

**CANBY CITY COUNCIL  
REGULAR SESSION  
JUNE 18, 1997**

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

Others present: Administrator Michael Jordan, Library & Recreation Director Beth Saul, City Treasurer Virginia Biddle, City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Curtis & Lila Gottman, Darrell Doering, Harry & Kim LeeKwai, Nan Olson, Joe Dills and Nathan Clayton.

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 COUNCIL:** A quorum was present.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Harris moved to approve as distributed the minutes of regular session, June 4, 1997. Motion seconded by Councilwoman Strong and approved 5-0.

**SPECIAL PRESENTATION:** CBR Street Scape - Harry LeeKwai presented architectural drawings of the concepts the Canby Business Revitalization Group visualizes for the downtown core area. Mr. LeeKwai emphasized that the drawings were only conceptual and not actual designs. He said the proposed "street scapes" emphasized the following:

- \*additional greenery (trees, shrubs, planters, etc.)
- \*Intersections boldly marked
- \*wider sidewalks
- \*99 E gateway type signage (example was a rock structure with street name)
- \*integrate Wait Park into the core area

Mr. LeeKwai noted that the concept was to make the area "pedestrian friendly." He stated that the parking lot will be the first priority and has been visualized as an area to also be used for special events. Additional concepts pointed out were:

- \*detail to street level
- \*landmarks (such as a clock)
- \*no theme will be followed, it will be only pedestrian oriented
- \*lamp posts and banners displayed
- \*heavy emphasize on uses of benches
- \*use of the Holly/Murphy Mall parking lot for special events
- \*special interest in paint and window design on First Street.

\*a pedestrian overpass across 99 E to connect the south side of the business area.

Mr. LeeKwai noted that funding has not been considered at this time.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Darrell Doering, Baker Drive, informed the Council that he was the vice-president of a computer user group and vice-president of the Molalla River Improvement District. He stated that citizens in his area are trying to rebuild the flood damaged Molalla River bank up again with yard debris and trees.

Mr. Doering expressed concern regarding a monthly increase of \$5.00 for collection of yard debris by Canby Disposal. He said he had "heard" several things regarding the yard debris program and one was that the collected debris would be put in a pit and not recycled. He added that it may be "legal" to impose an additional \$5.00 fee and give each resident a yard debris can, however, he stated that, "it is not right." Mr. Doering added that many citizens are retired and on a fixed income and were unhappy with the mandate.

Mayor Taylor stated that the Council had passed a resolution setting the rates for the new yard debris collection program. However, the material will not be put in a pit, it will be transported to one of two out of town commercial entities, like McFarland's, for recycling.

Councilman Lucas reiterated that the collected matter will be recycled. He added that the State of Oregon has declared that cities must reach a 40% recycling goal by the year 2000, and to do this the yard debris must come out of the garbage that usually goes to a land fill and is now to be recycled.

Mr. Doering said he does not understand why citizens that would not use the service will be charged the fee.

Councilman Lucas explained that the State of Oregon also mandates that we are not allowed to charge a person for recycling when perhaps their neighbor doesn't recycle.

Mr. Doering asked to see a copy of the Administrative Rule that requires the recycling of the yard debris be paid on an equal basis by all. Staff will forward a copy of that document to Mr. Doering.

Lila Gottman invited the City Council members and staff to participate in a short excursion around the community on a "recumbent" (bicycle). Mrs. Gottman said she will provide the bicycle, helmet and their time is very flexible. She implied that this is not only a pleasurable ride but could be considered as an alternative mode of transportation.

Mrs. Gottman stated that she will be at an information booth at the General Canby Day event to promote the newly formed Bicycle/Pedestrian Advisory Committee.

**PROCLAMATION: City Wide Clean-up Day** - Mayor Taylor proclaimed Saturday, June 28, 1997, as City-Wide Clean-Up Day in Canby. The Key Club from CUHS has organized this event to aid in providing some maintenance for our City parks, as well as any graffiti area that needs painted.

Beth Saul encouraged interested citizens to meet at Wait Park on June 28th at 10:00 am. She pointed out that the SOLV organization has donated \$250 to assist in the clean-up event.

**PUBLIC HEARINGS: State Revenue Sharing for 97-98 Budget** - Mayor Taylor opened the first of three budgetary public hearings at 8:10 p.m.

Virginia Biddle, City Treasure, explained that the City will receive \$52,000 for the 97-98 fiscal year from the State of Oregon for Revenue Sharing. She said this was the second hearing, as required by the state, and the money will be dedicated to Police Department expenditures.

**\*\*Councilman Harris moved that Ordinance No. 974, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1997-98 FISCAL YEAR be posted and come up for final action on July 2, 1997. Motion seconded by Councilman Nolder.**

DISCUSSION - Councilman Harris asked if this was a procedural process and why the Police Department was receiving the funds. Mrs. Biddle explained that it is procedure, as required by State Budget Law, and the Police Department has little direct resources for funding and are a high priority as far as budgetary considerations.

**\*\*Ordinance 974 was approved on first reading, 5-0.**

**96-97 Supplemental Budget** - Ms. Biddle reviewed each line item of the proposed Supplemental Budget, noting it is due to some form of unanticipated revenue which must now be budgeted for expenditure through the supplemental budget process. However, some of the proposed line item changes were suggestions by the auditor. The total supplemental budget amount was \$684,947.

**\*\*Councilman Nolder moved to adopt Resolution No. 640, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE 1996-97 FISCAL YEAR. Motion seconded by Councilman Harris.**

DISCUSSION - Councilman Harris asked why it is unanticipated revenue. Ms. Biddle

said some revenue was grant money, some revenue resources resulted in additional cash over the budgeted amounts, and some were "housekeeping" matters as required by the auditor.

Councilman Harris asked about the \$10,000 for the Traffic Study. He was informed that it was to complete the Transportation Master Plan.

Councilwoman Strong asked why the Adult Center Landscape expenditure from the Block Grant was listed as miscellaneous. Ms. Biddle said it was a one time expenditure and she didn't want to create a new line item.

Ms. Biddle reminded the Council that the Budget Committee had reviewed this in a public hearing.

**\*\*Resolution 640 was approved 5-0.**

97-98 City Budget - Ms. Biddle reviewed the budget, which totals \$10,539,454. \$8,625,259 are resources other than property taxes; and property taxes required are \$1,914,195 with an additional \$143,565 for estimated taxes that will not be collected for a total tax levy of \$2,057,760.

**\*\*Councilman Harris moved to adopt Resolution No. 642, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND CATEGORIZATION FOR THE 1997-98 FISCAL YEAR. Motion seconded by Councilman Gerber.**

**DISCUSSION** - Councilman Nolder asked if the \$10,000,000 was actually misleading. Ms. Biddle explained that the budget is inflated by \$1,215,000 in transfers.

Administrator Jordan explained that the City usually has a cash flow of 5 to 6 million in a year, the rest of the money is either transfers, debt service and 2.8 million in capital expenditures. He noted that not all is cash flow, some is savings carried over in reserve funds from one year to the next; the entire amount must be budgeted and could be spent, but a "good share" is carried over from one year to another.

Councilman Strong asked if there was any way of publishing the budget without the transfers, since the budget looks larger than other communities. Mr. Jordan said the transfers have been significantly reduced from past years. Again, the debt service and sewer reserve make up the bulk of the transfers. However, budget law does not allow publishing the budget in any other form than what we use.

Councilman Gerber suggested a letter be drafted to point out the actual cash flow and budget expenditures for the newspaper when the budget is published. Mr. Jordan said that could be done next year at time of publication.

Councilman Harris, Budget Chair, thanked the committee for their diligence throughout the budgeting process.

**\*\*Resolution No. 642 was approved 5-0.**

Mayor Taylor noted that since the passage of Measure 50, the budget committee will probably have further deliberations later in the year.

Mayor Taylor closed the public hearings at 8:45 p.m.

Mayor Taylor suggested that Resolution No. 641, be acted upon at this time even though it does not require a public hearing, it is a part of the budget process.

Resolution No. 641 - Ms. Biddle explained that this resolution was merely a "housekeeping" function to transfer money from one line item to another in a department or fund to balance the budget.

**\*\*Councilman Harris moved to adopt Resolution No. 641, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 1996-97 BUDGET. Motion seconded by Councilman Nolder.**

DISCUSSION - Councilman Gerber asked if some of these transfers were auditor requests and was informed that was true.

**\*\*Resolution No. 641 was approved 5-0.**

**COMMUNICATIONS:** Letter from General Canby Day Committee - Mayor Taylor explained that the annual General Canby Day event begins at 8:00 am on Friday, July 4th, ending with a fireworks display at 10:00 pm.

Councilman Nolder noted that the committee will be selling glow sticks as a fund raiser at the fireworks display.

Letter from Jolene Campbell - Mr. Jordan read a letter from Mrs. Campbell requesting permission to hold a block party on July 19, on SE 10th, and blocking off S. Pine to S. Redwood.

**\*\*Councilman Gerber moved to approve the request of Jolene Campbell, to hold a block party on SE 10th, blocking off the whole street from Pine to Redwood on July 19th, from 4:00 to 11:00 pm. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Harris asked Chief Giger if there were any concerns. Chief Giger reported that this would be no problem.

**\*\*The block party was approved 5-0.**

**NEW BUSINESS: Accounts Payable - \*\*Councilman Harris moved to approve payment of accounts payable in the amount of \$309,336.51. Motion seconded by Councilwoman Strong and approved by roll call vote, 5-0.**

Uncontrolled RV Discharges to Sewage System - Administrator Jordan reviewed the memo from Steve Hanson requesting permission to authorize the City owned RV Dump location on SW 4th behind Magic Car Wash to be locked at all times. A fee of \$3.00 was suggested to allow an RV to dump, with the Car Wash collecting the fee and unlocking the site and cleaning up the area.

**\*\*Councilman Lucas moved that the City Administrator develop and implement a management plan for the use of the City's RV discharge facility, with a \$3.00 dump fee to be initiated and paid to Magic Car Wash. Motion seconded by Councilman Harris.**

DISCUSSION - Councilwoman Strong said she has utilized several RV dump locations throughout the various states and never paid to use those facilities. She emphasized that she did not feel it was a problem created by the RV person, but someone else using the site at night to dump unknown elements.

Councilman Gerber asked what toxins have been dumped. Mr. Hanson said he felt it was happening late at night and wasn't sure what was being dumped, however, they believe some sewage plant upset conditions are coming from that location.

Councilwoman Strong suggested the RV dump be locked at night. Mr. Hanson also noted that the area often needs to be cleaned and the Magic Car Wash is doing that and he suggested they be compensated for their efforts. Mr. Hanson said that an RV dump site could be planned at the City Shop location during the next phase of improvements at the Sewer Plant.

Councilman Nolder said he has paid to use a RV dump, but felt \$3.00 was too much, and suggested it could be locked at night. Mr. Hanson noted that week-ends are when it is used most often.

**\*\*The motion to lock the RV Dump and charge \$3.00, was amended to lower the fee to \$2.00, the amendment was approved by the second of the motion. The motion was approved 3-2, with Councilors Strong and Gerber voting nay.**

Mayor Taylor asked that the use of the RV dump be tracked and a report be made in August, due to the close vote.

Councilwoman Strong urged the City to study moving the RV dump to a suitable site since it is a valuable service to local citizens.

Steve Hanson informed the Council that the Sewer odor scrubber is "up and running."

Mayor Taylor recessed at 9:07 pm. The session was reconvened at 9:15 p.m.

97-98 Adult Center AAA Contract with County - Nan Olson, Center Director, explained there are a number of contract changes this year, which she presented in the packet. However, the bottom line is that the Center will be receiving an additional \$4,100 from the AAA for the coming year.

**\*\*Councilman Gerber moved to authorize the Mayor, City Recorder and City Administrator to sign a contract between the City and Clackamas County Social Services Division Area Agency on Aging and the Canby Adult Center for the 1997-98 fiscal year. Motion seconded by Councilman Harris and approved 5-0.**

**UNFINISHED BUSINESS: Voter Annexation Update** - Mayor Taylor informed the Council that Councilman Lucas, Planning Commissioner Prince, Nathan Clayton and himself testified at the Legislature this morning on SB 1137. He stated that the vote was 4-3, and SB 1137 will not proceed, in fact, it is probably considered a dead bill at this time.

Administrator Jordan congratulated those from Canby that testified, saying he was informed that "Canby shut it down."

Mayor Taylor noted that Representative Schrader should be given credit for assisting in this process as well.

Councilman Lucas also thanked Nathan Clayton, local citizen, that has been extremely involved in the voter annexation movement and has kept the Council advised.

Attorney Kelley reminded the Council that SB 947, has had a variety of changes and at this time, he has been informed that one of the changes is to make it effective January 1, 1999, which means the City is under METRO until that time.

Mayor Taylor noted that the Council can still request a vote on an annexation. Mr. Jordan said that should still be the case until January 1, 1999.

Attorney Kelley said there is some confusion on this matter. If METRO approves it, the City sends it to a vote of the people and it is denied, then who has the ultimate authority. Mr. Jordan said his understanding was that the vote is the final decision.

Councilman Lucas said there is no urgency at this time, however, at a workshop these things can be worked out.

Mayor Taylor pointed out that other than the special September election, there is an election in November. He said a November election would allow more time for consideration of the matter, and it would be more cost effective.

The Council agreed to a July 2nd, 6:00 pm workshop to review material from other communities. Also, the results of SB 947 should be known by then, July 2nd.

Nathan Clayton, N. Maple citizen, commended everyone from Canby that testified at the hearing on SB 1137. He reviewed the vote of the Legislative committee members. Mr. Clayton stated that "Canby carried the vote." He pointed out that if this becomes a reality by a Council initiative, it will be the first in the state. The other communities that have voter annexation were results of citizen petitions. He asked the Council if they wanted other communities that currently have voter annexation to be at the workshop. The Council decided they just wanted to review the material gathered by the City Attorney.

Administrator Jordan thanked Recorder Perkett for her efforts in faxing the letter to all the Cities and keeping the Council advised of the up-to-date activity on SB 1137.

Industrial Park Consultant - Administrator Jordan reported that he had three bids for consulting services for the development of Phases II and III of the Logging Road Industrial Park.

The low bid of approximately, \$55,000 was submitted by Musil Govan Azzalino, however they work with Gramor who is developing the Arneson property.

OTAK submitted a bid in the middle range of approximately \$77,500. The City has worked with OTAK on the Molalla Pathway Project and the Downtown Revitalization Project.

David Evans submitted a bid of between \$85,000 to \$105,000. Mr. Jordan noted that this would be the "Cadillac" proposal.

Administrator Jordan said he had received a call from OEDD today and due to their budget, the \$40,000 they had committed to this project is now in question. He stated that a financing plan for the project needs to be considered and be in place prior to signing any contracts. Mr. Jordan said that possible partners in a financing plan are Canby Utility Board, PGE and First Point, another power entity.

Councilman Nolder asked if Canby Telephone would consider joining the project. Mr. Jordan said he could approach them.



Mr. Jordan introduced Joe Dills from OTAK, Lake Oswego.

Councilman Gerber asked Mr. Dills how many firms might be interested in bidding such a project. Mr. Dills said possible 6 to 8, however, there are only four in the area that have engineering, architecture, planning, survey and landscape architecture all under "one roof," which is ideal in master planning.

**\*\*Councilman Gerber moved to direct the City Administrator to enter into a contract with OTAK for professional services to produce a plan for phase II and III for the Logging Road Industrial Area provided that a financing package can be reached. Motion seconded by Councilman Harris and approved 5-0.**

Year End Accounts Payable - Recorder Perkett reminded the Council that a Councilor needs to be appointed to review the year end accounts payable for the June 30th close-out.

**\*\*Councilman Nolder moved to approve accounts payable for the year end fiscal year 1996-97, after review by Councilman Harris. Motion seconded by Councilwoman Strong and approved 6-0.**

**MANAGER'S REPORT:** Library Funding - Mr. Jordan informed the Council that Berny Levy has solicited business support in sponsoring a month to keep the Library opened on Monday and Tuesday.

Councilman Harris reported that he attended a meeting regarding this issue and the following merchants have provided a monthly fee of \$2100 to keep the Library opened for the additional hours:

July - Canby Telephone  
August - Jarboe's and Canby Ford  
September - Cutsforth's Thriftway

Councilman Harris noted that if the City regains the financing for the Library, then the solicited funds from the businesses will go into an endowment fund for the Library.

Cell Tower Site - Administrator Jordan informed the Council that US West can not use the existing cell tower as it is at a maximum of four users on that structure. The Planning Commission denied the application for mono-pole at that site, and that decision may be appealed. Mr. Jordan asked if Council wanted him to continue negotiations with US West for placement of a cell tower on City property. He noted that federal regulations require that cellular purveyors must all be treated equally and access to the market cannot be denied.

The Council agreed that Mr. Jordan should not continue any further negotiations with

US West until the current issue, and a possible appeal, is determined.

Attorney Kelley said cellular firms cannot be denied access to service their customers, and they can be required to co-locate.

Councilman Harris pointed out that the Council can say "no," even though there may be consequences to that approach.

Attorney Kelley was asked to do some research in the matter, regarding the ability of the City in this decision.

Assistant Planner Applications - Mr. Jordan said he would provide copies of the final cut on the resumes for the position of Assistant Planner to Councilman Gerber. Councilwoman Strong also asked for a copy of the final applications. Mr. Jordan will be responsible for the final decision in the application process.

Highway Banners - Mr. Jordan stated that ODOT will be restricting banners over Highway 99 E, which includes the City's overpass. Ron Bornemeir, a permit specialist with ODOT district 2B, said a process permit includes: submit a letter of request; no commercial advertising or logos, no religious or political message; provide appropriate method of attachment; and provide insurance certificate naming ODOT as additional insured.

Mr. Kelley stated that ODOT owns and controls the area over the highway, which includes the City's overpass.

**\*\*Councilman Lucas moved to write a "nice" letter to ODOT noting the benefit to the City for special events, such as the Jazz Festival, Slice of Summer, General Canby Day, etc, and the placement will be secure; and the City of Canby insurance will provide the appropriate insurance coverage. Motion seconded by Councilman Gerber.**

DISCUSSION - Councilman Harris suggested copies be sent to our Senator and Representative.

**\*\*The motion regarding the ODOT letter was approved 5-0.**

Meetings - June 25th, 7:00 p.m., Canby Adult Center, a workshop on Access Management has been scheduled; and Thursday, June 26th is the Clackamas Cities Dinner at Arrowhead Golf Club.

**COUNCILORS' ISSUES:** Councilman Gerber reported that he had asked for a copy of a letter from the attorney's office regarding the final destination of the collection of yard

debris. He said he received the letter which stated that it will not be processed at the new facility, and there will be "no compost pile in S.E. Canby."

Councilman Harris informed the Council that the Canby Public Library will be having a Back Door Book Sale on June 21st, a bag of books for \$1.00.

Councilman Harris suggested that the Police Department provide statistics regarding the criminal activity specific to drugs, weapons and prostitution. This data requested should be provided as to specific geographic locations of the community. He added that he was still interested in some type of exclusion ordinance.

Attorney Kelley pointed out that the exclusion provision could apply only to drug related activity because of constitutional arguments on other matters.

Councilman Lucas asked when the yard burning issue would be on the agenda and was told it is scheduled for July 2nd.

Mayor Taylor informed the Council that the sub-committee met prior to this meeting to provide a process for evaluation of the City Administrator. A questionnaire will be available by July 16th and will be sent to pre-identified population; and the Council will set a time to identify goals for the Administrator.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan informed the Council that the Bike/Pedestrian Committee has requested a workshop session with the Council to present a one hour video regarding bike/pedestrian improvements. The Council decided on the second September meeting for their presentation.

- ACTION REVIEW:**
1. Implement budgetary Resolutions, 640, 641, 642 and Ordinance 974, to be posted prior to final action.
  2. Implement RV Dump site management plan and \$2.00 user fee.
  3. Execute 97-98 Adult Center Contract with County.
  4. Research financing for Industrial Park Master Plan, including contacting CTA for potential interest.
  5. Provide letter of explanation for newspaper with budget publication next year.
  6. Copies of Assistant Planner Application to Gerber/Strong.
  7. Letter to ODOT regarding banners on the overpass with copies to Schrader and Baker.
  8. Provide data on criminal activity in accordance to area for drugs, weapons and prostitution.

**\*\*Councilman Harris moved to go into Executive Session under ORS 192.660 (1)(h), regarding pending litigation. Motion seconded by Councilwoman Strong and approved 5-0.**

Mayor Taylor recessed the regular session at 10:32 pm to go into executive session. The regular session was reconvened at 10:55 pm and immediately adjourned.

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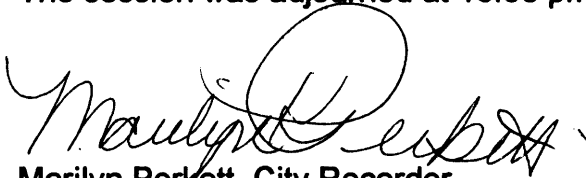
**EXECUTIVE SESSION  
JUNE 18, 1997**

**PRESENT:** Mayor Taylor, Councilors Nolder, Harris, Gerber, Strong and Lucas, Mr. Jordan and Attorney Kelley.

Mayor Taylor called the session to order at 10:35 p.m. in the CUB conference room.

ORS 192.660 (1)(h) - The Council discussed the Meza vs. City of Canby and Rinkes litigation cases.

The session was adjourned at 10:53 pm.

  
Marilyn Perkett, City Recorder

  
Scott Taylor, Mayor