

**CANBY CITY COUNCIL  
REGULAR MEETING  
JUNE 1, 1994**

**WORKSHOP:** Present: Mayor Taylor, Councilors Prince, Daniels, Stark, Strong, Nolder and Harris, Administrator Jordan, Assistant to Administrator Chaplen, Recorder Perkett, CUB Manager Borges, and CUB members Atwood, Hoover, Berg, Westcott and Newton.

The purpose of the workshop session was to have the CUB Manager and Board review the past and present history of the electric department. The future of the electric department was discussed.

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, Recorder Marilyn Perkett, Library Director Beth Saul, City Planner Bob Hoffman, Parks and Recreation Director Scott Nelson, Officer Steve Landis, Nancy Wilmes, Steve Hanson, Curt McLeod, Delbert Hemphill, Dessa Buchanan, Melissa Hemphill, Kim Vita, Caitlin Shinn, Jim Rourk, John Christensen, Luana Hill, Amanda Christensen, Claire Rourk, Julia Hill, Helen Philpot, Lindsay Anderson, Kathy Shinn 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 the minutes of regular session May 18, 1994, as distributed. Motion seconded by Councilman Harris and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Sister City Garden - Nancy Wilmes, representing the Sister City Association, informed the Council that the Sister City Friendship Garden was almost complete and only six plants remained to be planted. She explained that 22 volunteers donated 150 hours to the garden. Ms. Wilmes reminded the Council that the money used to implement this garden was a gift from Kurisawa in honor of Canby's recent Centennial. Ms. Wilmes said the official dedication of the garden will be in July on the 5th anniversary of the signing of the Sister City agreement between Canby and Kurisawa.

Mayor Taylor thanked Mrs. Wilmes for "making it happen."

**PUBLIC HEARING:** Sale of City Property - Mayor Taylor opened the hearing at 7:40 p.m. and reviewed the hearing process.

Mayor Taylor asked the hearing body if anyone had any conflict of interest on the issue. All members gave a negative response.

Mayor Taylor asked the hearing body to declare any ex-parte contact. None was declared by the hearing body.

Mayor Taylor asked the audience if anyone wished to testify in the matter. No one indicated they wished to testify.

STAFF - Administrator Jordan explained that this was a small piece of property on the corner of S. Pine and S.E. Third, part of the Kraxberger property that the City acquired last year. The subject property, including a piece of property owned by Morris and Marilyn Holum, is needed for street right-of-way for the Logging Road Industrial Park Project. Mr. Jordan explained that we are trading property with the Holum's, value for value, with an additional sum of \$3,667 compensation to the Holum's, due to the difference in size of the parcels. Mr. Holum has asked that he be allowed to finance the purchase for five years at 9% per annum with semi-annual payments of \$400.24. Mr. Jordan noted that ORS 221.725 requires the City to have a public hearing prior to the sale of public property.

Councilman Prince asked if the property transaction would preclude the Holum's from paying the Advanced Financing. Mr. Jordan said they would still need to pay the Advanced Financing on the property prior to development.

Mayor Taylor closed the hearing at 7:47 p.m.

**\*\*Councilman Harris moved to authorize the City Administrator to enter into a land sales contract with Morris and Marilyn Holum for a small piece of property located on S. Pine and S.E. Third as discussed. Motion seconded by Councilwoman Stark.**

Councilman Daniels asked if a legal description was necessary in the motion. Attorney Kelley said it was not.

Councilman Prince asked about the property appraisal used in the formula for the selling price. Mr. Jordan said the appraisal was the latest tax roll from the Clackamas County Tax Assessor's office.

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

At this time, Mayor Taylor adjusted the agenda.

**COMMUNICATIONS:** Girl Scout Troop #56 Presentation - Amanda Christensen introduced the Girl Scout Troop saying there were nine members, all 5th grade students. The girls were requesting Council permission to for a project to paint warnings on storm drains and educate the public about hazardous materials put into the storm drains. The Troop was offering to hand out educational pamphlets to citizens in the area where they intended to paint the words "Dump No Waste, Protect Your Ground Water" on the street storm drains. The girls explained that the Canby Herald was donating the printing of the pamphlets which will be passed out to citizens. The Troop will furnish the paint, traffic marking paint, and they were requesting traffic cones from the City to use during the project.

Each of the girls present participated in the presentation to the City Council.

Several Council members thanked the Girl Scout Troop for their excellent presentation. The Mayor also expressed his thanks to the girls. He told them he was pleased they were getting involved in the community and taking responsibility for important issues, such as the project they presented.

**\*\*Councilman Daniels moved to support the storm drain stenciling project of the Girls Scout Troop #56, and have them coordinate their efforts with the City Public Works Department. Motion seconded by Councilman Harris and approved unanimously, 6-0.**

**SEWER PROJECT UPDATE:** Curt McLeod reported that the Sewer Plant Project was completed on May 12, 1994, and June 27, 1994 is the date for final inspection after issuing a

17 page "punch list" of things that needed to be done.

Mr. McLeod was submitting a change order request with 25 total items, in a total amount of \$21,600. He pointed out that number 24, additional office equipment for \$4,000; and number 25, adding a variable speed drive to sludge pump for \$4,500 are the two biggest items.

Mayor Taylor asked if we were still underbudget. Mr. McLeod said we were \$327,262 underbudget, and some Phase II things have been done within these budget constraints.

Councilman Nolder asked what numbers 24 and 25 entailed. Mr. McLeod said number 24, included office furniture, shelving and some office equipment. Number 25, is for a variable speed drive for a sludge pump that is currently overworked and because of the constant working at different speeds it is not efficient. The proposed speed drive should improve this problem.

**\*\*Councilman Daniels moved to authorize a change order to the sewer plant project for items 1 through 25, as presented in the amount of \$21,600. Motion seconded by Councilman Nolder.**

Councilman Daniels commented that he was very pleased with the working relationship developed with Curran-McLeod.

Councilman Nolder asked if he could assure his neighbors that there would be no more odor problems. Mr. McLeod said that we have the equipment to take care of those problems.

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

**COMMUNICATIONS:** No other communications were proposed.

**NEW BUSINESS:** Accounts Payable - **\*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$154,264.60. Motion seconded by Councilman Prince.**

Councilor Daniels noted that Slayden Construction, sewer plant contractor, had received a check in the amount of \$30,000.

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

**ORDINANCES & RESOLUTIONS:** Ordinance No.920 - Scott Nelson said he was proposing to amend Ordinance No. 777, which established the Swim Center Advisory Board, to make the board a combined Swim Center/Parks Board. He said they would have essentially the same duties. Mr. Nelson also noted that, as of July, he would have three openings on the advisory board and would be taking applications.

**\*\*Councilwoman Strong moved that Ordinance No. 920, AN ORDINANCE AMENDING ORDINANCE NO. 777 ESTABLISHING A PUBLIC SWIM CENTER AND APPOINTING A PARKS AND SWIM CENTER ADVISORY BOARD; AND DECLARING AN EMERGENCY be posted and come up for final action on June 15, 1994. Motion seconded by Councilwoman Stark and approved 6-0.**

Ordinance No. 921 - Attorney Kelly informed the Council that Ordinance No. 915, Towing of Uninsured Vehicles, presented its first problem. The ordinance currently requires notices be sent by certified mail when a vehicle needs to be towed for noncompliance. This

ordinance amendment would allow personal notice to the owner at the time of the tow.

**\*\*Councilman Prince moved that Ordinance No. 921, AN ORDINANCE AMENDING ORDINANCE NO. 915, REGARDING TOWING OF UNINSURED VEHICLES; AND DECLARING AN EMERGENCY be posted and come up for final action on June 15, 1994. Motion seconded by Councilman Harris and approved 6-0.**

Resolution No. 559 - Administrator Jordan explained that this is one of those "housekeeping" documents required as part of the budgeting process.

**\*\*Councilman Harris moved to adopt Resolution No. 559, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion seconded by Councilman Prince and approved 6-0.**

Resolution No. 560 - Scott Nelson said this resolution was drafted on the advise of the City Attorney. Mr. Kelley advised that all fees should be set by resolution. The fees for the Swim Center and Parks are not be changed.

Mr. Nelson pointed out that one fee was omitted and would be added to Exhibit "A": Swim Pool Rental for two hours is \$45.00, which includes a lifeguard for 25 people or less.

**\*\*Councilman Daniels moved to adopt Resolution No. 560, A RESOLUTION ESTABLISHING FEES FOR THE CANBY SWIM CENTER AND CITY PARK FACILITIES, and include Swim Center rental as outlined by Mr. Nelson. Motion seconded by Councilman Prince.**

Mayor Taylor suggest that we discuss the City Park reservation fee again. Mr. Taylor suggested that we have no fee for reservations at Maple and Community Park. He felt the time spent by City staff to post the reservation notice and the bookkeeping aspect for refunding money creates too much work for staff with no fee reimbursement. Mayor Taylor suggested reserving those facilities for City of Canby residents only, with no fee.

Councilman Prince noted that the reservation fee also served to encourage people to be sure and use the park when they reserved it.

Councilman Nolder suggested that the City office staff only "hold" the check, in case of a refund.

Councilwoman Stark felt the City should totally do way with the non-refundable fee, she felt it was a bookkeeping problem.

Mayor Taylor commented that the Parks Department staff are not fond of the current situation of the refundable fee.

Councilwoman Strong urged the Council to consider a fee for non-residents who wish to make reservations for use of the park facilities.

**\*\*Councilman Daniels moved that the Council reconsider the fee structure for Maple and Community Parks. Motion seconded by Councilwoman Stark. The motion was defeated 2-4, with Councilors Stark and Daniels voting for approval and the other four Councilors voting nay.**

**\*\*The motion on the floor to approve Resolution No. 560, was approved 5-1, with Councilwoman Stark voting nay.**

Resolution No. 561 - Bob Hoffman reminded the Council that a Sign Ordinance was recently adopted which established a Sign Permit Fee. Mr. Hoffman proposed a fee of \$25.00 to cover the estimated time and materials for processing the permits.

**\*\*Councilman Daniels moved to approve Resolution No. 561, A RESOLUTION ESTABLISHING SIGN PERMIT FEES. Motion seconded by Councilwoman Stark.**

Councilman Prince asked what type of signs were involved and if the Chamber of Commerce was aware of them. Mr. Hoffman said the fee does not apply to temporary signs, only new signs, banners and sandwich boards. Mr. Hoffman said the Chamber was aware and has been involved in this process for over a year.

Councilwoman Strong asked about banners. Mr. Hoffman said banners would require a fee. However, Mr. Jordan reminded everyone that the current \$50 banner fee was for banners installed on the Logging Road Bridge over Highway 99E by the City crew. Provisions of this ordinance would require a \$25.00 sign permit fee for banners placed on local businesses.

**\*\*The motion for Resolution No. 561, was approved 6-0.**

**UNFINISHED BUSINESS: CREG Meetings** - Mayor Taylor informed the Council that he had attended a policy board meeting for the CREG group, which is the group studying 911 and emergency communications on a County-wide basis. He said public budget hearing will be June 28th, Canby's share of the proposed \$100,0000 budget is \$2,600. The budget will be used to hire a consultant and staff a small office. Mayor Taylor noted that Councilman Prince is the alternate to the policy board, Chief Giger is on the technical committee and Mr. Jordan a member of the management group. Also, the Canby Fire Department is involved in the meetings.

Meetings - Administrator Jordan reminded the Council of the Monday, June 6th, 7:00 p.m. workshop with the School Board and Planning Commission regarding growth issues.

Tuesday, June 7th, will be the next "visioning clinic." There is one afternoon and one evening session. Babysitting will be provided, and transportation, if those requirint it call City Hall.

Mr. Jordan informed the Council that a joint workshop on the proposed Transportation Master Plan needs to be scheduled. The Council set July 13th for this workshop.

Molalla River Pathways Project - Administrator Jordan reviewed the proposed route for the Molalla River Pathways Project to be used by bikes, pedestrians and equestrian users. Equestrian use will not be allowed from Molalla State Park to N.E. 13th Avenue in the Canby section of the pathway. The path will start at the Molalla River State Park and eventually end at the Glen Avon Bridge out of Molalla. The project is 22 miles long, with a cost of \$3.5 million. Currently, we are using a Federal Grant (ICTEA) of \$250,000. Mr. Jordan said that the overpass needs to be replaced over Township road and they are trying to acquire an additional \$50,000 grant to assist in this portion of the project. One of the most expensive sections of the project is stabilizing a portion of the road where the Molalla River winds back into the roadway, the projected cost would be \$350,000.

Mr. Jordan reported that Jim Roberts, citizen chair of a steering committee, is currently working on necessary land acquisitions for the project.

A July 26th meeting has been set to recruit citizens for the steering committee.

Mayor Taylor suggested that the group review the current route on N. Holly. He suggested bypassing Holly to perhaps a route along N.E. 22nd due to heavy traffic conditions on Holly.

Councilman Prince asked if there would be fencing along S. Redwood. Mr. Jordan said there would be fencing and low level lighting.

Councilman Harris suggested we encourage the Oregon Roadrunner Marathon and Volkswalker groups to become involved.

Mayor Taylor felt the proposed project would be an enhancement to our area as a valuable recreation "draw."

Swim Center Schedule - Scott Nelson reviewed the summer schedule which starts June 13th. He reported that there would be no fee increase. However, additional recreation swim times and expanded hours for Sunday's and evenings have been added.


Library - Beth Saul pointed out that the library is not expanding, the construction directly behind the library is a new print shop.


Saturday, from 2 - 4 p.m., the library will honor their volunteer helpers.

Community Service - Bob Hoffman reported that he still needs more citizens to assist in counting trees.

- ACTION REVIEW:**
1. Proceed with sale of City property to Morris Holum.
  2. Inform Public Works Department to work with Girl Scout Troop on painting storm drain warnings.
  3. Proceed with the list of change orders for the sewer plant project.
  4. Post Ordinance No. 920 & No. 921 for second reading on June 15th.
  5. Send Resolution No. 559 to State as a part of the budgeting process.
  6. Implement Swim Center and Park fees with Resolution No. 560.
  7. Implement Sign Permit fee with Resolution No. 561.
  8. Send letters to those who attend Historic Ordinance workshop.

Mayor Taylor adjourned the regular session at 9:15 p.m.

  
Marilyn K. Perfett, City Recorder

  
Scott Taylor, Mayor