

CANBY CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 2, 1994

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, City Attorney John Kelley, City Recorder Marilyn Perkett, Assistant to Administrator Sarah Jo Chaplen, Police Chief Jerry Giger, Librarian Beth Saul, City Planner Bob Hoffman, Officer Tim Skipper, Officer Greg Kroeplin, Leland Breedlove, Jack Martin, Aaron Prince, Andy, Michael and James Krzmarzick, John Suchanck, Vern Keller, Joe Driggers, Peggy Sigler, Steve Hanson, Curt McLeod, Luanna Hill, Lee Wiegand, Terry Blackwell, Mr. & Mrs. Rudy Colliander and Cam Sivesind.

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 January 19, 1994. Motion seconded by Councilman Harris and approved 6-0.

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

**COMMUNICATIONS:** Eagle Scout Project - Aaron Prince, 1103 N.E. 12th Way, addressed the Council requesting permission for an Eagle Scout Project. Aaron's project is to complete part of the "nature trail," from Elm Street west into the Community Park. Mr. Prince said the trail is approximately one-half mile long. The project will include widening the trail, and correct water run-off and lay gravel. He said Jack Martin, City Parks employee, has been assisting him with his plans. Mr. Prince said there will be no additional cost to the City, money has been budgeted for the project.

\*\*Councilman Daniels moved to approve the request of Aaron Prince for his proposed Eagle Scout Project at the Community Park, and to coordinate the project with the City Parks Department. Motion seconded by Councilwoman Stark and approved 6-0.

**PROCLAMATION:** National Child Passenger Safety Awareness Week - Mayor Taylor proclaimed the week of February 13-19, as National Child Passenger Safety Awareness Week. Mayor Taylor presented Officer Kroeplin with the proclamation.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$227,213.18. Motion seconded by Councilman Harris. Mr. Daniels remarked that \$77,000 of the total was for the sewer plant project.

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

Annual Liquor License Renewals - Recorder Perkett reported that this was the time of year that all liquor licenses in the City of Canby come up for renewal. She noted that both the Police and Fire Departments had reviewed the list and gave approval. Those up for renewal are: Roth's IGA, Willamette Valley Country Club, American Legion Post, TNT Market, Canby Bowl. Fisher's Old Fashion Meats, Lan's Country Landmark, El Campestre

Restaurant, Jarboe's Grill, Cutsforth's Thriftway, Elm Street Inn, Gold Dragon Restaurant, Fultano's Pizza, Marvel's Canby Pizza, Mike's Place and Payless Drug Store.

**\*\*Councilwoman Stark moved to recommend approval to the O.L.C.C. for the list as presented for annual renewal of liquor licenses in the City. Motion seconded by Councilman Harris.**

**DISCUSSION** - Councilman Nolder asked if these applicants meet the criteria in the new ordinance. Chief Giger said they meet the criteria and there have been no violations during the past year by any of the applicants.

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

**Engineering Contract for Logging Road Industrial Park** - Administrator Jordan said the proposed contract includes the implementing Ordinance No. 911. The Logging Road Industrial Park Project is an approximate 1.2 million dollar project. Curt McLeod, Engineer of Record, has been working with the City for some time on this project with right-of-way acquisitions and was the engineer on the sewer portion completed last summer. Mr. Jordan also explained that since the City will be using OEDD grant/loan funds, bids must be in by April 15th, so time is of the essence. Mr. Jordan said staff felt it is in the best interest of the City to use Curran-McLeod, due to the short time frame, his familiarity of the project and because he is the City's Engineer of Record. The total contract is for \$95,000, however, that includes the sewer work already completed. The engineering fee is approximately 8% of the total project, which is well within reason.

Attorney Kelley pointed out that the City is not required to go out for bids on a personal service contract such as this.

**\*\*Councilman Nolder moved that Ordinance No. 911, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC. FOR ENGINEERING AND DESIGN SERVICES FOR THE LOGGING ROAD INDUSTRIAL PARK PROJECT; AND DECLARING AN EMERGENCY be posted and come up for final action on February 16, 1994. Motion seconded by Councilman Harris and approved 6-0.**

**Appoint New Budget Committee Members** - Administrator Jordan pointed out that there are two positions open on the City Budget Committee. At this time, we are in the budget process and one person has offered to serve. The other can be appointed later.

**\*\*Councilwoman Stark moved to appoint Mark O'Shea to the City Budget Committee effective immediately. His term would expire in July 1996. Motion seconded by Councilman Nolder and approved 6-0.**

**Planning Commission Appointments** - Councilman Prince said the committee interviewed nine applicants, all were excellent. He thanked his committee members, Walt Daniels and Linda Mihata, for assisting in the process.

**\*\*Councilman Prince moved to appoint Kurt Schrader and Dan Ewert to the Canby Planning Commission with their terms expiring in December, 1996. Motion seconded by Councilwoman Stark and approved 6-0.**

**ORDINANCES & RESOLUTIONS: Ordinance No. 905** - **\*\*Councilman Daniels moved to REMOVE FROM THE TABLE, ORDINANCE NO. 905. Motion seconded by Councilman Prince and approved 6-0.**

**\*\* (The motion on the floor from the January 5, 1994, meeting.) Councilman Daniels moved to adopt AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE, BY ADDING A NEW HISTORIC PRESERVATION DIVISION, DIVISION X AND AMENDING SECTION 16.38. Motion seconded by Councilman Prince.**

**DISCUSSION - Councilman Harris noted that he had done a lot of reading and research in order to be brought up to date on the issue. Mr. Harris said he has high values for individual rights of property owners. He felt that when government imposes anything on individual rights, it should be with care and an overwhelming need of the community. Councilman Harris did note that the new ordinance did have improvements over the "old" ordinance. Mr. Harris said he personally needed to see that there is a genuine need to impose such ordinance restrictions.**

**Joe Driggers, 972 NE 12th Place, said he was very familiar with the proposed ordinance. He noted that all property has some type of government restrictions, including zoning, and he felt the historic provisions were only slight. Mr. Driggers said he also liked the fact that the ordinance would give citizens the opportunity to take part in state and federal grants for the preservation of these type of structures.**

**Mayor Taylor asked if anyone else in the audience wished to address the Council. None was expressed.**

**Councilman Prince commented that he also valued private property rights, however, he felt the ordinance does respect those property rights.**

**Councilman Nolder commented that all of the "feedback" he has heard from citizens was negative. He said people he talked to did not like the ordinance.**

**\*\* Motion on the floor was voted upon by roll call vote: YEAS, Prince, Daniels and Stark, voting NAY were Harris, Nolder and Strong. Due to the tie vote, Mayor Taylor cast his vote as YEA, the motion passed, 4-3.**

**Ordinance No. 910 - Attorney Kelley reported that both Ordinance No 910, relating to the adoption of the Criminal Code and Ordinance No. 907, relating to the adoption of the Traffic Code are housekeeping ordinances.**

**\*\* Councilman Daniels moved to adopt Ordinance No. 910 AN ORDINANCE AMENDING THE CITY CRIMINAL CODE AND ADOPTING BY REFERENCE THE STATE OF OREGON CRIMINAL CODE, AND DECLARING AN EMERGENCY. Motion seconded by Councilman Harris and approved by roll call vote, 6-0.**

**Ordinance No. 907 - \*\* Councilman Harris moved to adopt Ordinance No. 907 AN ORDINANCE AMENDING THE CITY TRAFFIC CODE AND ADOPTING BY REFERENCE THE STATE OF OREGON MOTOR VEHICLE CODE, AND DECLARING AN EMERGENCY. Motion seconded by Councilman Nolder and approved 6-0, by roll call vote.**

**Ordinance No. 908 - Attorney Kelley explained that the Council had asked him to research the issue of a special event "hard liquor" license. Mr. Kelley noted that none of the sample ordinances addressed this matter. Attorney Kelley said that the Chief of Police does the initial evaluations on applications. Also, all new applications, hard liquor and renewal licenses, come to the Council for review. He added that Special Event Licenses for Beer and Wine need only approval from the Chief of Police and not the Council. Mr. Kelley**

said special event hard liquor licenses must come to the Council.

Chief Giger said he checked with OLCC and Tualatin, neither of them had any answer regarding the special event hard liquor license. He added that sometimes there is only a 3-4 day time frame for special event applications. Mr. Giger also added that a licensed establishment must be the applicant for hard liquor, which means they are just changing the location for service.

**\*\*Councilman Prince moved to adopt Ordinance No. 908, AN ORDINANCE ESTABLISHING A PROCEDURE FOR LIQUOR LICENSE REVIEW AND COUNCIL RECOMMENDATION TO THE OREGON LIQUOR CONTROL COMMISSION. Motion seconded by Councilwoman Strong.**

Councilman Harris asked how often special event licenses come in for approval with only a few days advance notice and would that impose a hardship on bringing it to the Council. Chief Giger said he does not actually keep copies of those documents, however, he thought they had about 6 last year.

Councilman Daniels asked if distributors in town would be notified. Recorder Perkett replied that she would give a copy of the new ordinance to all of the renewals.

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

Ordinance No. 909 - Bob Hoffman reported that this ordinance was a proposal to vacate an easement close to Township near S. Pine. He added that along with this vacation, we will receive a dedication of land for the new alignment of Pine.

**\*\*Councilman Nolder moved to adopt Ordinance No. 909, AN ORDINANCE VACATING AN EASEMENT AND A PORTION OF THE PUBLIC WAY KNOWN AS SOUTH PINE STREET WITHIN THE PRESENT CITY LIMITS OF CANBY, ACCEPTING DEDICATION OF ALTERNATE LOCATION. Motion seconded by Councilman Harris and approved by roll call vote, 6-0.**

Resolution No. 554 - Beth Saul explained that the Canby Public Library is the only agency in South Clackamas County that has a microfilm/microfiche reader/printer, and that unit is no longer operable. The Canby Public Library has a large indexed poetry fiche, as well as local newspaper and genealogy research that uses such a reader/printer. Mrs. Saul said that three companies were contacted for quotes, and three institutions were contacted for a loan.

**\*\*Councilman Daniels moved to approve Resolution No. 554, A RESOLUTION AUTHORIZING THE PURCHASE OF A MICROFICHE/MICROFILM READER/PRINTER MACHINE AND AUTHORIZING AN AGREEMENT WITH U.S. NATIONAL BANK OF OREGON FOR A LOAN TO PURCHASE SAID MACHINE. Motion seconded by Councilman Harris.**

Councilman Daniels asked if the library charged for printing documents from this machine. Mrs. Saul said they charge 15 cents a page.

Mayor Taylor asked if the library had considered either checking state surplus supplies on such equipment or perhaps considered CD-Rom. Mrs. Saul said they had not checked with state surplus. However, Mrs. Saul said the University of Oregon, who microfilms all newspapers in the state, said they would not change to CD-Rom within the next five years, and even then would not redo the papers on film. Also, she said to purchase the poetry, which they have on film, would cost \$7,000 on CD-Rom. Mrs. Saul added that most

genealogy research does not appear to be changing soon. Due to these reasons, the library felt this would be a good investment.

Mayor Taylor asked if the City had considered being their own lending institution, i.e., let the library borrow the money from another City fund. Administrator Jordan said that was a possibility and he would research it.

**\*\*Councilman Daniels moved to table the motion on the floor, which was to approve Resolution No. 554. Motion seconded by Councilman Nolder and approved 6-0.**

**UNFINISHED BUSINESS:** Change Order for Sewer Plant Project - Curt McLeod informed the Council that the sewer department personnel came in at 3:00 am today and worked until 6:00 pm to transfer over to the new pump station. Mr. McLeod said the computer and control systems are all operational now, and additional transfers will be made over the next two months. The plant should be operating entirely on the new system by the end of March.

Mr. McLeod explained that Change Order No. 3 had a large list of several small things that needed changes over the past three months, The total cost is \$24,127 the largest item being the digester demolition for \$12,750.

Mayor Taylor asked about the deletion of fencing. Mr. McLeod said it was an internal fence that was also protected by a dike and actually had "marginal" safety benefits. He said there were natural barriers in places where the fence was deleted.

Mr. McLeod briefly reviewed the project expenditures and noted that we are actually \$340,000 under the project budget. He said he foresees no more substantial expenditures.

**\*\*Councilman Harris moved to adopt the Change Order No. 3 in the amount of \$24,127. Motion seconded by Councilman Daniels and approved 6-0.**

**OTHER REPORTS OR ANNOUNCEMENTS:** Mayor Taylor reminded everyone of the February 19th "visioning" session at the Canby High School.

Bob Hoffman reminded the Council that an advisory board will need to be appointed for the Historic Ordinance.

- ACTION REVIEW:**
1. City staff will be assisting Aaron Prince with his Eagle Scout Project at Community Park.
  2. Forwarding liquor license renewals recommendations to the OLCC.
  3. Ordinance No. 991 will be posted for second reading.
  4. Informing Mark O'Shea of his appointment to the City Budget Committee.
  5. Informing Kurt Schrader and Dan Ewert of their appointments to the City Planning Commission.
  6. Implementing Ordinances No.'s 905, 910, 907, 908 and 909.
  7. Research state surplus for the library microfilm/microfiche reader/printer and checking into inter-city loan.
  8. Implementing Change Order No. 3 for the sewer plant project.

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

Mayor Taylor recessed the regular session at 8:42 p.m. to go into Executive Session. The regular session reconvened at 9:15 p.m.

Administrator Jordan informed the Council that we have been approached by Tom Nelson regarding 35 acres east of the Sewer Plant and shop facility. Mr. Jordan said they wanted to talk about possible purchase by the City. It was noted that this parcel is out of the City UGB. Mr. Jordan reported some potential uses for this parcel: storm drainage master plan, wet land, recreational area and use for some of the wastewater treatment effluent discharges. Administrator Jordan said he had talked to bond counsel about the possibility of using the \$340,000 for acquisition for the wastewater treatment plant effluent reuse, and they said it would be no problem.

Administrator Jordan reported that we have run into problems with negotiating with the Hellhakes regarding the need of a small piece for their property to realign the fairgrounds intersection on Highway 99E. We need about 4,300 square feet, and at this time they are not willing to negotiate. Mr. Jordan listed several things they wanted in return for the piece of property, which amounted to a sizable monetary amount. Mr. Jordan said the things he is willing to negotiate are working on reducing their assessment for the Logging Road Industrial Park advanced financing, relocate their sign and offer to put in the required sidewalks along the highway.

Mr. Jordan also reported that Bob Godon, Building Official, had inspected the building next to our City Hall parking lot. We may be interested in a lease/purchase.

Councilman Daniels suggested that a workshop be held with OCTS and the Council to discuss some of the budgetary concerns, as well as informational session for the new Council members as to our relationship with OCTS. A workshop will be scheduled with OCTS on March 16th.

Mayor Taylor asked what has been planned for the February workshop. Mr. Jordan noted that he had suggested that Chief Giger report on Emergency Management at that session.

Mr. Jordan requested that the Council consider setting February 22nd as the next budget meeting. The Council suggested February 28th as the next budget meeting.

The Council decided to set the workshop session on February 16th as a time for the Council to discuss various issues. John Kelley and Sarah Jo Chaplen will also be invited to this session.

Mayor Taylor said he would be representing the City in a meeting with the County and South Clackamas Recreation District on February 9.

Mayor Taylor adjourned the regular session at 9:30 p.m.

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**EXECUTIVE SESSION  
FEBRUARY 2, 1994**

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

Mayor Taylor called the session to order at 8:48 p.m. in the CUB conference room.

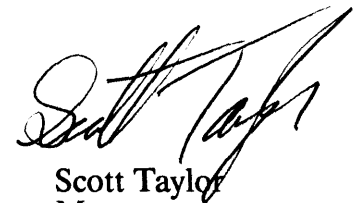
ORS 192.660 (1)(h) - The Council discussed a pending litigation case regarding Rusty Klem.

Two other litigations were discussed the OSHA and IFA (Northwoods) cases.

Mayor Taylor adjourned the session at 9:12 p.m.

A handwritten signature in cursive script, appearing to read "Marilyn K. Perkett".

Marilyn K. Perkett  
City Recorder

A handwritten signature in cursive script, appearing to read "Scott Taylor".

Scott Taylor  
Mayor

# PROCLAMATION

**WHEREAS**, the Canby Police Department is joining other law enforcement agencies in Oregon, Washington and British Columbia in an enforcement blitz for the **"THREE FLAGS"** international Safety Belt Campaign. The campaign involves communities along Interstate 5 and Highway 97. Child passenger safety is the focus of this blitz period.

**WHEREAS**, the enforcement blitz will occur February 11 - 20, and corresponds with the **"NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK,"** which is February 13 - 19, 1994.

**WHEREAS**, the Canby Police Officer's efforts will encourage not only use of child safety seats, but **CORRECT** use of those seats. Used correctly, safety seats are 71% effective in preventing death from motor vehicle crashes, and 67% effective in reducing the need for hospitalization.

**WHEREAS**, the improved child safety seat law now requires all children up to the age of 4 years or 40 pounds, to be in an approved child safety seat.

**WHEREAS**, the Canby Police Department feels the safety belt and child safety seat law is an important public safety law. Our department officers will be aggressively looking for safety belt violators in order to impress on the motoring public the importance of buckling up. Safety belt and child safety seat enforcement is a priority with us because we know they save lives.

**NOW THEREFORE**, I, Scott Taylor, Mayor of the City of Canby proclaim the week of February 13-19, 1994 as

## **"NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK"**

in the City, and with the implementing of the **"THREE FLAGS PROGRAM"** in Oregon, Washington and British Columbia will ensure that all persons traveling anywhere here will **KNOW THAT EVERYONE BUCKLES UP IN THE GREAT NORTHWEST.** We also remind everyone to **DRIVE SOBER.**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 2nd day of February in the year of our Lord One Thousand Nine Hundred and Ninety-Four.

Scott Taylor, Mayor