

CANBY CITY COUNCIL
REGULAR MEETING
APRIL 6, 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 Planner Bob Hoffman, Assistant to Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Officers Tim Skipper, Greg Kroeplin and Toby, Police Chief of Molalla Rob Elkins, Steve Hanson, Barbara Guild and Curt McLeod.

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 SESSION: **Councilman Prince moved to approve as distributed the minutes of regular meeting March 16, 1994. Seconded by Councilwoman Stark.

Councilman Prince commented on the section regarding the "Uninsured Vehicle Ordinance. He stated that on the second to last page, he was hoping to be "quoted" on the public safety issues. Also, he felt the suggestion from Councilman Nolder about auto "boots" should be included.

Administrator Jordan asked if Councilman Prince wanted a direct quote from the tape regarding his public safety statement, even though it is eluded to in the minutes. Councilman Prince said he would like a direct quote. Mr. Jordan asked if the other issue would be the wording by Councilman Nolder on the "boot," and again, Mr. Prince said that is what he would like to see in the minutes.

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

(NOTE: THE MINUTES OF MARCH 16, 1994, SHALL BE AMENDED AS FOLLOWS:

Councilman Prince said, "I think it's important that we recognize some of our goals that we have in our Police Department, and some of that is public safety. That is one of the most important things that we have - and I think that - granted, we may look at a large number of vehicles, but - even the City of Molalla has only had --- did you say one - since it's first been in--first started."

Attorney Kelley said no, Molalla had one hearing. However, he wasn't sure that was correct.

Councilman Prince asked, "Do you have any idea how many times they towed?"

Attorney Kelley replied that he didn't know.

Councilman Prince, "Getting back to my point - if we do want a vehicle to address this problem and that is one of the problems that we have, we have to take the good with the bad, we can't back away from every decision just because it is uncomfortable for us, as a City, to - to bring about a problem that has obviously mushroomed. The City of Portland didn't go after this just because it was a

fashionable thing to do - they figured this was a problem. I think it's a problem here, Jerry's already said it's a problem because of the number of vehicles you're talking about. From my point, I would say, I wouldn't look at the ordinance as being a punitive ordinance. I'd look at it as being an outcomes based ordinance - that we look at it - we say, this is the problem we have, this is what we do to solve it and that hopefully, through information that the figures will go down because obviously it's known that we will tow - and the figures will go down not up. But in the sense that we are actually trying to do something for public safety - to get people off the roads that are actually driving - that shouldn't be there to begin with."

Councilman Prince said, "I think it's a positive thing, I think that we can do something here - it's something that we can actually do. We've seen other cities our size do it and have the results that they wanted to have happen. Being a public safety thing, I think it will do the same thing here."

Councilman Nolder suggested that we "boot" the car until a tow company comes for it. This eliminates a City officer waiting for the tow company.

Chief Giger said if we couldn't get a response right away, the boot was a good suggestion.

CITIZEN INPUT ON NON-AGENDA ITEMS: Recorder Perkett informed the Council that Janet Paulson, reporter for the Oregonian specifically covering Canby, had recently left the newspaper to pursue another career. Mrs. Perkett introduced John Furey who temporarily would be covering Canby for the Oregonian.

PROCLAMATION: Oregon Telecommunicators Week - Mayor Taylor proclaimed the week of April 10 - 16, 1994, as Oregon Telecommunicators Week in Canby.

Mayor Taylor noted that he serves on a County-wide committee studying emergency communications, and he is pleased about Canby's dispatch center. They are well equipped and staffed and produce high quality service.

Councilman Prince echoed Mayor Taylor's compliments regarding the City's communication personnel.

COMMUNICATIONS: Letter from Officer Tim Skipper - Administrator Jordan reviewed the letter from Officer Skipper which complimented the City Shop crew for the work they did in making preparations for the K-9 unit. This included outfitting a police vehicle and a kennel at Mr. Skipper's home.

S. Side Park - Mayor Taylor also commended the City Parks crew and members of the Canby Kids organization who helped make Sunday, March 27, a success for the neighborhood meeting on the S. Locust Street Park project.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to pay accounts payable in the amount of \$299,969.61. Seconded by Councilman Harris.

Administrator Jordan commented that a \$136,000 payment was for the sewer plant project, which is about 96% complete.

**Roll call vote was 6-0 for approval of accounts payable.

LOC Dues - Administrator Jordan reviewed the annual dues structure for the LOC dues request.

The basic dues are based on a per capita level, 33 cents per capita, 1994-95 is \$3,298.95.

The Water Program dues pertain to all aspects of the Clean Water Act. One of particular interest to Canby is the establishment of a municipal reservation plan for the Willamette Basin. CUB has agreed to pay half of this portion, \$300.00, and the City would pay the other half.

Mr. Jordan reminded everyone that the amicus voluntary contribution of \$100 may not have directly contributed to the City's efforts. However, the LOC did work with Canby on the OSHA complaints.

The last contribution of \$323.90 for the Oregon Vision Project, is directly associated with visioning for the future.

Councilman Prince asked if the Transportation Program would be paid from the gas tax. Mr. Jordan said it would come from the "old FAU (Federal Aid Urban Program)," which Canby has used to fund street projects. It is money that comes each year to the City from the Federal government and the League will take a 1% contribution, which is about \$498 for the City of Canby, towards the LOC transportation program. Mr. Jordan said he thought this was an optional program. Mr. Prince stated he felt we should participate in the transportation program.

****Councilman Nolder moved to pay the LOC annual dues as described on the invoice: per capita dues, half of the Water fund dues (half to be paid by CUB), the amicus fund and the Oregon Vision Project. Motion seconded by Councilman Harris and approved 6-0.**

Amendment to Contract with the County for the Adult Center - Mr. Jordan noted that a few changes in compensation for the Adult Center have been set forth in an amendment to the County contract. One of those is a new addition of funding from ODOT, in the amount of \$2,887 for transportation for seniors. The other increases are basically changes in the rates. Mr. Jordan said the contract will be amended to show a total contract of \$99,713 to the new amended amount of \$114,155.

****Councilwoman Stark moved to authorize the Mayor to sign the amended contract with Clackamas County for the Canby Adult Center increased funding. Motion seconded by Councilman Harris.**

Councilman Harris asked if there were any negatives impacts from the contract. Barbara Guild said this was entirely increased revenues and a "big plus."

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

ORDINANCES & RESOLUTIONS: Ordinance No. 913 - Bob Hoffman informed the Council that there was nothing new to report on the Sign Ordinance, and he recommended approval on final reading.

****Councilman Daniels moved to adopt 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; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Stark.**

Councilman Nolder asked if any training sessions had been scheduled for the business community. Mr. Hoffman said one was set for April 19 in the afternoon, and one evening session on April 14th, both in the Council Chambers.

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

Ordinance No. 914 - **Councilman Harris moved to adopt Ordinance No. 914, AN ORDINANCE AMENDING THE CITY PARKS CHAPTER 12.24, ADOPTING BY REFERENCE THE STATE OF OREGON PARK STATUTES AND ADMINISTRATIVE REGULATIONS; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.

Ordinance No. 915 - Attorney Kelley reminded the Council that he had drafted this ordinance after discussing the issue at the last meeting. He noted that a survey of tow companies showed their ability to respond to the issue. He pointed out that Molalla Chief of Police, Rob Elkins, was present to discuss Molalla's experience after implementing such an ordinance. Finally, the Police Department will develop a policy for dealing with personal property in vehicles that will be towed.

Mayor Taylor asked if the intent of the tow survey column titled "one rate" was just that, to have only one rate. Mr. Kelley said the Judge suggested we have a standardized rate and to rotate with various companies.

Councilman Prince asked about the tow companies being bonded. Mr. Kelley said they are required to be bonded by state statute.

Councilman Nolder asked if the tow rate was something the individual would pay. Mr. Kelley said a vehicle owner would pay the tow, unless a hearing resulted in a verdict that the vehicle was towed in error. Then the City would pay the tow charge.

Councilman Harris asked if a vehicle is abandoned, who would pay? Mr. Kelley said the tow company would have custody, and they have a process to sell the vehicle. However, there are some instances when the City may request a tow. Then we might have to dispose of the vehicle.

Councilwoman Strong asked if the City received any income from any of the sales. Mr. Kelley said we did not.

Rob Elkins, Molalla Chief of Police, said they chose to pattern their ordinance after the City of Portland's ordinance and it encompasses various reasons for towing, not just for insurance purposes. He said there had been community concerns about the driving uninsured among the Hispanic and youths. He said the six month survey on the results of the ordinance showed the following:

- 41.8%, DUII arrests were the highest number of tows

- 38.2%, driving uninsured

- 20% miscellaneous reasons for towing

- 80% of the tows were from Anglo-Saxon

- 20% Hispanic (Molalla's population is about 8-10% Hispanic)

- 81.8% tows were males and 18.2% females

- 50% of the vehicles towed were drivers under the age of 30

Chief Elkins felt the rate of tows for the Hispanic community was low, in comparison to the amount of traffic sites issued to those members. Only 3 of the 11 vehicles towed belonging to Hispanics, were towed for driving uninsured. He commented that there is also a higher rate of citations issued to youthful drivers, thus creating the 50% figure for tows under age 30. Chief Elkins said administrative time is almost "nil" and costs very little, if any. In the first six months they had three tow hearings and all were upheld as legal. He said the ordinance is a valuable tool.

Chief Elkins said the City allowed a one month moratorium so the Hispanic community could be educated on the effects of the ordinance. The education program was sponsored by a young lady working with the Camp Fire Project.

Councilman Prince thanked Mr. Elkins for appearing to explain their success with the ordinance.

Councilman Harris also expressed appreciation to Mr. Elkins and asked if there had been any negative response. Mr. Elkins stated there is always a certain segment of the community that does not want the law enforced. Chief Elkins also reiterated the costs and court judgments which result from driving without insurance. He encouraged the Council to adopt the ordinance.

****Councilman Harris moved that Ordinance No. 915, AN ORDINANCE AUTHORIZING THE TOWING OF VEHICLES OPERATED BY AN UNINSURED INDIVIDUAL, ESTABLISHING NOTICE REQUIREMENTS, HEARING PROCEDURES AND SETTING FEES AND COSTS be posted and come up for final action on April 20, 1994. Motion seconded by Councilman Prince.**

Mayor Taylor asked about any fees the City may receive from this. Mr. Kelley said the City does not realize money from the sale of vehicles by tow companies, however, they do receive an administrative fee that an individual must pay to get their vehicle back.

The Mayor asked if 48 hours notification is sufficient time. Chief Giger said it was plenty of time. Chief Giger also commented that currently the department has a towing policy to inventory all personal property in a vehicle prior to towing.

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

Ordinance No. 916 - Administrator Jordan informed the Council that this ordinance was drafted to implement purchase of a right-of-way to realign S. Pine Street. The cost of the triangular piece of property the City is purchasing from the Hellhakes is \$20,755. The seller has agreed to dedicate a 20 foot strip along the easterly boundary to widen S. Pine.

****Councilman Daniels moved that Ordinance No. 916, AN ORDINANCE AUTHORIZING PURCHASE OF REAL PROPERTY FOR STREET PURPOSES FOR REALIGNMENT OF THE INTERSECTION OF S. PINE STREET AND HIGHWAY 99e AND DECLARING AN EMERGENCY be posted and come up for final action on April 20, 1994. Motion seconded by Councilman Prince.**

Councilman Prince asked if this was adding to the property on the other side. Mr. Jordan said it is not adding, the City still owns that property, and if the City doesn't need that property, a vacation process could be implemented. Mr. Jordan said that area of property was originally dedicated to the City when a subdivision was developed.

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

UNFINISHED BUSINESS: Sewer Project Update - Curt McLeod informed the Council that the sewer project is close to complete, and the plant is operating on-line for treatment. Mr. McLeod said in about three weeks a "punch list" will be developed for final completion. He said about \$250,000 is yet to be paid for the project, including the retainer. A final change order with about \$20,000 in items will be brought to the Council in May. The plant is currently operating within the DEQ discharge limits.

Mr. McLeod reported that a bid opening has been scheduled for next Wednesday for the

Logging Road Industrial Park. The engineer estimate for the project is \$700,000, and he is anticipating 3 or 4 bids. Mr. McLeod said about \$200,000 earmarked for a traffic signal was removed from the project since the state will take over funding for the traffic device. The state had the City do some other work in exchange for taking on this portion of the project.

Mayor Taylor asked if we were under budget and on schedule for the sewer project. Mr. McLeod said we were under budget, and the scheduled completion was revised from February to May.

Curran-McLeod Change Order - Curt McLeod requested a change order for the engineering contract. He said the firm would like about 8 additional hours a week for 12 weeks; and 40 additional hours for as built. Mr. McLeod said another option would be to allow Steve Hanson to pick up this effort. The change order amount is approximately \$12,000 additional dollars to the contract.

Mayor Taylor asked if this would still keep the City under budget. Mr. McLeod said we would be about \$190,000 under budget and one month ahead of the deadline.

Mayor Taylor noted that in his 12 years, it is the first time a major project has come in ahead of schedule and under budget.

****Councilman Prince moved to increase the Curran-McLeod engineering contract for the Wastewater Plant Project not to exceed a total of \$180,000. Motion seconded by Councilman Daniels.**

Mayor Taylor commented that we have received very good service from Curran-McLeod.

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

Procedure for Decision for CTA Applications - Bob Hoffman explained that Canby Telephone Association has made an application for a Comprehensive Plan Amendment and a Zone Change for the current location where their warehouse is located at S.E. Second between S. Ivy and S. Juniper. He said the Planning Commission recommended approval of the applications, and no opposition was presented at their meeting. Mr. Hoffman said the Council had the option of having a public hearing on the amendment or making a decision based on the record. Also, the zone change must have a decision based on the record.

The general consensus of the Council was to proceed with the applications based on the record.

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Taylor again wanted to thank the following by name for their assistance with the March 27th event at the proposed S. Side Park site on S. Locust. He thanked Lynn Robertson and Roger Sager from Canby Kids for their concession equipment and personal assistance. Dave Fisher, Fisher's Old Fashion Meats, donated all the hot dogs, and Van Gordon Auction donated the tent. Mayor Taylor thanked Chairperson Maureen Miltenberger. The Mayor noted that Jack Martin and Jerry Stanbery went "above the call of duty" in assisting in this event. He encouraged everyone to acknowledge Jack and Jerry's participation if they ran across them in the parks.

K-9 Unit - Officer Tim Skipper introduced the City's new K-9 Officer, Toby, to the Council. Officer Skipper said that Toby has been with him for seven days and in that time he has put three people in jail and collected \$1,000 in cash. Toby was used at the N. Marion School DARE class, and he alerted to a couple of lockers.

Toby is 20 months old and was in training for 9 months. Officer Skipper trained with Toby for two weeks. Tim said he loves kids and is very playful. Officer Skipper showed the Council that Toby is given a towel that he likes to play with after locating the source.

Officer Skipper also noted that the Oregon City Elks Lodge donated \$2,500 towards the \$5,000 cost of the animal. A demonstration will be at another meeting.

Officer Skipper said he alerts to drugs by behavior changes and eventually scratches at the source. Toby can detect many illegal drugs: marijuana/hashish, cocaine/crank, heroin and methamphetamines.

Mayor Taylor thanked Officer Skipper and Toby and said he looked forward to further demonstrations by Officer Toby.

Visioning Clinic - Mayor Taylor noted that the visioning session held on February 19th was successful with good attendance. Those present prioritized the following as urgent things to consider for Canby's future:

1. Primary and secondary education 78%
2. Fire and emergency services 69%
3. Police/law enforcement services 50%
4. Land-use planning and growth management 47%

Mayor Taylor reported that the group then prioritized the "hot items":

1. Growth management
2. Education
3. Diverse economic base/family wage jobs
4. Balanced growth (business/residential)
5. Infrastructure (physical funding)
6. Community Involvement
7. Government/private collaboration

Mayor Taylor urged citizens to let City Hall know if they were interested in any of the mentioned areas. Administrator Jordan reported that OCTS will start playback on Channel 5 next week of the February 19th Visioning Session.

- ACTION REVIEW:**
1. Paying the 94-95 LOC dues.
 2. Mayor entering into contract amendments for the Adult Center increase in reimbursements.
 3. Implementing the sign ordinance and setting up education for the process.
 4. Adopting State of Oregon park regulations.
 5. Posting ordinances 915 and 916 for seconding reading at the next meeting.
 6. Extend Curran-McLeod engineering contract.

****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 Daniels and approved 6-0.**

Mayor Taylor recessed the regular session at 9:00 p.m. to go into Executive Session. The regular session was reconvened at 9:32 p.m. and immediately adjourned.

EXECUTIVE SESSION
APRIL 6, 1994


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

Mayor Taylor called the session to order in the CUB conference room at 9:23 p.m.

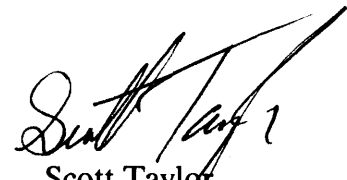
ORS 192.660 (1)(e) - The Council discussed the request by the City tenant to purchase the Marshal property.

The Atkins property was discussed.

The Regan six acre park property was discussed.



Marilyn K. Perkett
City Recorder



Scott Taylor
Mayor