

CANBY CITY COUNCIL  
REGULAR MEETING  
MAY 3, 1995

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

Also present: Assistant to the City Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, City Attorney John Kelley, Planning Director Bob Hoffman, Library Director Beth Saul, Parks & Recreation Director Scott Nelson, Police Chief Jerry Giger, Jim Rourk, Peggy Payne, Mary Heinz, Betsy Ross, Nan Olson, Clarence & Helen Potampa, Dorothy McCormick and Chuck Robbins from Clackamas County .

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 the minutes of regular session April 19, 1995. Motion seconded by Councilman Daniels.

Councilman Prince noted that on page 5, paragraph 8, the reply from Attorney Kelley should read: **"..as long as they are doing a lawful business."**

**\*\*The motion for approval of the minutes was 6-0.**

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Betsy Ross reminded the Council that Thursday, May 4th is the National Day of Prayer and there will be a rally in front of City Hall about noon, which will last about a half hour.

Ken Hagen, Technical Librarian, reported to the Council that a two week national open meeting with President Clinton, via the computer public access network is now in progress. He explained that Canby is one of seven sites in the state of Oregon that has been designated as a participant. He invited the Council and public to the library to comment on the internet, which will be in progress until May 14th.

**PROCLAMATION: Poppy Month** - Mayor Taylor proclaimed the month of May as Poppy Month and May 24 through 27 as Poppy Days in Canby. He urged citizens to participate in the American Legion Poppy Days.

Peggy Payne, American Auxiliary President, and Mary Heinz, Poppy Chairperson, presented the Council and audience with a poppy and urged citizens to make donations in one of the various donation cans in local businesses around town.

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**COMMUNICATIONS:** Letter from Traffic Safety Committee - Chief Giger reported that the committee will contact the Fire Department to discuss their use of S.E. Second Street; School Bus Services has indicated they will seek an alternative route, other than S.E. Second Street; and the Police Department will continue to do surveillance on that street for speeding. Chief Giger pointed out that the committee has decided not to pursue the proposal for parking on one side of the street on S.E. Second.

Letter From Jim Rourk - Mr. Rework requested permission to block off Grant Street and N.W. Fourth on Saturday, May 20th for the annual Whiskey Hill Jazz Festival. He stated that the purpose is to maintain a safer environment and provide an area for vendors. Mr. Rework also noted that RV's will be stationed overnight at the park to provide security for their equipment.

**\*\*Councilman Harris** moved to authorize the Whiskey Hill Jazz Festival the requested street closures of Grant and N.W. Fourth for their May 20th event. Seconded by Councilman Nolder.

Councilman Daniels suggested that the activities be coordinated with the City Public Works and Police Departments.

**\*\*Motion to approve closure of streets** was approved 6-0.

**NEW BUSINESS:** Accounts Payable - **\*\*Councilman Daniels** moved to approve accounts payable in the amount of \$106,270.96. Motion seconded by Councilwoman Stark.

Councilman Prince asked about a payment to the Canby Adult Center for bookkeeping services.

Sarah Jo Chaplen advised the Council that the above issue regarding payment for bookkeeping services is still under discussion since the City is not providing that service.

Councilman Daniels said the bookkeeping issue may change at a later time and be done as an outside service.

**\*\*Accounts payable** was approved by roll call vote, 6-0.

Adult Center Expansion - Scott Nelson reminded the Council that this Community Development Block Grant process has been going on for about eight months. He noted that Chuck Robbins, Clackamas County Program Manager, was present to answer questions. Mr. Nelson said that the project was bid for a 2,000 square foot addition to the Canby Adult Center, with a patio on the southeast side, a vestibule with automatic doors and a new roof. Mr. Nelson said the proposed roof will be made from Hypolone, a very strong substance used as a liner for pools. He reminded the Council that the CDBG is \$202,500, with matching City money of \$55,000. In order to complete the entire project, there are six different

scenarios, which Mr. Nelson reviewed, that could be considered by the Council with a request for additional City funding..

Nan Olson, Center Director, informed the Council that the Friends of the Canby Adult Center are willing to contribute up to \$21,000 for funding the proposed vestibule.

Chuck Robbins stated that the bids were very complex. It depends on what scope of the project the Council wished to fund, as to who the contractor would be. He also noted that one contractor, Glen/Mar Construction, had an error in their bid which added to the confusion.

Mayor Taylor pointed out that a new roof is critical, since it is leaking and, sooner or later, the City will be responsible for repairing the roof.

Councilman Prince asked where the additional funding would come from and was told it would come from the Capital Reserve Fund.

Ms. Chaplen stated that after the \$55,000 is subtracted from the Capital Reserve Fund, there would be a balance of \$70,000.

Mayor Taylor reviewed the three options: 1. use the \$55,000 and install a new roof; 2. continue with the expansion project and, perhaps, eliminate one or two of the items; and 3. fund the entire package.

Mr. Robbins said we could start over with the bid process, which would take another two months.

Councilman Nolder asked if the roof was considered at the beginning of the project. Mr. Nelson had the architect look at the roof to tell us what was needed at the time the addition was first considered.

Mr. Nolder pointed out that regardless of what we do, we have to repair the roof since we are responsible for the building. Further, Councilman Nolder stated that he felt we shouldn't ask the County to use their money to repair our building.

Councilwoman Strong pointed out that if we only do the roof, the grant money "goes away."

Mr. Robbins said the County wishes to help and if the City decides to do only the roof, they would fund 80%. However, we would lose the rest of the grant money and we have already reprogrammed those funds. He pointed out that \$202,500 is the ceiling for the grant money.

Councilman Daniels asked about the proposed partition. Mr. Nelson said the partition was to make the larger room into two areas in order to vary the use.

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Mayor Taylor asked what the best price would be if we didn't do the partition and used the difference of \$16,000 for the roof. Mr. Robbins said our best price would still be scenario number six, the complete project, using Glen/Mar Construction. He added that if we don't do the patio or partition, it will cost more and we still do not get the complete project.

Councilman Prince expressed concern about taking the additional funding out of the construction fund. However, he felt it would be money well spent.

Mayor Taylor asked if the complete project would take care of proposed growth for the next ten years. Nan Olson said it would.

Councilman Daniels pointed out that the Capital Reserve Fund was not discussed during the budgeting process.

Chuck Robbins pointed out that if only the patio and partition are excluded, it would cost \$308,730. He pointed out that a patio would cost about \$8,000 and a partition about \$5,000 to \$6,000 and we would only save \$7,000 in eliminating the two variables.

Councilwoman Strong said she felt the entire project was well worth the money.

**\*\*Councilman Prince moved that Ordinance No. 938, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT FOR THE EXPENDITURE OF FUNDS FOR A BUILDING EXPANSION AND A NEW ROOF TO THE CANBY ADULT CENTER; AND DECLARING AN EMERGENCY be posted and come up for final action on May 17, 1995, with the addition of the total cost to the City of \$93,575.00. Motion seconded by Councilwoman Strong and approved 6-0.**

Mayor Taylor said he felt this was a good investment for the community and hoped participants of the center will support the City when it comes time to seek City money.

Mr. Robbins asked if he could proceed. Attorney Kelley said the second reading would be May 17th, at which time he could proceed. Mr. Robbins said that was a manageable time line.

**ORDINANCES & RESOLUTIONS: Ordinance No. 937 - Attorney Kelley reminded the Council that he was instructed to rework Table 1, but he realized the exemption to the industrial and commercial businesses refers only to lawful activity and, therefore, felt the Table 1 decibel standards should remain in the ordinance. However, he did remove the section regarding motor boats and set the decibel standard for powered model vehicles at 75 dBA, as requested.**

**\*\*Councilman Harris moved to adopt Ordinance No. 937, AN ORDINANCE ESTABLISHING NOISE CONTROL PROCEDURES, PROHIBITING CERTAIN ACTS, CREATING EXCESSIVE NOISE LEVELS, ESTABLISHING MAXIMUM SOUND**

LEVELS, CREATING EXCEPTIONS AND VARIANCES, ESTABLISHING PENALTIES; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Strong.

Discussion - Councilman Prince reported that he borrowed the instrument for reading decibels from the Police Department and made various readings at night: highway noise, industrial noise, dog barking noise, residential traffic, etc. and found that a decibel reading of 70 dBA was very noisy. Therefore, he suggested that the decibel criteria for night in commercial and industrial areas be dropped to 65 dBA.

Attorney Kelley reminded Councilman Prince that the commercial and industrial areas are exempt from the decibel criteria if doing a lawful business.

Councilman Prince reiterated that he wanted to modify the Table to lower the decibel reading to 65 dBA in Industrial and 60 dBA in Commercial areas, particularly if there were late night parties in the area.

Councilwoman Stark noted that the proposed night dBA standards are for after 10:00 p.m.

Councilman Nolder stated that we have had no complaints from commercial and industrial areas and reminded the Council that the proposed ordinance was generated due to residential noise complaints. Also, Councilman Nolder pointed out that, "in all due respect to Mr. Prince", he was not trained or certified to read a decibel meter.

Councilwoman Stark agreed with Councilman Nolder and requested a poll of the Council,

Councilman Harris again stated, "if there is no problem, let's not make rules." He said he preferred the ordinance as it now reads.

Councilwoman Strong agreed to leave the ordinance as it now reads.

Councilman Daniels preferred the ordinance to remain as it now reads and noted that complaints will "trigger" necessary changes.

Councilman Prince stated that it shouldn't be legal to allow parties to be louder than the industry.

**\*\*Ordinance No. 937** was approved by roll call vote, 5-1, with Councilman Prince voting against the ordinance.

Ordinance No. 939 - Attorney Kelley stated that this ordinance was drafted as a "housekeeping" matter to comply with the City Charter regarding expenditures of more than \$15,000. The PD Maintenance contract for operation and maintenance of the Municipal Zion Cemetery is for more than the Charter criteria.

**\*\*Councilman Daniels moved that Ordinance No. 939, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH PHIL DALLEY, DBA PD MAINTENANCE TO PROVIDE SERVICES AT THE CITY OWNED ZION MEMORIAL CEMETERY; AND DECLARING AN EMERGENCY be posted and come up for final action on May 17, 1995. Motion seconded by Councilman Nolder.**

Councilman Harris asked why we were paying the 10% on "gross" revenues rather than "net" revenues under Section 4, (B).

Mayor Taylor asked that City staff check this out prior to the second reading.

**\*\*Motion on Ordinance No. 939, was approved 6-0.**

**UNFINISHED BUSINESS:** None reported.

**OTHER REPORTS OR ANNOUNCEMENTS:** ODOT Meeting -Bob Hoffman noted that ODOT will be holding meetings concerning Highway 99 E. He suggested that City staff, Council and Planning Commission representatives participate in the meetings. Councilman Nolder will represent the Council and Councilman Prince will be an alternate. The first meeting will be Monday morning, May 8th.

Management Survey - Mayor Taylor noted that the management team that is currently doing a salary/compensation survey has requested more time. The Council set June 7th as a workshop to discuss the survey information..

METRO 2040 - Councilman Daniels reminded the Council of an open house at the Adult Center at 7:00 p.m., May 4th, METRO will present three plans and local citizen input is encouraged.

S. Locust Street Park - Scott Nelson reported that the planned May 5th "grand opening" for the new park will be rescheduled. Due to inclement weather, the playground equipment is not ready. The grand opening will be scheduled sometime in July.

Mayor Taylor informed the Council that Jack Martin, Parks employee, arranged to have about 800 kids "guard" the park. Their payment was an ice cream bar. He complimented Mr. Martin on innovativeness, however, he noted that he did not get an ice cream bar.

**ACTION REVIEW:**

1. Research minutes for April 19th regarding Councilman Prince's concern on reply from Attorney Kelley on the noise ordinance.
2. Traffic Safety Committee will continue to pursue information regarding S.W. 2nd Avenue problems.
3. Authorize Whiskey Hill Jazz Festival for May 20th, including street closures.
4. Ordinance No. 938, regarding the Adult Center renovation package,

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be posted and come up for final action on May 17th..

5. Adopt Noise Ordinance No. 937.

6. Research net profit vs. gross profit on Ordinance No. 939, for PD Maintenance, prior to final action on May 17th.

7. Councilman Nolder will be designee to participate in ODOT meetings, with Councilman Prince as alternate.

8. June 7th as been set as a workshop to discuss the Management Survey on Salary and Compensation Packages.

Councilman Prince noted that the Kittleson report on the proposed light for 13th and S. Ivy indicates a need for signalization. He asked where we go from here. Mr. Hoffman said Mr. Jordan will assign a staff person to implement that study. Mr. Hoffman added that he has contacted Joe Merrick, Clackamas County, and it was established that the County has no current funding available. The other items, such as flashing lights and signage could be done soon.

Mayor Taylor asked that the Council be kept advised as to the 13th and S. Ivy issue.

Councilman Prince noted that there is an opening on the County Budget committee.

Mayor Taylor set May 17th as the closing date to accept letters of interest to the Canby Utility Board vacancy.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations, (1)(h) regarding pending litigation; and (1)(i) to evaluate the performance of a public employee. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 9:10 p.m. to go into Executive Session. The regular meeting was reconvened at 9:57 p.m. and immediately adjourned.

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#### EXECUTIVE SESSION

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Mayor Taylor called the session to order at 9:18 p.m. in the conference room at CUB.

ORS 192.660 (1)(h). the Council discussed the LUBA appeal regarding the Kahut Transfer Station.


ORS 192.660 (1)(i). the Council discussed an employee performance issue regarding Bob Hoffman..

Mayor Taylor adjourned the session at 9:55 p.m.

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Marilyn Perkett, City Recorder



Soctt Taylor, Mayor



**WHEREAS, the American Legion Auxiliary adopted the Poppy as its Memorial Flower which pays tribute to the war dead, and aids the living veterans and their families; and**

**WHEREAS, the contributions are used for Children and Youth and Rehabilitation in our local community of Canby.**

**NOW THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the**

**MONTH OF MAY, 1995, AS POPPY MONTH**  
**and May 24 through 27, 1995, as POPPY DAYS in 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 3rd day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Five.**

**Scott Taylor, Mayor**