

**CANBY CITY COUNCIL
REGULAR SESSION
JUNE 15, 1994**

WORKSHOP: Present: Mayor Taylor, Councilors Harris, Nolder, Prince and Strong, Administrator Jordan, Recorder Perkett, and City Staff members Chaplen, Hester, Giger, Saul, Nelson, Rider, Hanson and Hoffman, and Herald reporter Cam Sivesind.

The workshop was held in the Utility Board conference room from 6:00 PM to 7:25 PM. The discussion was regarding the expectation of levels of service the City could provide the community and what this meant to both the staff and Council.

REGULAR SESSION: Mayor Scott Taylor presiding. Councilor present: Dennis Nolder, Roger Harris, Shirley Strong and Terry Prince. Absent: Walt Daniels and Cheryl Stark.

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Treasurer Virginia Biddle, Police Chief Jerry Giger, City Planner Bob Hoffman, Parks & Recreation Director Scott Nelson, City Recorder Marilyn Perkett, Donna Jean McManamon, Vern Keller, Floyella Moore, Patricia Gilbert, and Mary Pirkey.

Mayor Taylor called the regular session to order at 7:30 p.m., followed by the flag salute and a moment of silent focus.

Roll call of Council showed a quorum of four members to be present.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve the minutes of regular session June 1, 1994, as distributed. Motion seconded by Councilman Harris and approved 4-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Gilbert Complaint - Patricia Gilbert, 296 S. Knott Street, addressed the Council regarding issues she presented last July and November, representing Citizens for a Cleaner Canby (CCC), a group she organized.

Ms. Gilbert reiterated that Canby did not have updated laws, codes or ordinances to apply to current living conditions in various areas of the City. She said she was disappointed that in November 1993, the Mayor implied that there were more important issues to address. She felt that Mayor Taylor has not kept his promises to correct the problems she brought before the Council.

The following issues were outlined as the most important issues for the City to correct at this time:

1. Adopt new ordinances that will fit the growing diversified community, paying close attention to the "nuisance" ordinance, which needs to be more definitive.
2. Give authority to Code Enforcement Officer Floyd to address problem areas without a formal complaint, and allow him to cite these issues into court.
3. Hire additional police officers.
4. Citizen involvement and supervision relating to the problems.
5. Urge citizens to elect officials that will be responsible and resolve citizen concerns in a timely manner.

Ms. Gilbert reiterated the problems that she asked to be resolved in a timely manner:

1. Policing of alcohol consumption in City parks and making certain the City Attorney will prosecute the violators.
2. Hire new officers, giving them authority to handle sanitation violations.
3. Define property owners' responsibilities in keeping their property sanitary and aesthetically pleasing.

Mayor Taylor rebutted the fact that the City does not update City ordinances. He said the Police and Code Enforcement Officers are always suggesting the implementation of new ordinances. Further, he added that updated City codes and ordinances is an "ongoing" process.

Ms. Gilbert stated that in the last five years there has been a big change in the community, mainly on the south side of town. She specifically referred to "gang problems" in her neighborhood.

Mayor Taylor said action could not be taken tonight on the "short notice" time frame. He suggested that the City review the entire issue and asked Ms. Gilbert to return to the next meeting on July 6th.

Mayor Taylor reviewed some of the issues that needed response on July 6th:

- * Officer Floyd being allowed to cite and enforce violations without a complaint filed.
- * Hiring additional Police Officers. He noted that the City budget did not allocate funds for additional officers. If this were to happen, other services would be eliminated; although the police department is always a "high priority" during the budget process.
- * The Mayor said there are numerous committees that are involved in an advisory capacity to the City.
- * The Mayor also pointed out that in November 1994, the citizens will have a chance to elect who they wish to serve on the City Council.

Pirkey Complaint - Ms. Mary Pirkey, S. Ivy Street, informed the Council that she was under the impression that a complaint she voiced at an earlier meeting was to be answered tonight. Attorney Kelley said he talked to Ms. Pirkey on June 6th and at that time she said, "It's been cleaned up, the chickens are gone, and as far as I'm concerned, it's over." He assumed the matter was closed. Ms. Pirkey replied that she had called Attorney Kelley to ask him to intervene regarding a letter she had received from a local attorney. Mr. Kelley said he informed Ms. Pirkey that he could not give her legal advice or talk to an attorney that was threatening a law suit. Again, he reiterated that Ms. Pirkey said "it was over."

Ms. Pirkey said there has been a misunderstanding, she still was concerned about the following issues which were listed in her letter of May 31, 1994:

1. refrigerator outside,
2. sheet metal, wire and metal poles in area, and
3. number of unrelated people living in one dwelling.

Mayor Taylor said the Code Enforcement Officer would review these items tomorrow.

Ms. Gilbert again addressed the Council saying there were numerous incidents in the community such as the problems Mrs. Pirkey has brought to the Council. She urged the City to check various neighborhoods for problems.

PUBLIC HEARINGS: Supplemental 1992-94 Budget, 1994-94 State Revenue Sharing and 1994-95 Proposed City Budget - Mayor Taylor opened the public hearing at 8:27 p.m.

Mayor Taylor noted that these hearings were not quasi judicial and all three could be heard at this time.

Mayor Taylor asked if anyone in the audience wished to testify on any of the hearing issues. No one responded.

1993-94 Supplemental Budget - Virginia Biddle, City Treasurer, reviewed the revenues and expenditures for the proposed supplemental budget, with a total amount of \$174,000.

Councilman Nolder asked about the AAA funds to the Canby Adult Center. He was told it was the funding we receive from Clackamas County for the "Area Agency on Aging" that before City involvement went to the Adult Center.

1994-95 State Revenue Sharing - Treasurer Biddle explained that the anticipated funding from the State Revenue Sharing will be used in the Police Department budget.

Councilman Harris asked for an explanation of revenue sharing. Mrs. Biddle said it was funding from the State of Oregon based on a "strange" formula, and each City receives a portion.

1994-95 Proposed City Budget - Treasurer Biddle remarked that after extensive budget meetings, the committee is asking for adoption of the proposed budget. Total requirements is \$10,783,061; the levy within the tax base is \$1,438,898; and a bonded debt for the library of \$72,434.

Councilman Prince commented that the Council should take a stronger stand to secure good services with the lowest possible cost; and he did not support hiring an addition of a GIS-input employee for Community Services. Mr. Prince felt that the City should use a part-time consultant, not open a full time staff position for a GIS-input.

Councilman Nolder asked what the increase would be to the tax payer. Mrs. Biddle said due to the assessed value increasing, we will pay approximately \$3.93 this year, verses \$4.98 last year.

Mayor Taylor closed the public hearing portion of the meeting at 8:36 p.m.

Councilman Nolder said it was noteworthy to comment on the fact that the taxes are going down this year.

Mayor Taylor thanked Walt Daniels, Chairman of the budget committee, and the entire committee for their hard work on the budget, specifically, the outcome and measures portion of the budget.

Ordinance No. 922 - **Councilman Harris moved that Ordinance No. 922, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR 1994-94 FISCAL YEAR be posted and come up for final action on July 6, 1994. Motion seconded by Councilman Prince and approved 4-0.

Resolution No. 562 - **Councilman Prince moved to adopt Resolution No. 562, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET. Motion seconded by Councilman Harris and approved 4-0.

Resolution No 563 - **Councilman Harris moved to adopt Resolution No. 563, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 1993-94 BUDGET. Motion seconded by Councilwoman Strong and approved 4-0.

Resolution No. 564 - **Councilman Nolder moved to adopt Resolution No. 564, A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, AND CATEGORIZATION FOR THE 1994-1995 FISCAL YEAR. Motion seconded by Councilman Harris.

Councilman Prince reiterated his concerns that in his opinion the City should secure goods and services at the lowest possible cost; and that full time employee was not warranted to run the GIS.

**The motion was approved 3-1, with Councilman Prince voting nay.

COMMUNICATIONS: Mayor Taylor thanked Mary Jo Jarmer and Mike Franzwa who will be completing their terms on the Swim Center Advisory Board.

The Mayor also informed everyone of locations for Metro's Joint Policy Advisory Committee on Transportation (JPACT) meetings regarding regional growth and future transportation. The Mayor commented that these meetings were being held to encourage public input and citizen participation.

Mayor Taylor also reminded the City staff of the Clackamas Cities meeting next Thursday in Molalla.

Councilman Prince reminded everyone that the JPACT meetings were for METRO cities of which Canby is not a part, and that this will only improve Portland's transportation system. Mayor Taylor disagreed with Mr. Prince, saying this will affect the METRO area, however, it may be a link that might affect Canby.

Bob Hoffman informed the Council that the Planning Commission appointed two members and an alternate to the committee that will hold joint meetings between the school district and City. Mr. Hoffman said the school would soon appoint their participants.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to pay accounts payable in the amount of \$219,415,78. Motion seconded by Councilman Harris and approved by roll call vote, 4-0.

Treasurer Biddle reminded the Council that authorization was necessary for the year-end closing of the financial records.

**Councilman Nolder moved to authorize Councilman Daniels, with Councilwoman Strong as an alternate, to review the accounts payable records for the closing of the fiscal year financial records, and to authorize payment. Motion seconded by Councilman Harris and approved 4-0.

Proposed Curfew Ordinance - Chief Giger explained that the Police Department wanted to adopt an ordinance regarding curfew for young people, which is easier to understand and enforce than our current ordinance. Mr. Giger said the new proposal would conform with updated State statutes.

**Councilman Nolder moved to instruct staff to prepare a revised curfew ordinance using the City of Woodburn's ordinance as a model. Motion seconded by Councilman Harris.

Councilman Prince asked about students coming home from late ball games. He was informed that the ordinance has a provision for lawful activities, such as employment and school functions.

Councilman Harris said he felt the proposed ordinance was very discretionary, however, he explained that he trusted our Police Officers will use good judgment when enforcing this ordinance.

****The motion was approved 4-0.**

Joint Meeting Representatives - Mayor Taylor asked for volunteers to serve on the Commission/Council/School Board committee. Councilman Nolder and Councilman Prince both volunteered. Councilwoman Strong volunteered to be an alternate.

Mayor Taylor suggested that Councilman Prince look into scheduling another meeting with this committee.

ORDINANCES & RESOLUTIONS: Ordinance No. 920 - Administrator Jordan reminded the Council that this ordinance was drafted to incorporate the Parks Department with the Swim Center Advisory Board.

****Councilman Nolder moved to adopt 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.** Motion seconded by Councilwoman Strong and approved by roll call vote, 4-0.

Ordinance No. 921 - ****Councilwoman Strong moved adopt Ordinance No. 921, AN ORDINANCE AMENDING ORDINANCE NO. 915, REGARDING TOWING OF UNINSURED VEHICLES; AND DECLARING AN EMERGENCY.** Motion seconded by Councilman Harris and approved by roll call vote, 4-0.

Attorney Kelley interjected that this ordinance will be put into affect starting July 1, 1994.

Resolution No. 557 - Recorder Perkett reminded the Council that this Resolution regarding business license fee increase was first brought to the Council on May 18th. The motion to approved was tabled at that time, pending input from the Chamber of Commerce. Ms. Perkett noted that a letter of support from the Chamber of Commerce was in the packet.

****Councilman Prince moved to REMOVE FROM THE TABLE Resolution No. 557.** Motion seconded by Councilman Nolder and approved 4-0.

(MOTION ON THE FLOOR from May 18, 1994) ****Councilwoman Stark moved to adopt Resolution No. 577, A RESOLUTION INCREASING BUSINESS LICENSE FEES** in the amount of an \$5.00 annually. Motion seconded by Councilwoman Strong.

Discussion - Councilman Nolder said he had talked to people in town and heard no opposition.

Councilman Harris reiterated his opposition to the resolution and fee increase. He recognized that a "store front" business receive service in return for the fee. However, a home occupancy business, as is his business with an office at his home, gains nothing from a business license fee. Mr. Harris suggested that a more equitable fee might be to propose an employment fee for anyone with a job.

Councilman Prince said he was pleased to see small increases proposed, rather than large increases.

****The resolution was approved 4-0.**

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Scott Nelson reported that the Swim Center would be accepting applications for the new "Parks and Swim Center Advisory Board" positions. Applications will be accepted until June 29th at 5:00 p.m.

Mr. Nelson also reported that the South Clackamas Recreation District has decided not to place a levy on the November ballot. The recent survey indicated too much opposition to the plan.

Attorney Kelley interjected that schools and law enforcement were a higher priority to citizens than a recreation district.

Recorder Perkett announced that after sending letters to citizens who participated in the Historic Preservation Ordinance meetings, she received only one more application to serve on that board. Three more board members are still needed.

Mayor Taylor thanked the facilitators who participated in the June 7th "Canby by Design" visioning meeting. Future meetings will be scheduled.

Councilman Harris asked if the proposal to paint the Canby police cars black and white would include additional cost. Chief Giger said this would only be done to new cars as they were phased in, not to the current blue and white vehicles.

Councilman Prince noted that he preferred the blue and white color scheme for police cars.

ACTION REVIEW:

1. Post Ordinance # 922 prior to final action.
2. Implement the budget Resolutions #'s 562, 563 and 564.
3. Prepare a curfew ordinance.
4. Schedule joint meeting with Planning Commission, Council and School Board.
5. Implement Ordinance # 920 and #921.
6. Implement business license fee increase by Resolution # 577.
7. Prepare answers to Patricia Gilbert's questions.
8. Prepare answers to Mrs. Pirkey's questions.

****Councilman Prince moved to go into Executive session under ORS 192.660 (1)(d), regarding labor negotiations. Motion seconded by Councilman Nolder and approved 4-0.**

Mayor Taylor recessed the regular session at 9:23 p.m. to go into Executive Session. The regular session was reconvened at 10:29 p.m. and immediately adjourned.

EXECUTIVE SESSION

JUNE 15, 1994

Present: Mayor Taylor, Councilors Prince, Nolder, Strong and Harris, Administrator

Jordan and Ms. Chaplen.

Mayor Taylor called the session to order at 9:47 p.m. in the CUB conference room.

ORS 192.660 (1)(d) - The Council discussed labor negotiations.

Mayor Taylor adjourned the session at 10:17 p.m.

A handwritten signature in cursive script, reading "Marilyn K. Perkett". The signature is fluid and stylized, with a large loop at the end of the last name.

Marilyn K. Perkett
City Recorder

A handwritten signature in cursive script, reading "Scott Taylor". The signature is fluid and stylized, with a large loop at the end of the last name.

Scott Taylor
Mayor