

CANBY CITY COUNCIL  
REGULAR SESSION  
OCTOBER 16, 1996

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Terry Prince, Cheryl Stark, Shirley Strong and Walter Daniels.

Also present: Administrator Michael Jordan, Assistant to the Administrator Sarah Jo Chaplen, City Attorney John Kelley, Police Chief Jerry Giger, Planning Director Jim Wheeler, City Recorder Marilyn Perkett, Steve Hanson, Koji Yamada, Valerie Martin, Trish Conrad, Emily and Isac Yoder, Terry Blackwell, Doug Burnett, Curtis & Lila Gottman, Tonya Murray Silverton Mayor Ken Hector, Lt. Jerry Sterns, and Steve Hanson.

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

**ROLL CALL OF COUNCIL:** All Council members were present.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Prince moved to approve as distributed the minutes of the regular and workshop sessions of October 2, 1996. Motion seconded by Councilwoman Stark and approved 6-0.

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

**PROCLAMATIONS:** BPW Week - Mayor Taylor proclaimed the week of October 21-29, 1996, as National Business and Professional Women's Week in Canby. Mayor Taylor presented BPW State President-Elect Tonya Murray with the original Proclamation. Ms. Murray briefly addressed the Council, thanking them for observing this special week. Ms. Murray introduced the local BPW President, Terry Blackwell of Canby and noted that she was a Canby resident, herself.

Shining for Safety Day - Mayor Taylor proclaimed October 19, 1996, as Shining for Safety Day and encouraged the citizens to support the efforts of the youth in the community for awareness of public safety, specifically on Highway 99-E.

Trish Conrad addressed the Council and invited people to participate in the rally Saturday, October 19th, starting at Trost School and proceeding up Highway 99-E to Oregon City, with their lights on.

Mayor Taylor presented the proclamation to students, Emily and Isac Yoder, and Doug Burnett, who have been involved in the student campaign for safety.

Red Ribbon Week - Mayor Taylor proclaimed the week of October 21-25, 1996, as Red Ribbon Week and encouraged the community to observe this week by wearing a red ribbon as a symbol to establish a drug free community. The Mayor gave the same students copies of the proclamation.

Chief Giger explained that all of the schools would have an original copy of the proclamation to post. The students passed out red ribbons to the Council and staff.

**COMMUNICATIONS:** Silverton Parental Responsibility Ordinance - Mayor Hector, of Silverton informed the Council that in 1994, 54% of all crimes in Silverton involved juveniles; which caused their community to seek action. Mr. Hector said that they analyzed local data, considered the Marion County Juvenile process and their final conclusion was to make parents accountable for the juveniles.

Mr. Hector said that the ordinance was adopted in January 1995, and this created a "media blitz" nation-wide, and, in fact, internationally. He added that there was a 39% drop in the juvenile crime rate, a change in attitude was created among parents, increased parental involvement, and academic grade improvements. However, he did point out that the high school and middle school also have a police officer on duty. Mr. Hector stated that a warning is issued for the first offense, thereafter a citation is issued.

Mayor Hector said options they are considering are opting to handle juvenile misdemeanor crimes; research a "peer court" system; and research additional youth activities. He added that they are currently considering a skateboard facility using City property and National Guard involvement.

Mayor Taylor asked if parenting classes were encouraged. Mr. Hector said parents are provided a list of acceptable classes, some are free and others can be \$75 and higher. He noted that the ordinance has provisions for a fine, and of the 12 guilty cases, only two have involved fines. He added that even though there have been only 12 guilty cases, hundreds of parents have volunteered to attend the parenting classes. Also, if parents have their own child arrested, they are not cited. Offenses are a wide range: robbery, drugs, vandalism, curfew, weapons, etc. He added that the juvenile is dealt with in the juvenile court system.

Attorney Kelley asked why Silverton selected 18 as the age for the ordinance, when the state statute uses 15 as the age. Mr. Hector noted that he was on the state committee that initiated the statute, and it was merely a compromise to select the age of 15.

Councilman Harris questioned the jurisdictional issues, such as citing only residents or those living only in the City limits. Lt. Sterns said they usually only cite within the UGB, but custodial parent can be an issue.

Chief Giger stated that Clackamas County has a new Juvenile Court Administrator and all juveniles over the age of 11 who commit a violation, have a reception center to be admitted into and then dealt with by a counselor. Chief Giger stated that the Youth Services Team was responsive to the proposed ordinance. He added that there might be some confusion, specifically for the parents dealing with both the City Police and Juvenile Department.

Attorney Kelley asked if Silverton had any problems regarding ORS 163.577,(8), "the Juvenile Court has jurisdiction over the first offense....." However, Mr. Kelley noted that Judge Lowe, the Clackamas County Juvenile Judge said they will not prosecute adults for violations of that statute. He was informed that Silverton had not talked to other communities that experienced this problem.

**\*\*Councilman Prince moved that Ordinance No. 957, AN ORDINANCE RELATING TO PARENT RESPONSIBILITY, CREATING OFFENSES AND PROVIDING A REMEDY FOR VICTIMS be posted and come up for final reading on November 6, 1996. Motion seconded by Councilman Harris and approved 6-0.**

Chief Giger reminded the Council that he had presented the Council with an information copy of the policy the Police Department will use regarding minors smoking and he will provide a department policy for this issue as well.

**COMMUNICATIONS: LOC Request for Voting Delegate** - Administrator Jordan noted that this is an annual request for the Annual League of Oregon Cities Conference held in November each year.

Mayor Taylor volunteered to be the LOC voting delegate and Mr. Jordan the alternate. The Council concurred with the LOC delegate response.

**Letter from Kurt Schrader** - Mayor Taylor read a letter from Kurt Schrader, tendering his immediate resignation from the Canby Planning Commission.

Councilman Prince said that Mr. Schrader has been a positive influence in the development of Canby with his many years on the Planning Commission and he looked forward to working with him in the Legislature.

Mayor Taylor commented that the Planning Commissioners work very hard and their reward is one holiday dinner provided by the City. He reviewed the role of a Commissioner and expressed gratitude from the City for their work. Mayor Taylor added that Mr. Schrader has worked with another member that will take the responsibility of Chairing the Commission to make the transition easier.

**Letter from County Commissioners** - Mayor Taylor informed the Council that he had

received a letter from the County regarding the draft Business Plan with the additional language that shows the intent of the County to work with the cities regarding urban services.

Administrator Jordan reported that the Business Plan will be the main topic of discussion at the Clackamas County Cities Meeting hosted by Canby on October 24th at St. Joseph's.

**NEW BUSINESS: Accounts Payable** - \*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$193,203.16. Motion seconded by Councilwoman Strong and approved by roll call vote, 6-0.

**Appointment to Parks & Recreation Board** - \*\*Councilman Prince moved to appoint Leanne Sanders to a three year term on the Parks and Recreation Advisory Board, with her term expiring in July, 1999. Motion seconded by Councilwoman Strong and approved 6-0.

**Appointment to the Planning Commission** - Mayor Taylor reminded the Council that a few months ago candidates were interviewed for the Planning Commission and with the vacancy created by Mr. Schrader's resignation he wished to recommend appointment of Mark O'Shea to that position.

\*\*Councilman Prince moved to appoint Mark O'Shea to the Canby Planning Commission to complete Mr. Schrader's term which will expire in December, 1996. Motion seconded by Councilwoman Stark.

DISCUSSION - Councilman Harris noted that Mr. O'Shea is currently on the Budget Committee and has been an excellent member of the group.

\*\*The motion to appoint Mr. O'Shea was approved 6-0.

**ORDINANCES & RESOLUTIONS: Ordinance No. 955** - Jim Wheeler briefly reviewed the rationale for creating the proposed amendment to the zoning ordinance. He pointed out that the question regarding set backs was posed to the Fire Marshal and that department had no concerns. He added that the wording on Section 22. (F), regarding N. Maple and S. Elm was added: **legally binding alternative emergency access is available.**

\*\*Councilwoman Strong moved to adopt Ordinance No. 955, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE. Motion seconded by Councilwoman Stark and approved by roll call vote, 6-0.

Ordinance No. 956 - Jim Wheeler explained that this ordinance was drafted to protect the agriculture from urban land uses. He noted that the requested change for fences was added: Section 4, 3. **"six foot high, cyclone fencing...."**

**\*\*Councilman Daniels moved to adopt Ordinance No. 956, AN ORDINANCE ESTABLISHING PROTECTION OF AGRICULTURALLY BASED ECONOMICALLY PRODUCTIVE ACTIVITIES IN CANBY, TO ASSURE THE CONTINUED HEALTH, SAFETY, AND PROSPERITY OF ITS RESIDENTS. Motion seconded by Councilman Prince.**

DISCUSSION - Councilman Prince expressed concern about specifically stating "cyclone" fences are to be used since it limits the choice of fencing. He added that various types of fences could provide the limited access. He said it should be up to the landowners.

Councilman Nolder disagreed and pointed out that a cyclone fence was durable and maintenance free.

Councilman Harris agreed with Mr. Nolder and pointed out that a "good neighbor" fence could be added inside a cyclone fence for aesthetic reasons.

Councilman Daniels agreed with the cyclone fence.

Councilman Prince added that it was a good ordinance, the fence issue was only a suggestion.

Councilwoman Stark asked if the term "trespass" had been adequately defined to satisfaction of the Council. Council concurred that the definition was adequate.

**\*\*Ordinance No. 956 passed 6-0, by roll call vote.**

Ordinance No. 958 - Attorney Kelley reported that this ordinance was drafted to deal with complaints regarding public drinking and public urination. The offense is an infraction with a maximum fine of \$2500.

**\*\*Councilwoman Stark moved that Ordinance No. 958, AN ORDINANCE AMENDING CHAPTER 9.24 OF THE CANBY MUNICIPAL CODE BY ADDING CERTAIN ADDITIONAL MUNICIPAL VIOLATIONS be posted and come up for final action on November 6, 1996. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilwoman Stark asked if a waiver could be allowed in the event of a block party. Attorney Kelley said a law cannot be waived.

Councilman Prince asked if the intent of this ordinance was to make it applicable in a Commercial Zone..

**\*\*Councilwoman Stark agreed to amend the motion to have wording added to the ordinance to make it effective in "Commercial zones." The second to the motion, Councilwoman Strong, agreed to the amendment.**

Councilman Harris expressed concern about adopting an ordinance that might not be that necessary.

Chief Giger stated that this was also considered due to problems in some residential areas with residents urinating in view of the public.

Councilman Harris questioned the verbiage in the ordinance that referred to "private parking lot." He added that a private driveway might be considered as such. Attorney Kelley stated that there is a difference between a driveway and a parking lot.

Councilman Harris also questioned if a person would be in violation if they were on the Logging Road and stepped to the side to urinate. Attorney Kelley said if it was in view of the public.

Mayor Taylor noted that this ordinance will probably be used with "discretion" and is targeted for problem areas.

**\*\*The Ordinance was approved 6-0, on first reading.**

Letter from Walt West - Mayor Taylor read a letter from Walt West regarding the gate on the Logging Road. Mr. West said it was the intent of the owner of the property to keep everyone out of the private property due to liability reasons.

Resolution No. 624 - Mayor Taylor stated that during a workshop session with the school board, it was suggested to create a joint resolution supporting the defeat of Measure 47.

**\*\*Councilman Daniels moved to adopt Resolution No. 624, A RESOLUTION OPPOSING MEASURE 47 AT THE GENERAL ELECTION ON NOVEMBER 5, 1996. Motion seconded by Councilwoman Stark.**

Mayor Taylor read the entire Resolution.

DISCUSSION - Councilman Nolder said he could not support the resolution because he felt he should represent the citizens who elected him and let them make the decision at the polls.

Councilman Harris said he would vote in favor of the resolution and added that he thought it was the job of the Councilor to speak out against something that is detrimental to the City. He added that he agreed that the Council should follow the direction of the citizens when decisions are made at the polls.

Councilman Daniels said he felt the budget was "bare-bones" and he would hate to see an estimated \$421,000 reduction in the City budget. He added that he knows people are frustrated with taxes but hoped the citizens realized how frugal the City is in budgeting funds.

Mayor Taylor said his primary issue is the loss of local control and removal of responsibility to vote.

Councilman Prince said he agreed with Mr. Nolder, and said the City would follow Measure 47 in the event it passes. However, the proposed annual 3% increase is not enough for Cities and the loss of local control was a major concern.

Councilwoman Strong agreed with Mr. Nolder and said she would have preferred educating the public on the Measure rather than voting on a resolution. She added that she would not support the resolution.

Administrator Jordan suggested that the seventh "whereas" of the resolution have the wording **property tax** inserted before the word revenue. This would make it clear that it is property tax revenues.

**\*\*Resolution No. 624**, was approved with the additional wording, 4-2, with Councilors Nolder and Strong voting nay.

**Resolution No. 625** - Mayor Taylor noted that the Growth Management II Task Force Committee has submitted Goals A and B, and a map for adoption.

Councilman Prince said the task force was well attended and the mission statement was one of the best accomplishments of the group. He added that the designated area the City would like to remain in farmland follows the approximate school district boundary.

**\*\*Councilman Daniels moved to adopt Resolution No. 625, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY TO ADOPT THE GOALS AND BENCHMARKS OF THE GROWTH MANAGEMENT II TASK FORCE AND ADD THEM TO THE VISIONING DOCUMENT OF CANBY BY DESIGN THAT HAS BEEN DEVELOPED BY THE COMMUNITY. Motion seconded by Councilman Prince and approved 6-0.**

**UNFINISHED BUSINESS:** **Bike Path Report** - Administrator Jordan reported that he

had met today with Mr. and Mrs. Gottman regarding their concerns about bike paths in Canby and discussed where the City needs to be and how to get there. He said the City has been collecting revenues since 1971 from ODOT and 1% of those funds are to be spent on bike paths and walkways. This is approximately \$47,000. Mr. Jordan said the City is prepared to allocate the necessary funds in compliance with the state standards.

Mr. Jordan suggested that an Advisory Committee be set up, with criteria similar to other boards and committees and that Mr. and Mrs. Gottman serve on that committee.

Councilman Prince pointed out that the Parks Master Plan states there are to be bike paths. He asked if the \$47,000 would be in addition to the Park Plan. Mr. Jordan said it would be in addition to the Parks Plan and would be in the right-of-way areas.

Councilman Harris suggested that the new advisory board work closely with the Traffic Safety Committee.

The Council consensus was to proceed with implementing the new advisory committee.

**MANAGER'S REPORT: Meetings** - A meeting has been scheduled for November 4th at the Canby Adult Center, 7:00 p.m. regarding the signalization of 13th & Ivy.

The annual League of Oregon Cities Conference is scheduled for November, registration forms are to be submitted to the business office by October 28th.

The Clackamas County Cities monthly meeting will be hosted by Canby on October 24th at St. Joseph's, reservations are to be made with the business office.

**Organizational Review** - Kent Layden will have the organization structure ready for the next meeting.

**Industrial Development** - Administrator Jordan said the City has been in discussions with the Oregon Economic Development Department regarding phase two of the Industrial Park, due to interest of a particular industry for that area. He added that it appears that phases 2 and 3 criteria are some of the most available large acreage industrial sites in the metropolitan area, and certainly in Clackamas County. He further added that there will be more interest generated for this area and Canby should become pro-active in how the City wants that area developed. Mr. Jordan said a consultant may be necessary to assist in the development strategies and OEDD funding may be solicited.

A workshop with CUB was suggested for the development strategies. The Council suggested that the Planning Commission and CTA be invited to such a workshop. A



tentative date of November 20th was set.

**COUNCILORS' ISSUES:** Mayor Taylor introduced Koji Yamada, son of the Mayor of our Sister City Kurisawa. Mr. Yamada has been in Canby for about a month and had home-stay with several families, including Roger Harris. Mr. Yamada has been visiting various governmental agencies to take home ideas.

Councilwoman Stark reminded everyone that with the seasonal early dark hours, people should dress appropriately for Safety reasons.

Councilman Daniels encouraged participation in the November 4th meeting regarding the 13th and Ivy traffic signal.

Councilman Prince reported that the new Fire District Open House was well attended and that the facility was very nice.

Councilman Nolder reminded the Council of their efforts to aid Johnson Controls last year when that entity was facing trouble. He noted that efforts were worthwhile, since the average salary is \$17 per hour, and the local facility is in the running "nationwide" for first or second place in productivity.

Mayor Taylor informed the Council that the Grand Opening for the Hispanic Service Center last night was a success, and added that it is not only for Hispanics, but anyone in need.

Councilwoman Strong reminded everyone of the Candidate Forum at 7:30 p.m. at the Fine Arts Center on Thursday evening, October 17th.

Mayor Taylor reported that he had attended the first broadcast on Tuesday evening of NEWS 5 and it was very successful.

- ACTION REVIEW:**
1. Mayor Taylor will be the Voting Delegate to the LOC, Mike Jordan the alternate.
  2. Send thank you letter to Kurt Schrader for service on Planning Commission.
  3. Notify Mark O'Shea and Leanne Sanders of their appointments to the Planning Commission and Parks & Recreation Board, respectfully.
  4. Implement Ordinances. 955 and 956, regarding land use issues.
  5. Post Ordinances 957 and 958 prior to second reading.
  6. Support defeat of Measure 47, with Resolution 624.
  7. Adopt Growth goals with Resolution 625.

8. Prepare ordinance to create Bike/Pedestrian PAB.
9. Prepare for joint workshop with CUB, CTA and Planning Commission regarding Industrial Park.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations; (1)(h) regarding pending litigation; and (1)(l) regarding performance of an employee. Motion seconded by councilwoman Strong and approved 6-0.**

**Mayor Taylor recessed the regular session at 9:40 p.m. to go into Executive Session. The regular session was reconvened at 11:41 p.m. and immediately adjourned.**

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**EXECUTIVE SESSION  
OCTOBER 16, 1996**

Mayor Taylor called the session to order at 9:50 p.m. in the CUB conference room.

Present - Mayor Taylor, Councilors Prince, Nolder, Harris, Stark, Strong and Daniels. Ms. Chaplen, Mr. Jordan, and Mr. Kelley.

ORS 192.660 (1)(h) - The City discussed the Rinkes litigation.

A possible litigation case regarding development at the end of N. Maple was discussed.

A litigation regarding a former employee, Mr. Meza, was discussed.

ORS 192.660 (1)(d) - The Council discussed the Police Department contract negotiations.

ORS 192.660 (1)(l) - The Council discussed performance of three City employees.

Mayor Taylor adjourned the session at 11:40 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Scott Taylor  
Mayor

# PROCLAMATION

**WHEREAS**, this is the Seventy-eighth anniversary of the National Business and Professional Women's organization; and

**WHEREAS**, the BPW mission statement is "to promote full participation, equity, and economic self-sufficiency for working women"; and

**WHEREAS**, the BPW objectives are to elevate the standards for women in business and the professions; and to extend opportunities to business and professional women through education along lines of industrial, scientific and vocational activities; and

**WHEREAS**, since 1928, every United State President has recognized the National Business and Professional Women's Week.

**NOW, THEREFORE**, I, Scott Taylor, Mayor of the City of Canby, do hereby proclaim the week of October 21-29, 1996, as

## **NATIONAL BUSINESS AND PROFESSIONAL WOMEN'S WEEK**

and call upon the citizens of our community to observe this week by honoring all Business and Professional Women who work together to bring a spirit of cooperation among Business and Professional Women in the City of Canby.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the City of Canby to be affixed this 16th day of October in the year of our Lord, One Thousand Nine Hundred and Ninety-Six.

Scott Taylor, Mayor

# PROCLAMATION

**WHEREAS**, the safety hazards posed by traveling Highway 99 E have been exhibited by numerous automobile accidents; and

**WHEREAS**, many of the accidents occurring on Highway 99 E have included critical injuries and/or fatalities; and

**WHEREAS**, the students of Ackerman Middle School and the Ackerman Middle School OSSUM Club (Oregon Student Safety on the Move) have recognized these hazards and collected more than 500 petition signatures which were sent to Governor John Kitzhaber, Representative Jerry Grisham and the Oregon Department of Transportation; and

**WHEREAS**, the students of Ackerman Middle School and the Ackerman Middle School OSSUM Club also requested a public campaign; and

**WHEREAS**, this campaign will culminate with SHINING FOR SAFETY DAY, an awareness celebration to take place on October 19, 1996, at 10:00 AM; and

**WHEREAS**, this awareness celebration will include a rally at Trost School in Canby, and a parade of cars commencing in Canby, with their lights shining, up Highway 99 E to Oregon City.

**NOW THEREFORE**, I, Scott Taylor, Mayor of the City of Canby, Oregon, declare October 19, 1996, as

## **SHINING FOR SAFETY DAY**

and encourage all citizens of Canby to support our youth in their efforts to increase public safety awareness and to attend the SHINING FOR SAFETY DAY awareness celebration.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 16th day of October in the year of our Lord One Thousand Nine Hundred and Ninety Six.

Scott Taylor, Mayor

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# PROCLAMATION

**WHEREAS**, the problems associated with drug use and alcohol abuse are prevalent in all our communities, regardless of their size or location, with average age of first use being 12.5 years for alcohol and 12.5 years for illicit drugs; and

**WHEREAS**, reversing this trend will not occur overnight, making it imperative that patience and continued commitment to visible, unified prevention efforts in reducing demand for drugs be supported by community members; and

**WHEREAS**, the Canby Police Department is joining with the schools, businesses, churches, parents and youth in a grassroots effort to stop the abuse of drugs and therefore help our children to reach their full potential; and

**WHEREAS**, the 1996 Red Ribbon Campaign theme is "NEIGHBOR BY NEIGHBOR, RIBBON BY RIBBON, WE ARE UNITED FOR DRUG FREE YOUTH" the focus of which is to create an environment in which drug use is not tolerated.

**NOW, THEREFORE**, I, Scott Taylor, Mayor of the City of Canby do hereby proclaim October 21 - October 25, 1996, as

## **RED RIBBON WEEK**

and encourage each of our citizens to wear and display Red Ribbons to symbolize our joint commitment to establishing a drug free community and one in which we may take pride.

**BE IT FURTHER** proclaimed that this body encourages its citizens to serve as role models for its children by visibly and enthusiastically participating in alcohol and drug prevention education activities within the City of Canby.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 16th day of October in the year of our Lord One Thousand Nine Hundred and Ninety-Six.

Scott Taylor, Mayor