

CANBY CITY COUNCIL  
REGULAR MEETING  
JANUARY 4, 1995

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

Also present: Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Officer Greg Kroeplin, Judge Jon Henricksen, Jeane, Pauline & Ed Nolder, John Falkenstein, Elroy Knutson, Al & Linda Geddes, Vicki, Brandon & Jared Taylor and Mr. Strong.

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

Roll call of the Council showed a quorum to be present.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Prince moved to approve the minutes of regular meeting December 21, 1994 as distributed. Motion seconded by Councilman Harris and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Police Department Awards - Chief Giger presented Officer Greg Kroeplin with a plaque honoring his participation in the Seat Belt 3 Flags Enforcement Program which includes Oregon, Washington and British Columbia. Chief Giger noted that the City of Canby is one of 15 agencies in the State of Oregon that has a Seat Belt Program. He stated that Officer Kroeplin was responsible for initiating the seat belt classes.

Also, Officer Kroeplin is involved in the City Traffic Safety Committee, a DUII Patrol Program, Safety Helmet Program and investigation of traffic accidents.

Chief Giger presented Officer Kroeplin with the 3 Flags plaque for his personal involvement.

Officer Kroeplin accepted the award and informed the Council that he had started the program in October 1991. He said at the end of each class, an evaluation takes place. The classes have approximately 20 participants each and have a 95% success rate. He further stated that prior to implementing the classes the seat belt usage in Canby was 73%. Now it is 85% within the City limits. He felt the high success rate of the classes was due to the Court Administration of Karen Rider and Kathy Keyser.

Officer Kroeplin presented a plaque honoring the City of Canby Police Department for his participation in the 3 Flags Enforcement Program.

Mayor Taylor thanked Officer Kroeplin and said he was always pleased with "preventative" work by the department.

SUB 94-02 - Linda Geddes asked why the Findings and Final Order for SUB 94-02 was removed from the agenda. She said the neighbors would like to see the Findings officially acknowledged and signed.

Attorney Kelley reported that the City of Canby had received one letter signed by Ron Tatone, and another letter signed by Elroy and Beverly Knutson and Ron Tatone, withdrawing the application for SUB 94-02. Mr. Kelley stated that the applicant has the right to withdraw the application prior to signing of the Final Order, and once that happens

then everything stops. He reminded Council that the same type of situation happened a few years ago in the case "City of Canby vs. Torgeson" and LUBA ruled that the applicant had the right to withdraw an application at any time prior to signing the final order, which then stops everything.

Mrs. Geddes asked if the applicant could resubmit. Mr. Kelley replied that they could resubmit either the same plan or an amended plan.

Mrs. Geddes expressed concern since the signing of the Findings was postponed because their attorney was asked to draft the findings.

Mayor Taylor stated that the Council listened to tapes and reviewed many hours of testimony regarding the matter and will keep all of this information in mind.

Mrs. Geddes asked how long the record would be kept and if the "unsigned" findings would be included in that record. She was told the entire record would be kept for seven years. The unsigned findings would be a part of that record.

**OATH OF OFFICE & RECEPTION FOR MAYOR & COUNCIL:** Judge Jon Henricksen called the following people forward to administer the oath of office for the position of City of Canby Councilor: Roger Harris, Terry Prince, Shirley Strong, Walter Daniels and Dennis Nolder.

Judge Henricksen then called Scott Taylor forward to administer the oath of office for Mayor of the City of Canby.

Mayor Taylor called for a short recess at 7:50 p.m. for a brief informal reception. The regular session was reconvened at 8:00 p.m.

Mayor Taylor took a few moments to express thanks to his family and the Councilors' families. He also thanked the citizens who reelected him and the Council for the new terms.

Mr. Taylor stated that he appreciated the fact that the Council had the ability to deal with not only day-to-day problems but difficult issues and decisions.

Mayor Taylor said he was excited to face the next two challenging years and was happy to have the opportunity to set a course for the community. He stated that he plans to govern the City in a responsible and credible manner.

**COMMUNICATIONS:** LOC Letter - Mayor Taylor reminded the Council that the League of Oregon Cities is seeking elected officials to serve on various committees. Council members interested should contact the business office.

At this time, Mayor Taylor suggested that Terry Prince be nominated to serve as Council President.

**\*\*Councilman Harris moved to approved the nomination of Terry Prince to the position of Council President. Motion seconded by Councilman Nolder and approved 6-0.**

**NEW BUSINESS;** Accounts Payable - **\*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$217,835.84. Motion seconded by Councilwoman Strong.**

Councilman Daniels commented that \$50,880 was to pay Library Bonds, \$30,000+ to pay

paving in the Logging Road Industrial Park and \$30,000+ for the S. Locust Park.

**\*\*Motion to approve accounts payable was approved by roll call vote, 6-0.**

Canby Community School Annual Report - John Falkenstein, Director of Canby Community School, reviewed the annual 93-94 report for the City Council.

Mr. Falkenstein also presented the City with a large "thank you" poster signed by participants from the kids summer program.

Mr. Falkenstein noted that there was a total of 3,100 participants during the report period. He stated that enrollment in classes and workshops dropped by 15%, however, he does expect it is a trend and will eventually rise. He reminded Council that the Community School has a vast amount of funding coming from participants and the remainder is from City, school district and Clackamas Community College taxes.

In reviewing many of the programs, Mr. Falkenstein stated that most of the participation remained the same from the previous year, such as: Athletic Camps, Special Events, Field Trips, and Slice of Summer.

Councilman Nolder asked if the program for Slice of Summer has been set for the coming year. John reported that they are now in the planning stages and no acts have been booked yet. He further added that Canby Telephone is a large supporter of this event.

**ORDINANCES & RESOLUTIONS:** None presented.

**UNFINISHED BUSINESS:** None presented.

**OTHER REPORTS OR ANNOUNCEMENTS:** Meetings - Ms. Chaplen informed the Council that the City of Canby will host the monthly Clackamas County Cities meeting on January 26th at St. Joseph's Wine Cellar. She encouraged the Council to reserve that date to attend.

Ms. Chaplen stated that a combined meeting between the Council and Planning Commission will be held on February 2, 1995, at 7:00 p.m., regarding the METRO 2040 proposal. OTAK has asked to make a presentation at this meeting.

Appointments - Councilman Nolder reminded the Council that there will be two openings on the Canby Utility Board in February. He stated that Bud Atwood had served two consecutive terms and was not eligible to serve another term, and Dave Hoover is willing to serve another term. He added that John Lang was being recommended for a three year term.

**\*\*Councilman Nolder moved to appoint John Lang and Dave Hoover each to a three year term on the Canby Utility Board, effective February, 1995. Motion seconded by Councilman Daniels.**

Mayor Taylor reminded the Council that John Lang had been interviewed previously for a CUB position. Mr. Nolder added that they felt he would be a very valuable member.

**\*\*The motion for the CUB members was approved 6-0.**

Visioning - Mayor Taylor reminded the Council of the next Visioning meeting on January 17th at Canby High School, 7:00 p.m.

- ACTION REVIEW:**
1. Send letters regarding CUB appointments.
  2. Advise LOG of interested Councilors for various committees.
  3. Prepare to host January 26th Clackamas County Cities Meeting.

Councilwoman Stark expressed thanks to the many citizens who decorated their homes and business for the holiday season; and the City for decorating the streets and Wait Park.

Councilman Prince also thanked CUB for supplying the electricity for the holiday lighting at Wait Park.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property; and (1)(h), regarding pending litigation. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 8:33 p.m. to go into Executive Session. The regular session was reconvened at 9:00 p.m.

Attorney Kelley informed the Council that about a month ago, Canby Telephone Association approached the City about taking over all of their alarms through our 911 dispatch service. He noted that we presently have about 25 of their current alarms.

Mr. Kelley advised he attended a meeting with Attorney Roger Reif, David Fisher, Chief Giger, and dispatch representatives, regarding the matter of drafting an alarm contract. Chief Giger is preparing a presentation about the issue.

Attorney Kelley said CTA currently contracts with a local private entity and would like a commitment from the City Council prior to terminating the present contract. The terms of the agreement would be five (5) years, with a 90 day out for either party, 911 providing 24 hour dispatch, payment on a schedule depending upon the total number of alarms installed.

Chief Giger stated that we now monitor 71 alarms in the Police Department and receive approximately \$275 per month. This would increase the monthly income to approximately \$1,500 per month. He added that only records need be available and when the alarm rings they dispatch to the first-line response necessary. He said they currently receive about 140-190 alarms per month. No increase in staff will be necessary.

Councilman Harris asked if the private company now handling the alarms was local and if it would be an end to their business. Mr. Kelley said the entity is local, but he did not know the extent of their business.

Councilman Nolder asked that CTA hold the City harmless in case of some type of loss occurs during an alarm. Mr. Kelley said he will make sure the contract would include a "hold harmless" section.

Chief Giger said CTA started the alarm business on a trial basis with a 24 hour service, and it could not be a private business, about ten years ago. The Police Department assisted with the alarms for about six years at no monetary reimbursement to the City. Now, a customer can choose who they wish to monitor their alarms.

Councilman Prince wanted to be assured this would not hinder our current 911 Enhanced System. Chief Giger said it would be a separate system and would not affect regular 911 calls.

Mr. Kelley said he would draft a contract for review at the January 18th meeting if the

Council agreed. The Council gave unanimous consensus to proceed with drafting a contract to enter into an agreement with CTA for the alarm service.

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

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EXECUTIVE SESSION  
JANUARY 4, 1995

Present: Mayor Taylor, Councilors Prince, Nolder, Harris, Stark, Strong and Daniels, Sarah Jo Chaplen and John Kelley.

Mayor Taylor called the session to order in the board room at CUB at 8:35 pm.

ORS 192.660 (1)(e) - The Council discussed the sale of the City owned "Kraxberger" property.

Also, the purchase of property next the Canby House of Trophies was discussed.

ORS 192.660 (1)(H) - The Day (horse) case was discussed.

Three possible code enforcement litigation cases were discussed, Broetje, Patterson and Schmidt.



Marilyn K. Perkett  
City Recorder



Scott Taylor  
Mayor