- in February 1997 meetings were held for citizen input.
- in the past 5 to 8 months, 50 citations have been issued in the area.

Chief Giger said there is a traffic problem in the area, which actually escalated once the street improvements were done on S. Elm. He added that Officer Fillis will again monitor the area.

Mayor Taylor pointed out that the letter also indicated a concern for public safety be considered during the budgeting process.

Councilman Gerber noted that a sign on S. Redwood stating, "kid friendly zone"

appeared to be effective.

Chief Giger noted that those signs are not regulatory but may be effective.

NEW BUSINESS: At this time, Mayor Taylor adjusted the agenda to accommodate visitors from the Molalla Police Department.

Proposed Patrol Canine - Police Chief Giger noted that when he was first approached by Officer Mead about the Canine program he told him "absolutely no" if it costs money. Since that time, Office Mead has solicited community support for the program and obtained the blessing of the department.

Officer Mead informed the Council that Sgt. Pagano had helped him in researching and pursuing the canine program. He said it would cost \$1200 for training for himself, not the dog, which would come out of the Police Department training line item. The rest of the program has been funded entirely by donations.

Officer Mead said the dog would be acquired from Ray Reed the only BPST dog trainer in the state, and the animal would come from Germany. He added that Mr. Reed has cut the cost by \$1000. Also, the deadline for committing to this proposal is tomorrow, due to the German Marc (money) fluctuation and the guarantee of price.

Councilman Daniels asked how the dog would be used. Officer Mead said it would live with him and be used in regular patrol as if it were his partner.

Several Council members commended Officer Mead on his initiative in gaining community support for this program.

Officer Mead gave an example of a dogs ability by noting that in doing a search of the SR Smith Diving Board building, it took police officer one hour, the dog did a complete and thorough search in 15 minutes.

Corporal White from the Molalla Police Department informed the Council that Molalla started their canine program three years ago and acquired their second dog about a year and a half ago. He said they are used in officer safety, captures, cross trained for narcotics, tracking, searching, protection and school programs.

Councilman Daniels noted that 25 years ago when he was a Canby businessman, the Police Department had a dog used on the foot patrol and it was very much respected by the businesses. He highly recommended this program.

Councilman Harris said this would be a terrific asset to the Canby Police Department and noted that Officer Mead had agreed to waive the raise that is allowed for a canine officer.

Both Officers from the Molalla Police Department brought their dogs forward to be viewed by the television audience.

****Councilman Harris moved to adopt the patrol canine program as proposed by Officer Mead. Motion seconded by Councilman Daniels and approved 6-0.**

Mayor Taylor asked that Officer Mead return to a Council meeting with the dog when he gets it.

Accounts Payable - ****Councilman Harris moved to approve payment of accounts payable in the amount of \$114,939.13. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.**

Disaster Preparedness Steering Committee - Chief Giger explained that he has been working with a group of people to form a Canby Area Disaster Preparedness Steering Committee. He requested that the Council formally recognize, by letter or resolution, the following group representatives: Canby Fire District, Canby Police Department, City of Canby Administration, Canby Utility Board, School Bus Services, Canby School District, Canby Telephone Association and City of Canby Public Works Department.

****Councilman Daniels moved that the Canby City Council formally recognize, by resolution, the Canby Area Disaster Preparedness Steering Committee. Motion seconded by Councilman Harris and approved 6-0.**

Annual LOC Dues - Administrator Jordan stated that the annual dues for LOC of \$4743.38 are due in July, and a \$228.60 voluntary contribution for the Livable Communities Project is to be considered. He said the City has been a member of the League for many years. They provide training, lobbying efforts both nationally and state wide, committee work on various issues and provide legal advise.

Councilman Nolder noted that if the City were to individually acquire the services the League provides, it would be extremely costly, and this is a useful purchase.

Councilman Gerber asked for an example of their recent work for the City. Mr. Jordan reported that they are currently providing a codification and legal review service for the City ordinances, at a fee lower than other entities. He added that LOC is working on a sample "cell tower ordinance" for municipalities.

Councilwoman Strong asked if the City has paid the voluntary fee in past years. Mr. Jordan said we had, only it was called "Visioning Contribution."

****Councilman Gerber moved that the City Council approve the annual fee for membership in the League of Oregon Cities for 1997-98 for \$4743.38 and to approve**

the Livable Communities Project voluntary provision for \$228.60. Motion seconded by Councilman Harris and approved 6-0.

Temporary Permit 97-01. CTA - Larry Vasquez, Assistant Planner, explained that the application was from Canby Telephone Association requesting to use the trailer as a temporary office building for a period of one year while they remodel their office warehouse complex. The trailer will be located beside the existing warehouse at 221 SE Second. Mr. Vasquez said the application is in compliance with Municipal Code Section 16.44.110. Staff recommends approval of the application with three conditions.

****Councilman Lucas moved to approve the permit to allow for the location of the temporary office building for CTA at 221 SE Second with the following conditions: the permit shall be for one year and if an extension is needed it shall come before the Council; the temporary unit shall be removed at the end of the conditional use time period; and the structure shall be connected to electrical and telephone services. Motion seconded by Councilwoman Strong and approved 6-0.**

Temporary Permit 97-03. Pahlisch Duncan - Larry Vasquez informed the Council that Pahlisch Duncan had requested a special permit to locate a construction trailer on lot 49 of the phase I of the Tofte Farms subdivision for a period of one year. If the trailer is needed for a longer period of time, they will return with a new application. Again, three conditions apply in this special permit request.

****Councilman Daniels moved to issue a one year special permit to Pahlisch Duncan Homes for a temporary office on Lot 49 in the Tofte Homes subdivision with the following conditions: removal of the temporary office trailer at the end of the conditional use period; the trailer shall be connected to all necessary public services including electrical and telephone services; and areas used for standing or maneuvering of vehicles shall have paved asphalt or concrete surfaces. Motion seconded by Councilwoman Strong and approved 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 965 - Mr. Jordan reminded the Council that this ordinance creates the Bike/Pedestrian Advisory Committee.

****Councilman Daniels moved to adopt Ordinance No. 965, AN ORDINANCE ESTABLISHING A BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE; DETERMINING THE RESPONSIBILITIES OF THE COMMITTEE AND ITS AUTHORITY; AND DECLARING AN EMERGENCY, Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Harris noted that the City was fortunate to have citizens in the community who are interested in advising the City on these matter.

****Ordinance No. 965 was adopted by roll call vote, 6-0.**

Ordinance No. 966 - Administrator Jordan said this ordinance was drafted to authorize the rebuild of the City hi-ranger vehicle.

Sarah Jo Chaplen reported that staff had tried to find another firm to bid on the rebuild and could only find one in Seattle.

****Councilman Lucas moved to adopt on final reading, Ordinance No. 966, AN ORDINANCE AUTHORIZING THE MANUFACTURE'S REBUILD OF THE HI-RANGER UTILITY VEHICLE BY PACIFIC UTILITY; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Gerber said he still found it hard to believe that only one company could perform this work.

Councilman Nolder said he had been having second thoughts regarding duplication of services and was interested in further review of contracting with CUB. Mr. Jordan noted that CUB has a specific type of insulation in their hi-ranger because of the electrical work.

Councilman Nolder asked how often the City uses the hi-ranger. Ms. Chaplen said on an average of once a week, unless there is an emergency situation that needs to be addressed.

Councilman Lucas said that CUB is only offering to perform some of the jobs that the City does with the equipment and he felt the City needs the hi-ranger.

Councilman Gerber reminded the Council that the City could not sell the unit without performing the rebuild.

Councilman Harris asked if the City could contract the hi-ranger service to other communities. Mr. Jordan noted that the City has offered assistance in emergencies, however, the City does not have the staff to allow operation of the unit to other agencies on a rental basis.

****Ordinance No. 966 was approved by roll call vote, 5-1, with Councilman Gerber voting nay.**

Ordinance no. 967 - Administrator Jordan reported that Clackamas County held the bid opening for the 13th and Ivy Signal on February 3, 1997. The apparent low bidder was Parker Northwest Paving.

****Councilman Daniels moved that Ordinance No. 967, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY FOR THE 13TH AVENUE AND S. IVY STREET SIGNALIZATION AND ROAD IMPROVEMENTS; AND DECLARING AN EMERGENCY be posted and come up for final action on April 2, 1997. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Harris reminded the audience that the total cost of the traffic signal is approaching half a million dollars, due to engineering and other electrical work.

****Ordinance No. 967 was approved 6-0, on first reading.**

Ordinance No.s 970 & 968 - Curt McLeod informed the Council that bids were opened on March 7th for construction of SE 4th, part of the Phase II of the Logging Road Industrial Park Project. Mr. McLeod stated that the low bidder was Moore Excavation, Inc. for \$837,906.

Mr. McLeod reminded the Council that the Logging Road Phase II project is moving very quickly. He said that OEDD is currently obtaining permits from the railroad; and ODOT and OEDD are preparing the funding package. Ordinance No. 970, is the first reading of an ordinance for the OEDD loan; and Ordinance No. 968, is for the SE 4th Construction contract.

Mr. Jordan asked that Ordinance No. 970, be considered first, since it was for the OEDD loan for the project.

**** Councilman Daniels moved that Ordinance No. 970, AN ORDINANCE FOR THE CITY OF CANBY, OREGON, AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A LOAN CONTRACT WITH THE OREGON ECONOMIC DEVELOPMENT DEPARTMENT AND DECLARING AN EMERGENCY be posted and come up for final action on April 2, 1997. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Nolder commented that OEDD is the Oregon Economic Development Department which is loaning the City money and it is an advanced financing arrangement with the loan being paid by revenues generated from industries that will be locating in the Industrial Park.

****Ordinance No. 970, was approved on first reading, 6-0.**

Curt McLeod stated that the Logging Road Industrial Park Phase II is a \$966,000 project. He said that ODOT is allowing a \$500,000 grant; OEDD is allowing a grant in

the amount of \$168,600 and an OEDD loan in the amount of \$260,000; and the remainder will be funded by SDC revenue in the amount of \$37,400.

****Councilman Harris moved that Ordinance No. 968, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH MOORE EXCAVATION, INC. FOR CONSTRUCTION OF SE 4TH AVENUE INTO THE LOGGING ROAD INDUSTRIAL PARK, PHASE II; AND DECLARING AN EMERGENCY be posted and come up for final action on April 2, 1997. Motion seconded by Councilman Daniels and approved 6-0.**

Ordinance No. 969 - Administrator Jordan stated that a Stormwater Master Plan was approved in 1994. In the northeast quadrant of the City dry wells appear to not be effective, and a recent annexation promoted an issue regarding the storm drainage in that area. Mr. Jordan said the Master Plan requires the City to implement the plan and to start that process, this ordinance is to award an engineering contract to Curran-McLeod. He added that the work should be done this summer.

Curt McLeod used maps to indicate the scope of the proposed engineering that needs to be addressed regarding storm drainage in the area. Using the maps he showed where the proposed collection point of waters will be in the system. Mr. McLeod said their firm has spoken with property owners in the area regarding the placement of the pipeline.

****Councilman Gerber moved that Ordinance No. 969, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-McLEOD, INC. FOR ENGINEERING SERVICES FOR DRAINAGE IMPROVEMENTS TO NORTH REDWOOD STREET; AND DECLARING AN EMERGENCY be posted and come up for second reading on April 2, 1997. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Harris noted that residents in the area have expressed a concern about the seriousness of the drainage problem and asked if this would solve that problem. Mr. McLeod said all of the impact that the pre-developments have caused will be corrected. He said the base flow in a swell in the area will greatly be reduced but that drainage will need to be addressed as development occurs there. He noted that this will take care of drainage problems along the Logging Road, however, there may be some problems on the drainage in the swell area. Mr. Jordan added that the City will design the system that will accommodate full development of that area.

Councilman Lucas asked if the open area in Willow Creek will continue to be open and was informed it would and nothing will be piped in that area.

Councilman Gerber noted that Mr. McLeod is the City's engineer of record and no bid was necessary. Mr. Jordan added that bids are not required for engineering services.

Councilwoman Strong asked how this would be paid. Mr. Jordan said from sewer reserve funds. He added that a sewer rate review is currently being done.

****Ordinance No. 969 was approved on first reading, 6-0.**

UNFINISHED BUSINESS: Verbal Update on Public Safety Concerns - Chief Giger explained that in regards to the SW 4th Avenue complaint reported at the last Council meeting, the Housing Code that was suggested is now being reviewed by City Attorney; the people that were the target of the complaint have been issued a thirty day eviction notice; owner of the property plans to upgrade the property prior to renting it again; and other property in the area he owns will be reviewed.

Chief Giger said that as far as gang activity, Officer Howarth has set up a community forum meeting for April 22nd. This meeting will be televised and highly advertised. He added that one officer tracks gang activity but all of the department deals with this problem. Chief Giger said the City and Clackamas County are attempting to educate the public and share officer resources and intelligence when appropriate.

Attorney Kelley stated that there definitely is a "problem" in regards to gang activity in our community and it needs to be dealt with. He encouraged citizens to attend the April 22nd meeting, citizen involvement is necessary. He added that the last couple times these meetings were held, no one attended.

Councilman Lucas said he appreciated the quick action on the complaint from the citizen at SW 34th. He added that he attended a Gang Task Force session presented by Officer Howarth and agreed there was a problem in our community.

MANAGER'S REPORT: Administrator Jordan reported on the following issues:

- ▶ He has been very active in Salem recently on the rewrite of Measure 47, which will need to be signed by the Governor on Friday to meet the May 20th ballot. He said the rewrite would be good for Canby because of the revenues generated from new construction. Also, if the new proposal passes, the current Police Levy will become permanent, as will the Sheriff's and Library County levies. Mayor Taylor suggested that we schedule a half hour slot for Mr. Jordan to explain the rewrite in depth.
- ▶ Mr. Jordan said HB2060 dealing with rights-of-way and one nobody is claiming ownership of is a bill of concern. He said it basically takes away local authority over right-of-ways including any type of fees. It replaces franchise fees with a statewide privilege tax of 5% on all utilities with the distribution on a per capita basis to local governments. Mr. Jordan said this could have a great impact on our revenue and how we do business.

- Meetings - The Access Management meeting will be held next Wednesday at the Adult Center at 7:00 p.m. ODOT has been invited

Due to Spring Break, the March Clackamas County Cities meeting has been rescheduled to April 3rd, sponsored by Happy Valley.

LOC Legislative Day is April 21st in Salem, let the business office know if anyone plans to attend.

Budget meeting April 9th.

Mayor Taylor asked if the County Commissioners plan to levy the Library Levy as if it were approved. Mr. Jordan said since the levy did not generate new revenues, the assumption is that the need for 50% voter approval was not necessary and at this point the levy will proceed as passed.

COUNCILORS' ISSUES: Councilman Nolder asked that the comments of Mr. Geenleaf's regarding the ground maintenance at the cemetery be passed on to Mr. Robinson. Also, he has attended the General Canby Day Committee meeting and they are a dynamic group working very hard for a great July 4th.

Councilman Gerber said the Clackamas Counties Meeting will have an item to allow the county cities to form a pact to show support for the recent library levy matter and those type of issues. He also reported that the Adult Center is having a raffle for a 1977 Cadillac and he had tickets to sell.

Mayor Taylor asked Chief Giger about "torch lapel pins" supporting the Special Olympics Law Enforcement Torch Run. Chief Giger said he would bring some to the next Council session.

Mayor Taylor noted that at the last workshop the Council discussed with CTA and NWT the establishment of a web page. This would require dedication of staffing hours and commitment to keep the project ongoing. Mayor Taylor asked that this be put on the next agenda. Councilman Gerber noted that an article appeared in the LOC Newsletter about a community that was able to decrease staff by computer technology.

OTHER REPORTS OR ANNOUNCEMENTS: Chief Giger reported that the youth group from St. Patrick's Church will be walking in a procession from Wait Park down Grant Street to the church for a Passion Play on Palm Sunday and Good Friday.

ACTION REVIEW: 1. Waive variance application fee for Trost School.
2. Inform Music Boosters Club of approval for use of the

- parking lot for their fireworks stand.
3. Proceed with Police Canine Program.
 4. Prepare a Disaster Resolution.
 5. Approve payment of LOC dues and voluntary contribution.
 6. Approve Temporary Permits 97-01 for CTA; and 97-03, for Pahlsh Duncan Homes.
 7. Proceed with Bike/Pedestrian Committee as per Ordinance 965.
 8. Proceed with Hi-Ranger rebuild as per Ordinance 966.
 9. Post Ordinances 967, 968, 969 and 970 prior to second reading on April 2nd.
 10. Prepare information regarding web page.

****Councilman Daniels moved to go into Executive Session under ORS 192.660 (1)(e) regarding negotiation of real property. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 10:10 p.m. to go into Executive Session. The regular session was reconvened at 10:37 p.m. and immediately adjourned.

**EXECUTIVE SESSION
MARCH 19, 1997**

PRESENT: Mayor Taylor, Councilors Nolder, Gerber, Harris, Strong, Daniels and Lucas, Mr. Jordan and Ms. Chaplen.

Mayor Taylor called the session to order at 10:18 p.m. in the CUB conference room.

ORS 192.660 (1)(e) - The Council discussed the possible sale of the City cemetery.

Mayor Taylor adjourned the session at 10:35 p.


Marilyn K. Perrett, City Recorder


Scott Taylor, Mayor