

**CANBY CITY COUNCIL  
REGULAR SESSION  
AUGUST 21, 1996**

**PRESENT:** Mayor Scott Taylor, Councilors Dennis Nolder, Terry Prince, Roger Harris, Shirley Strong, and Walt Daniels, Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Recorder Mairlyn Perkett, Patricia Ewert and Michelle Cox. **ABSENT:** Councilwoman Cheryl Stark.

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 Prince moved to approve as distributed the minutes of regular session, August 7, 1996. Motion seconded by Councilman Harris and approved 5-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Michelle Cox, owner of A-Steel on NE 4th and Pine, addressed the Council regarding a conflict with Steve Floyd, City Code Enforcement Officer.

Mrs. Cox informed the Council that their first experience with Officer Floyd was regarding noise criteria for an ordinance implemented a year ago. Then there was a situation when Officer Floyd reported them to DEQ; and an incident on August 14 regarding a complaint of paint problems by people at the fairgrounds.

Mrs. Cox stated that Sarah Jo Chaplen and Chief Giger had worked with Officer Floyd as a result of the first DEQ incident. She said it was her understanding that a policy and procedure was implemented requiring Officer Floyd to consult with Chief Giger and Ms. Chaplen for solutions to complaints prior to bringing in an outside agency

In regards to the August 14th incident, Sarah Jo Chaplen set up a meeting on August 15th, and a resolution was reached to set up a tarp to divert the paint fumes. However, Officer Floyd had not consulted the Cox's about the problem and proceeded against policy and contacted DEQ.

Mrs. Cox stated that other businesses have had problems with Officer Floyd and she requested a review of Office Floyd's position and his employment dismissal.

Chief Giger said that Officer Floyd contacted DEQ only to request information, not report an incident.

Chief Giger said there have been some misunderstandings.

1) Officer Floyd contacted A-Steel twice while he was making surveys in researching data for the noise ordinance, several businesses were contacted.

2) While working as a reserve, Officer Floyd found a gate open at their business and saw paint on the ground and contacted DEQ.

Mrs. Cox asked why Officer Floyd didn't call them prior to calling DEQ, since they could inform him about any product they use and resolve the issue; Resolution on the first DEQ contact happened because the paint product in question posed no threat. She added that the same thing could have happened in the most recent incident. She added that when she questioned Officer Floyd he could not answer any specifics about the complaint.

Mayor Taylor suggested that the framework and overall attitude issues need to be addressed.

Councilman Prince stated that it appeared that the policy process was not followed and he suggested that City personnel need to be more sensitive to local businesses prior to making agency contacts.

Councilman Nolder asked if policy had been followed. Chief Giger reiterated that Officer Floyd called DEQ for information only, not to report an incident.

Councilman Harris noted that Officer Floyd was trying to find a resolution to what could have possibly been a dangerous situation, and it comes down to a personality factor which makes this a "tough issue." He thanked Mrs. Cox for an outstanding presentation.

Mrs. Cox reiterated that Officer Floyd new what was expected of him in regards to procedure and he choose not to follow the policy, and she considered the matter harassment.

Mayor Taylor stated that the issue will be reviewed and discussed and a contact later with Mrs. Cox on the matter.

Councilwoman Strong questioned what other businesses had concerns. Mrs. Cox was reluctant to answer this question.

Pat Ewert, addressed the Council about some issues she read in the August 7th Council minutes.

Mrs. Ewert suggested that in regards to the issue about activities for the young people of the community, the Community Schools and the recreation district should be contacted for input. She added that there is probably some City property that can

perhaps be utilized for a skateboard area for the kids. She further added that the kids can no doubt develop something for a skateboard area.

Mrs. Ewert said the speed and traffic issue caught her attention and she suggested that new developers design neighborhoods around an open space in a circular design that will deter speeding.

Finally, the Molalla River area across Knights Bridge was suggested as a possible acquisition for the City by Mrs. Ewert. She noted that donations of garbage receptacles restroom facilities and a Scout improvement project could be designated in that area.

Mrs. Ewert encouraged the Council to act now upon some of these suggestions, rather than wait until the November ballot when the Council may change.

Councilman Prince pointed out that a skateboard area on SW 13th was suggested and that was not feasible. Mrs Cox suggested the "honda pits" on the Rinkes property.

Councilman Prince cautioned that the solar ordinance, with orientation to the south, might cause a problem with the circular design proposal. Mrs. Ewert suggested that houses be facing south and then continue with the circular design. Adding that the open space is very important

Councilman Prince asked if the area off Knights Bridge Road had every been offered to the City. Mr. Jordan said it had been offered and the City would then be required to provide maintenance and enforcement measures. Mrs. Ewert asked if a caretaker could live in the suggested park area and sell concessions.

Mayor Taylor suggested that Mrs. Ewert attend the September 10th Visioning Session. Mrs. Ewert said she could not be present on September 10th and suggested that some of the youth leaders of the schools be personally invited to participated in these discussions.

**COMMUNICATIONS: CREG** - Mayor Taylor reported that the County-wide Emergency Communications issue will be on the September 17, 1996 Ballot. He advised that the Council supports the proposed bond.

Chief Giger stated that he has a video and informational brochures regarding the proposed ten-year GO bond issue.

Councilman Prince added that the communications system allows for the County-wide Police and Fire Departments to communicate with each other.

**NEW BUSINESS: Accounts Payable** - \*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$135,740.00. Motion seconded by

Councilwoman Strong.

Discussion - Councilman Daniels noted that the reason the accounts payable lists were delivered late was due to some computer problems that have been satisfied.

**\*\*The accounts payable motion was approved by roll call vote, 5-0.**

Acceptance of Logging Road Industrial Park Project - Curt McLeod explained that the OEDD requested formal action of the Council regarding final payment and acceptance of the Logging Road Industrial Park Project. Actually, the final payment was approved in the accounts payable process at the July 3, 1996 meeting.

Administrator Jordan reported that some new business will be going into the Industrial Park: JV Northwest, the Kahut Building, Mr. Broetji will construct three new buildings, and Mr. Larios has opened a Fence Company on Third and Pine. He said 50% of the land is available.

Councilman Nolder asked if this was a "housekeeping" issue in regards to the acceptance. Mr. McLeod agreed and noted that the OEDD loan of \$500,000 will be paid back over 20 years by the Advanced Financing Fees.

**\*\*Councilman Harris moved to accept the Logging Road Industrial Park Project by approving the final payment and release of retainage. Motion seconded by Councilman Nolder and approved 5-0.**

Appointment to Budget Committee - Administrator Jordan explained that at the last meeting Andy Ditommaso was appointed to the budget committee and the application of Joe Haftorson was overlooked.

**\*\*Councilman Harris moved to appoint Joe Haftorson to a term on the Budget Committee with his term expiring in July, 1998. Motion seconded by Councilman Daniels and approved 5-0.**

**ORDINANCES & RESOLUTIONS:** Ordinance No. 952 - Administrator Jordan explained that this ordinance was considered for final reading to purchase a street sweeper.

**\*\*Councilman Prince moved to adopt Ordinance No. 952, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH BEN KO MATIC, PORTLAND, OREGON, FOR A STREET SWEEPER. Motion seconded by Councilman Harris.**

Discussion - Mayor Taylor noted that a correction should be made on the date of the final reading, it should read **AUGUST 21, 1996**, instead of August 31, 1996.

**\*\*Ordinance No. 952 was approved by roll call vote, 5-0.**

Ordinance No. 953 - Mr. Jordan reminded the Council that this ordinance authorized a contract with Curran-McLeod to do engineering for the Master Planning of the Wastewater Collection System.

**\*\*Councilman Daniels moved to adopt Ordinance No. 953, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN MC LEOD, INC. FOR ENGINEERING SERVICES FOR THE WASTEWATER COLLECTION SYSTEM MASTER PLANNING; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Strong and approved 5-0.**

Ordinance No. 951 - Attorney Kelley explained that when the Conditional Use Permit was issued to KB Recycling/Canby Disposal for their new facility, the present garbage franchise agreement was to be amended to add a section which requires the franchisee to comply with the list of conditions.

Councilman Nolder asked what would happen in the event of a default. Attorney Kelley said there are clauses in the ordinance that address penalties or termination of the franchise.

**\*\*Councilman Nolder moved that Ordinance No. 951, AN ORDINANCE AMENDING ORDINANCE NO 793 REGARDING AN EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE FOR A PERIOD OF FIVE (5) YEARS TO ESTABLISH, OPERATE AND MAINTAIN A BUSINESS OF GATHERING, COLLECTING, TRANSFERRING AND DISPOSING OF ALL SOLID WASTE, WASTE AND RECYCLABLE MATERIAL; AND DECLARING AN EMERGENCY be posted and come up for final action on September 4, 1996. Motion seconded by Councilman Harris and approved 5-0.**

Ordinance No. 954 - Curt McLeod explained that there was money in the street budget for the project of realignment and curbs on NE 10th at Locust Street. This includes reconstruction of 190 lineal roadway. Two bids were received; the lowest bid was D & D Concrete from Tualatin. Mr. McLeod said the firm had done work for other government entities and he is comfortable accepting their low bid.

Councilman Prince asked if sidewalks would be included. Mr. McLeod said sidewalks were not a part of the project.

**\*\*Councilman Harris moved that Ordinance No. 954, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH D & D CONCRETE & UTILITIES, INC. FOR CURB REALIGNMENT AT NE 10TH AVENUE AND LOCUST STREET; AND DECLARING AN EMERGENCY be posted and come up for final action on September 4, 1996. Motion seconded by Councilwoman Strong.**

Discussion - Mayor Taylor and Councilman Prince both reiterated the past request that any new street work include sidewalks.

Curt McLeod stated that sidewalks will be included in this project. He said there is enough money in the budget to construct the sidewalks.

Councilman Daniels re-emphasized the need to set policy that sidewalks be installed when streets are improved.

**\*\*Ordinance No. 954, was approved on first reading, 5-0.**

**UNFINISHED BUSINESS: Silverton Juvenile Ordinance Discussion** - Attorney Kelley informed the Council that he reviewed this ordinance criteria with Sarah Hackett a League of Oregon Cities representative. She stated that the "Parental Responsibility Law" was a "hot issue" in the legislature last year, however, it appears to have waned. Also, HB 2884 was passed and the criteria parallels the Silverton Ordinance in most instances. The State version has additional language regarding a curfew and if a juvenile is not attending school. Mr. Kelley noted that the State law has a restitution and punishment clause if a person is found guilty and it is their first offense the matter may be suspended and restitution not ordered. He added that the law provides that the juvenile court has jurisdiction over the adults in these matters. To add to the confusion, Clackamas County Juvenile Judge John Lowe will not accept referrals of adults under the statute in his court.

Mayor Taylor emphasized that he was interested in the Silverton law and keeping the jurisdiction in these matter to our local Judge. Additionally, he was impressed with the fact that parents are often referred to parental training classes in these matters.

Attorney Kelley noted that any child under the age of 18 years must go to juvenile court.

Councilman Nolder asked if the City of Canby needs this law. Chief Giger said, "at times."

After further discussion the Council decided on the following approach regarding the Parental Responsibility Law:

Mayor Taylor will contact the Mayor and Chief of Police of Silverton and request they attend the October 2nd meeting to discuss their ordinance.

Chief Giger will seek input from the Youth Services Team in Canby which has representatives from the schools.

Attorney Kelley will draft an ordinance for Council consideration for the October 2nd meeting.

**MANAGER'S REPORT: Meeting with School Board** - Administrator Jordan reported

that the School Board is interested in a joint meeting with the Council on October 2nd.

The Council discussed various agenda topics and whether to include the Planning Commission. The final analysis was to invite the Planning Commission Chairman and schedule the meeting for October 2, at 6:00 prior to the regular Council meeting, to discuss a "general update" between the two entities and to review the ability to talk about the future **together**.

Bike Path - Administrator Jordan informed the Council that the topic of bike paths may become more apparent in the near future. Mr. Jordan reviewed the statistical measurement of a collector street: the street is 40 feet, curb side parking takes up 16 feet and each lane of traffic needs 10 feet, this leaves 4 feet for the bike path. He reported that in Township Village some of the streets have curb cuts on one side only, and perhaps a bike path might be implemented on the other side. Finally, he advised that the bike path discussions will continue with more research on the issue. Mr. Jordan reported that some lines have been painted as an experiment and the Council will be updated on the results.

Macksburg Meeting - Administrator Jordan advised that a meeting was held with residents and DEQ in the area of Macksburg that are experiencing odor problems from the sludge hauled from the sewer plant. He said that ideas are being pursued on how to solve the odor problem while the City is developing a dry product that will not be as offensive.

Chamber Grant - Administrator Jordan informed the Council that the intergovernmental agreement between Clackamas County and the City is being refined for the administration of the grant the Chamber of Commerce received regarding the Downtown Revitalization Project.

**COUNCILORS' ISSUES:** None presented.

**OTHER REPORTS OR ANNOUNCEMENTS:** Chief Giger said the Police Department has been using all of the resources they have for the speeding problem on N. Birch Street. He added that meetings with the residents will continue. Chief Giger said that 25 MPH speed signs have been placed on Territorial, and dots are on the intersection at Territorial and Birch.

Councilman Nolder asked if a criteria had been set for speeding problems in a particular area. Chief Giger said the court citations and surveys have been utilized in creating information that helps in setting criteria.

Councilman Nolder inquired whether a department policy has been set for a neighborhood to use to ascertain if they have a speeding problem. Chief Giger said

there is a speed watch program with forms to use, a radar gun for citizen use and if a concern is established then enforcement is increased in the area.

Councilman Harris asked what other neighborhoods were concerned about speeding problems. Chief Giger answered that S. Pine, S. Redwood, N. Pine and N. Locust expressed concern.

Councilwoman Strong asked if S. Elm and 13th Street were a concern. Chief Giger said that area has been a concern for a long time.

Councilman Prince commended Officer Fillis for the public relations he has initiated in these speeding issues.

Councilman Prince asked if anyone from the City had started the process regarding working with Canby Kids for an additional field near Ackerman. Mr. Jordan said that Jack Martin is working on this matter.

- ACTION REVIEW:**
1. Send OEDD an acceptance letter on the Logging Road Industrial Park Project.
  2. Notify Joe Haftorson of his appointment to the budget committee.
  3. Implement Ordinance No. 952 to purchase a street sweeper.
  4. Implement Ordinance No. 953 to contract services for a Storm Sewer Master Plan.
  5. Post Ordinance No. 951 & 954, prior to final reading on September 4, 1996.
  6. Solicit information for the Silverton Model Ordinance.
  7. Develop agenda for joint meeting with School Board on October 2, 1996.

Administrator Jordan reminded the Council of the two workshops scheduled for next week, Wednesday August 28, and Thursday August 29, in the Library regarding the Organizational Review.

Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations and (1)(h) regarding pending litigation. Motion seconded by Councilwoman Strong and approved 5-0.

Mayor Taylor recessed the regular session at 9:50 p.m. to go into Executive Session. The regular session was reconvened at 10:45 p.m. and immediately adjourned..

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**EXECUTIVE SESSION**  
August 21, 1996



Present: Mayor Taylor, Councilors Prince, Nolder, Harris, Strong and Daniels,  
Administrator Jordan and Attorney Kelley.

Mayor Taylor called the session to order in the CUB conference room at 9:55 p.m.

ORS 192 660 (1)(h) - The Council discussed the Rinkes case.

The Council discussed the Limited Land Use decision issue.

Mayor Taylor adjourned the session at 10:40 p.m..



Marilyn K. Perket  
City Recorder



Scott Taylor  
Mayor