

**CANBY CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 15, 1995**

**WORKSHOP:** Present: Taylor, Prince, Nolder, Stark Strong and Daniels. Also, Administrator Jordan, Sarah Jo Chaplen, Police Chief Giger, Officers Page and Nunn.

The workshop was held at 6:00 p.m. in the CUB conference room. The purpose of the session was to discuss the scheduling of staff in the Police Department. Specifically, 8 hour shifts, and 10 hour shifts.

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, City Attorney John Kelley, Police Chief Jerry Giger, Officer Greg Kroeplin, Library Director Beth Saul, City Planner Bob Hoffman, Ray Wellman, Phil Dalley, Dave Dalley, Joe Driggers, Mike & Irene Breshears, Murray Taylor, Roy Hester, Dave Hoover, Pat Ewert and Carol Meeuwsen.

Mayor Taylor called the regular 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 SESSIONS:** \*\*Councilwoman Stark moved to approve as distributed the minutes of regular session January 18, 1995 and regular session February 1, 1995. Motion seconded by Councilman Nolder and approved 6-0.

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

**PROCLAMATION/PRESENTATION:** Mayor Taylor proclaimed the City of Canby as a World War II Commemorative Community and encouraged citizens to participate in the various activities during the year.

Roy Hester, Public Works Supervisor and Air National Guard Member, introduced Mike Breshears, VFW Commander and Canby American Legion First-Vice Commander. Mr. Hester, dressed in uniform, and Mr. Breshears presented the City of Canby with a certificate from the National Department of Defense, declaring the City of Canby as a World War II Commemorative Community. They also presented the City with a Commemorative Flag.

Mayor Taylor thanked Mr. Hester and Mr. Breshears for the gifts to the City, and reminded everyone of a flag dedication at the Adult Center on February 23rd. The ceremony will honor the flag raising on Mount Suribachi at Iwo Jima 50 years ago.

**COMMUNICATIONS:** CUB Report - Dave Hoover, Chairman of the Canby Utility Board members, addressed the Council to inform them that after a 55 year trend of buying power from Bonneville Power, they had sent out Request for Proposals and opted to purchase power from PGE at a considerable savings to City residents. Mr. Hoover added that Bonneville has thirty days to respond to this recent change. He said that the Utility Board will continue to keep the Council updated on the issue.

**COPS FAST Program** - Mayor Taylor read a letter from the U.S. Department of Justice

that announced the award of \$75,000 under the COPS FAST Program to hire one additional police officer.

**PUBLIC HEARING: Supplemental Budget** - Mayor Taylor opened the hearing on 1994-95 Supplement Budget at 7:44 p.m. He briefly reviewed the hearing criteria.

**STAFF** - Administrator Jordan reviewed the proposed 1994-95 Supplemental Budget, noting that the Budget Committee had reviewed the proposal. Mr. Jordan reminded the Council that department heads have the discretion to delegate 80% of their cash carryover and 20% is to be returned to a Capital Reserve Fund. The following review was made: General Fund, \$48,000 cash carryover, \$21,000 to the Capital Reserve Fund; Street Fund had \$47,487 cash carryover with \$9,497 to the Capital Reserve Fund; Parks & Recreation had a cash carryover for the Parks in \$15,725 and \$2,145 set for the Capital Reserve Fund, and the Pool had a cash carry over of \$6,069 and \$1,216 set for the Capital Reserve Fund; Municipal Court cash carryover of \$22,760 and \$4,552 set aside for the Capital Reserve Fund; Sewer cash carryover was \$58,054 and \$11,611 set aside for the Capital Reserve Fund; Library cash carryover was \$30,469 and \$2,000 in donations, with \$6,694 transferred to the Capital Reserve Fund; Community Services had \$35,208 in the cash carry over and a transfer of \$7042 to the Capital Reserve Fund; and the Police Department had a cash carryover of \$14,723 and a transfer of \$12,233 to the Capital Reserve Fund. The total Supplemental Budget was \$208,505 with the same amount in expenditures.

Councilman Prince noted that he would like to consider setting a limit for rate stabilization for Community Services.

Councilman Nolder asked for a clarification on the Traffic Ways expenditure. Mr. Jordan stated that last year we paid for half of the Traffic Master Plan and this allocation was to pay the balance of that process.

Mayor Taylor called for comments by Proponents, then opponents and finally a rebuttal. None one come forward for comments.

The Mayor closed the Public Hearing at 7:54 p.m.

**\*\*Councilman Daniels moved to adopt Resolution No. 582, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET. Motion seconded by Councilwoman Strong and approved 6-0.**

**NEW BUSINESS: Accounts Payable** - **\*\*Councilman Daniels moved approve payment of accounts payable in the amount of \$160,510.75. Motion seconded by Councilman Prince.**

Mr. Daniels commented that \$20,661 was spent on the S. Locust Street Park.

**\*\*The motion on the floor was approved by roll call vote, 6-0.**

Request for Bids for N. Juniper - Roy Hester informed the Council that he had applied for ten grants for street improvements in low income areas in town and this specific street was not within that boundary.

**\*\*Councilman Daniels moved to accept the recommendation from the Public Works Supervisor to request bids for street improvements on N. Juniper Street starting at N.E. 10th Avenue, proceeding 700 feet north to 12th Avenue with asphalt. Motion seconded by Councilwoman Stark.**

Councilman Prince questioned the alternative bids. Mr. Hester said we would know how

much of the project we could do once the bids are accepted.

Councilman Harris asked how this street was selected when other streets are in need of repair. Mr. Hester replied that this street has had a great deal of maintenance and would make N. Juniper a street with improvements on a continuous basis. He also noted that there were many streets in need of repair; however, we do not have the funding.

Administrator Jordan stated that we had the opportunity to apply early for Block Grant Funding in their 5 year cycle. He pointed out that the last boundary has been expanded for the eligible funding projects, including a great portion of the south side of 99 E, all of the downtown area and some sites in the N.W. sector.

**\*\*The motion was approved 6-0.**

**P.D. Maintenance Request for Raise/Cemetery Service Fee Increase** - Administrator Jordan pointed out that Phil and Dave Dalley had contracted to operate the City-owned cemetery one year ago today. The experience has been most successful with revenues of over \$75,000, noting that a few years ago the City revenues were only \$68,000. He commended the Dalley's for the excellent performance.

Dave Dalley addressed the Council requesting a \$1,000 per month increase in their contract salary due to greater expenses for a larger number of services, as well as an increase in the cost of supplies.

Mr. Dalley pointed out that a letter had been received this week outlining increases at the Oregon City Cemetery: i.e., \$325 for a liner, Canby charges \$195; Oregon City vault inspection is \$60, we have no such fee; Oregon City recording fee is \$125, we have no recoring fee; Oregon City charges \$875 for a plot, Canby charges \$300; and they charge an opening and closing fee of \$525, as opposed to our charge of \$215.

**\*\*Councilwoman Stark moved to authorize the City Administrator to amend the Personal Service Contract with PD Maintenance to reflect a monthly increase of \$1,000. Motion seconded by Councilman Daniels.**

Councilman Harris asked how many spaces are available and what happens when we run out of space. Mr. Dalley said we currently have 170 spaces; also Section "H," which has 300 spaces is available. Mr. Dalley said he had been under the impression that Section H was for upright monuments only. He stated that there is a total of 17 acres at the cemetery and 9 1/2 acres is currently developed. Administrator Jordan pointed out that money from cemetery property sales is designated to the Perpetual Care Fund for maintenance of the cemetery after it is full.

Councilman Prince noted that we had used Perpetual Care money to build the mausoleum. Mr. Jordan stated that we are paying that back to the Perpetual Care Fund on an annual basis.

Mr. Dalley also pointed out that our plots are 11 feet by 4.2 feet and in California the lots are 8 feet by 3.15 feet. He said we could get more lots if we considered making this change.

Mayor Taylor asked if we had an "out" clause in the contract. Mr. Jordan said we had a 90 day option for either party to end the contract.

**\*\*The motion on the floor for the \$1,000 monthly increase for PD Maintenance was approved 6-0.**

**\*\*Councilman Daniels moved to approve Resolution No. 581, A RESOLUTION SETTING PRICES AND RATES FOR SERVICES AND SPACES PROVIDED BY ZION MEMORIAL CEMETERY. Motion seconded by Councilwoman Strong and approved 6-0.**

Ray Wellman, Canby Funeral Chapel, asked for a clarification on Section H of our cemetery, stating he thought it was for upright monuments only. Mayor Taylor said the Council was not aware of this concern and would have staff further investigate the matter and get back to him on the issue.

**Block Grant Project** - Bob Hoffman, City Planner, informed the Council that the City had received approximately \$32,500m in a Community Development Block Grant in 1991-92 for a Social Improvement Plan. Mr. Hoffman said the County had requested a "detailed" scope of work before they would contract for the study and he was not able to come to an agreement with them on this issue. Mr. Hoffman suggested that this fund be transferred to the Canby Adult Center for consideration in their roofing needs.

**\*\*Councilwoman Strong moved to reprogram the Social Service Block Grant Funds to the Canby Adult Center to pay for an expanded costs. Motion was seconded by Councilman Prince.**

Councilman Harris asked for a clarification on the Social Service Grant and would this project "go away" if we authorized the request. The Mayor said yes, the project would no longer exist. Administrator Jordan explained that since Canby was a changing community in various ways, such as social service needs, cultural needs, demographics issues, etc., that a request was made to implement a Social Improvement Plan. Mr. Jordan noted that we have reprogrammed block grant funds before and reapplied for the same project and been awarded the grant, specifically the S. Locust Street Park Project. He added that, at this point, there appeared to be an urgency at the Adult Center for some work to be done.

**\*\*The motion to reprogram the Block Grant Funds was approved 6-0.**

**ODOT Agreement** - Administrator Jordan informed the Council that we actually had two agreements to consider between the City and the Oregon Department of Transportation.

The "Local Agency Fund Exchange Agreement" is to exchange Federal funds for State funds. He said the exchange rate is 94 cents on the dollar, however, since we do not need to follow Federal requirements on a project, it exceeds the 6% that is lost in the trade. We are asking for a trade of \$195,585 in Federal funds for \$183,850 in State funds to reimburse us for funds already expended on the Logging Road Industrial Park Project.

The second agreement, "Cooperative Improvement Agreement" is for the construction of the signal at Pine Street and 99E.

Councilman Harris asked if the signal would be installed prior to the next fair. Mr. Jordan said it would go to bid in March and should be done by fair time.

Councilman Prince asked if the \$183,850 from the first agreement would be to reimburse the sewer fund and was assured it would.

**\*\*Councilman Daniels moved to instruct the Mayor and City Recorder to enter into an agreement with ODOT for the Local Agency Fund Exchange Agreement to trade Federal money of \$195,585 for State funds of \$183,850. Motion seconded by Councilman Prince and approved 6-0.**

**\*\*Councilman Daniels moved to authorized the Mayor and City Recorder to enter into a Cooperative Improvement Agreement with ODOT to construct a signal at Pine Street and 99E. Motion seconded by Councilman Prince and approved 6-0.**

**ORDINANCES & RESOLUTIONS: Ordinance No. 931 - Administrator Jordan reported that this ordinance was to purchase the property east of City Hall, which has the House of Trophies located on it for \$82,000.**

**\*\*Councilman Nolder moved that Ordinance No. 931, AN ORDINANCE AUTHORIZING PURCHASE OF REAL PROPERTY FOR FUTURE MUNICIPAL BUILDING COMPLEX; AND DECLARING AN EMERGENCY be posted and come up for final reading on March 1, 1995. Motion seconded by Councilman Harris.**

Mayor Taylor asked if the property would be limited to building of a municipal complex. Attorney Kelley said if the need changed then the ordinance could be amended.

**\*\*The motion was approved 6-0.**

Mayor Taylor called for a five minutes recess at 8:46 p.m. The regular session was reconvened at 8:55 p.m.

**UNFINISHED BUSINESS: Vision Task Force-Recreation/Natural Resources - Pat Ewert and Carol Meeuwsen, members of this task force, addressed the Council to inform them of their results and ask for Council support.**

Using an overhead project, Mrs. Ewert informed the Council of the definition of recreation as adopted by this committee: "Recreation is the refreshment in body or mind by some form of play, amusement, or relaxation for all people of all ages." She then polled many of the people in the room, asking what other forms of recreation there were, and noted a variety of responses.

Carol Meeuwsen reported that their committee had collaborated with the South Recreation District group, Swim Center, and Community School in hopes of bonding all the recreation groups together for the Canby "area."

Mrs. Ewert said they visualize becoming known as a "recreation area." She stated that this group will propose going to the voters in May 1996 for a bond to create and provide recreation opportunities in Canby. Other revenues sources are being explored, including an R.V. Park.

Mayor Taylor commended the committee and said he was excited about the course they are on and felt it would best serve the citizens of Canby.

Joe Driggers, Visioning Committee Member, stated that he was pleased to have Canby Kids working with this group.

**OTHER REPORTS OR ANNOUNCEMENTS: Kahut Transfer Station - Bob Hoffman asked the Council to set some criteria for the Appeal that was filed Friday, February 10th on the proposed Kahut Transfer Station. Mr. Hoffman asked the Council to set a date, time restrictions and amount of documentation to be copied.**

Attorney Kelley cautioned the Council to avoid exparte contact regarding the issue. He also suggested that copies of minutes and staff findings be prepared for each Councilor, along with audio copies (11 tapes) of all the meetings.

The general consensus of the Council was to prepare one copy of the ENTIRE RECORD of the Kahut Transfer Station to be available at the Police Department for check out purposes, as well as a copy available to review in the Planning Department. The hearing was set for MARCH 15, 1995, 7:30 P.. AT THE CANBY ADULT CENTER. Both the appellant and applicant will be limited to 30 minutes of testimony and the general audience will be limited to 3 minutes. Also, any written testimony must be submitted by March 8th.

Clackamas Cities Meeting - Administrator Jordan reminded the Council of the Clackamas Cities Meeting on February 23rd, hosted by Wilsonville in the Springridge Restaurant at Charbonneau.

Concerns - Councilman Prince asked that staff be careful of comments made to the press on various issues. He felt that some reports recently appeared to show bias comments made by City staff.

Graffiti Ordinance - Attorney Kelley asked the Council to give him direction on preparing a draft copy of a graffiti ordinance.

The Attorney was directed to return to the next meeting with a "draft graffiti ordinance" to include: making the parents responsible for minors, not making property owners, or victims, liable to remove graffiti but rather, if at all possible, making the offender responsible for removing the graffiti, as well as imposing community service as the penalty. The Council asked that the Attorney refer to and use much of the Gresham ordinance.

Neighboring Cities Meeting - Mr. Hoffman noted that on March 6th from 7-9 pm there will be a neighboring Cities meeting.

**ACTION REVIEW:**

1. Bid improvements for N. Juniper Street.
2. Negotiate an amendment for the PD Maintenance contract for operating the City cemetery.
3. Reprogram Block Funds from the Social Improvement Plan to the Adult Center expansion.
4. Implement two agreements with ODOT.
5. Post Ordinance 931 for second reading to purchase property.
6. Implement Resolution 581 for new fees at the cemetery.
7. Set Kahut Transfer Appeal hearing and send notices.
8. Return with a draft Graffiti Ordinance.

**\*\*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 Stark and approved 6-0.**

Mayor Taylor recessed the regular session at 9:48 p.m. to go into Executive Session. The regular session was reconvened at 11:00 p.m.

Planning Commission Decisions - Councilman Daniels suggested that each Councilor individually state the reasons for their vote on land use decisions. This will help the Planning Commission to understand the justification for each vote.

Mayor Taylor also pointed out that the "findings" should be tied into the decisions of the Council. He specifically brought up the Faist Annexation that had a split vote. The Mayor said it would have been beneficial if each Council person stated their reason for voting aye or nay.

Administrator Jordan cautioned the Council that their decisions must be based on very

different criteria for the type of hearing which are either quasi-judicial or legislative.

Management Compensation Committee - Mayor Taylor noted that Mr. Jordan would be sending a memo to the Council regarding what has happened in this committee. Also, tapes were passed out regarding this subject.

Mayor Taylor adjourned the regular session at 11:10 p.m.

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EXECUTIVE SESSION  
FEBRUARY 15, 1995


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


Mayor Taylor called the Executive Session to order in the CUB conference room at 10:00 p.m.

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

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

The Mayor adjourned the session at 11:00 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Scott Taylor  
Mayor

**WHEREAS**, the Department of Defense has officially designated Canby, Oregon, as a World War II Commemorative Community; and

**WHEREAS**, the City of Canby will honor and pay thanks to World War II Veterans, their families and those who served on the home front; and

**WHEREAS**, Lieutenant General Claude M. Kicklighter, United States Army, Retired, said, "No matter what our nation does to thank and honor this very special group of Americans, it won't be enough. We hope through this program we will be able to touch in some fashion the almost nine million living World War II veterans, no matter where they are." ; and

**WHEREAS**, the City of Canby will hold several World War II Commemorative events, such as Memorial Day Service, General Canby Day Participation, September 2, 1995 Gala, including an Oregon Trail Pitchipers Show, Parade with vintage military equipment, and concert featuring period music with the Prime Time Swing Band; and

**WHEREAS**, it is the commitment of the Canby Commemorative Committee to seek out and honor our local World War II heroes.

**NOW THEREFORE**, I, Scott Taylor, Mayor of the City of Canby proclaim the City of Canby as a

#### **WORLD WAR II COMMEMORATIVE COMMUNITY**

and urge all the citizens of Canby to support and participate in the activities planned for this year to memorialize our World War II Veterans and be sure to take the opportunity to say, "a grateful nation remembers."

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 15th day of February in the year of our Lord One Thousand Nine Hundred and Ninety-Five.

Scott Taylor  
Mayor

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