

**CANBY CITY COUNCIL  
REGULAR MEETING  
MARCH 16, 1994**

**WORKSHOP:** Present: Mayor Taylor, Councilors Daniels, Prince, Nolder, Strong, Harris, and Stark, Administrator Jordan, Sarah Jo Chaplen, Recorder Perkett, Jim Scharmota, Dave Dalley, Cam Sivesind, Jim Lais, John Falkenstein and Harry LeeKwai from OCTS.

The workshop was held in the board room at CUB, starting at 6:00 p.m.

The subject nature was to discuss the North Willamette Telecom, OCTS and City of Canby relationship.

**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, City Attorney John Kelley, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Librarian Beth Saul, City Planner Bob Hoffman, Police Chief Jerry Giger, Parks & Recreation Director Scott Nelson, John Watson, Rosemary Glutsch, Cam Sivesind and Mary Hellhake.

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 Daniels moved to approve as distributed the minutes of regular session March 2, 1994. Motion seconded by Councilwoman Stark and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** John Watson, 6 Othello, Lake Oswego, addressed the Council regarding an SDC fee of \$13,000 due next Tuesday when he connects to the sewer; and an Advanced Financing Charge of \$30,000 due also for his S. Pine Street Mobile Home Park. Mr. Watson pointed out that Village on the Lochs was allowed to pay its SDC as the manufactured homes came in one at a time. He also noted that he would not be using the sewer until the mobile home park was ready for units, which would be a few months from now.

Administrator Jordan reminded the Council that the ordinance regulates the fees, and they are payable when connection is made. He reiterated that the "trigger" is the permit for a sewer connection. He also reminded the Council that the City has incurred about \$160,000 in expenses on this project.

Councilman Harris asked if it would set a precedent to allow a fee waiver. Mr. Hoffman noted that typically the permit that triggers the fee is for a single family dwelling; this is a 28 unit site.

Mayor Taylor polled the Council on having staff "fix-it" for the Advanced Financing fee only, the SDC will be paid as prescribed next Tuesday. The poll was 5-1, to have staff assist Mr. Watson in finding a solution to the Advanced Financing issue of paying when the first unit is to be placed in the mobile home park.

**COMMUNICATIONS:** None presented.

**NEW BUSINESS: Accounts Payable** - \*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$169,484.95. Motion seconded by Councilman Harris and approved by roll call vote, 6-0.

**PD Grant for School Resource Officer** - Chief Giger informed the Council that he has the opportunity to apply for a Youth Gang Outreach Program, specifically for a School Resource Officer (SRO). Chief Giger said the grant would be renewable for three years, and hopefully the schools would pick up the funding next year. The City would pay our matching share from the forfeiture fund. This person would be working at the schools.

Councilwoman Stark asked if the Police Department would hire a new person. Mr. Giger said the position would probably go to one of our educated officers on staff; then a new person would be hired for patrol duties.

Councilman Nolder asked what this person would do during the summer and was told by the Chief that he would attend training programs and prepare for the school year.

Councilman Prince questioned the proposed objective of a 50% reduction in drug/alcohol and truancy activities. Chief Giger noted that the students at risk, which might be about 50 students a year, should be reduced by 50% because of a concentrated effort.

Councilman Harris asked if there are results from another agency that has done this. Chief Giger said Oregon City has a private person they use. The Portland schools use a police officer, however, we don't know their success rate.

Mayor Taylor said he felt this was an excellent program, however, he felt this would be one more thing the community will come to expect. He asked what other school districts have picked up the costs of such programs. He said he wanted to be sure that a prospective candidate is made aware that this position could be temporary.

The general consensus of the Council was to proceed with the grant application.

**ORDINANCES & RESOLUTIONS: Ordinance No. 912** - Administrator Jordan noted that this was a housekeeping ordinance to better facilitate serving court subpoenas.

**\*\*Councilman Daniels moved to adopt Ordinance No. 912, AN ORDINANCE AMENDING CHAPTER 1.16 REGARDING JURY TRIALS; AND DECLARING AN EMERGENCY.** Motion seconded by Councilman Harris.

Councilman Prince asked why this ordinance was drafted. Attorney Kelley said it was because of the time and cost savings measures, also most other jurisdictions mail their subpoenas.

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

**Ordinance 913** - Bob Hoffman reviewed the past history of the sign regulations. He noted that a committee made major revisions in 1989. Recently the Chamber of Commerce and downtown merchants established a committee to make changes in the current code. The Planning Commission reviewed the proposed changes during three different meetings, and they have recommended approval of the proposed ordinance.

Councilman Harris asked if violations are currently being enforced and if the proposed ordinance could become a burden to any one with a current sign. He was informed that violators have been informed of the problem but without penalties. This ordinance does not make anything illegal, but does open up some opportunities for some things the

merchants would like to do.

Councilman Harris asked if opposition has been expressed. Mr. Hoffman reminded the Council about the "sunset clause" in the ordinance that makes this a one year test period and will only continue if the Council passes a resolution saying it will continue. Due to the sunset clause, everyone seemed in agreement with the proposed sign ordinance.

**\*\*Councilman Daniels moved that Ordinance No. 913, AN ORDINANCE FOR THE CITY OF CANBY COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE, BY AMENDING CHAPTER 16.42, SIGNS, be posted and come up for final action on April 6, 1994. Motion seconded by Councilman Harris.**

Mr. Hoffman suggested that an emergency clause be added so it will become effective immediately. He noted that language for the emergency is in the draft ordinance, however, it did need some editing.

**\*\*The amendment to add the "emergency clause" was approved by the maker of the motion Mr. Daniels and the second, Mr. Harris.**

Discussion - Rosemary Glutsch, chairperson for the sign revision committee, thanked Mr. Hoffman and City staff. She requested that Mr. Hoffman attend two Chamber meetings to explain the contents of the proposed ordinance.

Mayor Taylor questioned the 180 days time line for permits. Mr. Hoffman said it is usually two weeks. This is an excessive amount of time, however, he was comfortable with the wording.

Mayor Taylor questioned the enforcement section regarding the "Chief of Police giving written notice." He was informed that this means the notice has the Chief of Police's signature on the notice, however, it may be served by mail or another staff member.

**\*\*Ordinance No. 913, was approved on first reading, 6-0.**

Ordinance No. 914 - **\*\*Councilman Prince moved that Ordinance No. 914 AN ORDINANCE AMENDING THE CITY PARKS CHAPTER 12.23, ADOPTING BY REFERENCE THE STATE OF OREGON PARK STATUTES AND ADMINISTRATIVE REGULATIONS; AND DECLARING AN EMERGENCY be posted and come up for final action on April 6, 1994. Motion seconded by Councilman Harris.**

Attorney Kelley explained that Jack Martin and Jerry Stanbery, City Parks crew, requested the City consider adopting the state park rules. That is the intent of this ordinance.

Scott Nelson noted that the City has experienced a great deal of growth and by the end of this year will have approximately 12 acres of park land. This will require the need for more rules and regulations. Mr. Nelson said the two parks crew members attended a training seminar to certify them to enforce the rules and issue citations.

Jack Martin informed the Council that he and Mr. Stanbery attend a two week training program sponsored by the Oregon State Police so they can write citations for infractions. He noted that the ultimate goal is for voluntary compliance of the rules, however, this does give them the tool for enforcement if necessary.

Mayor Taylor asked if we would be able to comply with the Oregon Administrative Rules.

Attorney Kelley said he and Mr. Martin had reviewed them and felt there would be no problem.

**\*\* The motion to approve the ordinance on the first reading was approved 6-0.**

**UNFINISHED BUSINESS: Uninsured Vehicle Ordinance** - Attorney Kelley explained that he had sample ordinances from Portland, Gresham and Molalla. He pointed out that 90% of Molalla's ordinance is what we already have in our ordinance. Gresham was going to revise their ordinance and implement the state law effective July 1, 1994. However, the proposed ORS is for cities of 40,000 or more; therefore, the City needs to adopt its own ordinance. Mr. Kelley said he needed more direction on who will be the Tow Hearings Officer and where vehicles will be stored.

Mr. Kelley noted that Judge Jon Henricksen is willing to be the Tow Hearings Officer. If a hearing occurs other than the usual Thursday court day, he would bill the City for the extra time. He said that, statistically, formal hearings are not usually held.

Mr. Kelley said another issue is who will tow the vehicles and where will they be stored. Judge Henricksen suggested a rotating contract with companies from Molalla, Canby and Oregon City.

Mayor Taylor said he wanted to poll the Council on their reason for wanting to implement this ordinance. He said, in his experience, uninsured drivers usually do not reclaim their vehicles, and the City might end up storing and paying for numerous vehicles.

Councilwoman Stark felt it necessary for the City to intervene to assist in making drivers obtain insurance.

Councilman Nolder, who is in the insurance business, said many of the uninsured drivers do not buy a car, but a license plate. They drive the car until the plate expires then go buy another car with a current plate, to avoid purchasing insurance. He asked the Chief how the proposed ordinance would help.

Chief Giger reported that 80 citations were issued in October, November and December for uninsured motorists, which is about 300-400 in a year. He noted that most abandoned car owners are not able to be located and the plates are expired. Chief Giger said that most people without insurance are "suspended," and they can't get insurance.

Mayor Taylor expressed concern that these same people would not pay for the towing. He felt the City might incur additional costs with this document, including waiting for tow trucks to tow a vehicle.

Attorney Kelley said the only responsibility the City has is to hold a hearing if requested, and nothing for the towing. Mr. Kelley said the Chief of Police in Molalla said their ordinance has impacted the uninsured driver, it "takes them off the street." He noted that most uninsured driving cites are infractions and they continue to drive. That is why the legislature has proposed taking the vehicles from those drivers.

Councilman Prince felt this ordinance was a public safety issue.

Mayor Taylor wanted to be sure this ordinance would have "impact" on those we are trying to reach - the uninsured driver.

Councilman Nolder said he would like to see a proposal from a tow company. Mr. Jordan noted that usually the tow company gets more than just the "bad tows," and they can make

money on them.

The general consensus of the Council was to pursue this type of ordinance. Judge Henricksen will be the hearings officer.

Attorney Kelley said he would contact some towing agencies for their input. He said he would look into the "security deposit" issue to assure those cited would appear in court.

Mayor Taylor reminded the Council that this would mean "indigent" funds for those who could not pay the deposit. He suggested waiting awhile before pursuing this. Mr. Taylor also suggested that he ask the Molalla Chief of Police for more definitive information on how this is working in their jurisdiction.

Mayor Taylor was emphatic that the City be sure it knows what is or is not inside a vehicle before it is towed. Mr. Jordan noted that vehicles are towed for various reasons and the City policy regarding personal property in such vehicles should be checked.

**OTHER REPORTS OR ANNOUNCEMENTS:** Library Update - Beth Saul updated the activities at the library:

- \* Next Tuesday, March 22nd, is the deadline for the Library Levy ballot. She urged everyone to VOTE.
- \* A new TRM copy machine is now in the library and appears to be very useful to the patrons.
- \* Beverly Phillips, Children's Librarian, took a position at the McMinville Library. Susan Tweedle will be promoted. Also, one part-time employee is on leave and another on vacation.
- \* Beth will be attending the Oregon Library Conference in Sunriver on April 1st. She will accept an award for the Canby Library for having the best ESL Program in the state.
- \* Dave Hoover is completing his work on the World Class Library program with two grants in progress. A third grant is being prepared. Also, Mr. Hoover is continuing to seek corporate sponsorships. Three workshops have been held regarding this program, and they have been very successful.

Beth passed out two sets of graphs with various circulation information on them.

Mayor Taylor thanked Ms. Saul for her presentation and excellent job she does as the City Library Director.

Community Services - Bob Hoffman informed the Council that Canby Telephone has applied for a Comp Plan Amendment and Zone Change Amendment. He said the Council had a choice of what type of hearing they would like; Mr. Hoffman recommended a hearing based on the record since there appeared to be no opposition. These two hearings would be at the next meeting, if the hearing is based on the record.

The Council chose to review the two applications on the next agenda prior to making a decision on the type of hearing.

**ACTION REVIEW:**

1. Proceed with the grant for School Resource Officer.
2. Implement Ordinance 912, regarding trail subpoenas.
3. Post Ordinances 913 and 914, for second reading.
4. Draft Ordinance for uninsured drivers.

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

Councilman Harris and approved 6-0.

Mayor Taylor recessed the regular session at 9:43 p.m. to go into Executive Session. The regular session was reconvened at 10:00 p.m. and immediately adjourned.

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EXECUTIVE SESSION  
MARCH 16, 1994

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

Mayor Taylor opened the session 9:50 p.m. in the CUB board room.

ORS 192.660 (1)(h) - The Council discussed to pending litigation cases, ODOT vs City of Canby and the Rinkes case.

ORS 192.660 (1)(e) - Real property negotiations were considered for the Hellhake property.

Mayor Taylor adjourned the session at 9:59 p.m.



Marilyn K. Perkett  
City Recorder



Scott Taylor  
Mayor