

**CANBY CITY COUNCIL
REGULAR MEETING
JULY 6, 1994**

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, Police Chief Jerry Giger, City Planner Bob Hoffman, Library Director Beth Saul, Mark, Gail & Ellen Kraxberger, Patty Gilbert, Mary Pirkey, Steve Floyd, Linda, Kevin, & Kathy Larkins and many others.

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 session, June 15, 1994. Motion seconded by Councilman Harris and approved 5-0.

Canby by Design Awards - Mayor Taylor announced a change in the agenda to hand out awards to local youth who participated in a contest of either a drawing or essay to display their future vision of Canby.

Several students were present to accept awards. All students mentioned received a certificate signed by the Mayor. In addition, first place received ten free swim passes, second place received six free swim passes and third place received one free swim pass.

DRAWINGS/ART

6th through 8th grade:

1st - Charisse Palmer

2nd - Walter Blomberg

3rd - Stephani Weygandt

Honorable mention - John Suchanek, Megan Crorey & Dustin Gurley

Age 7 and under:

1st - Misty Lamb

2nd - Alex Carey

3rd - Breanne Smith

4th - Kelsey Brenna

Honorable Mention - Oliver Guterrez, Enrique Rodriguez, Joshua Neale and Danielle (no last name)

3rd grade:

1st - Austin Elliot

2nd - (3-way tie) Nichole McCormick, Kevin McCullough & Neal Freeman

Honorable Mention - Adam Kelshe, Jordan Way and Rachelle Preston.

4th and 5th grade:

1st - Suzanne B.

2nd - Mary Olivares

3rd - Ben S.

Honorable Mention - Jesse G., Ellie R. and Pat Gloth

Group Art was done by Mr. Huggins' class, and he received a t-shirt, other awards for the group art from his class were:

- 1st - Ellen Kraxberger, Melissa Borgen & Justin Youngblood
- 2nd - Holly Gobet, Jesus Gomez & Mark Fleet
- 3rd - Kevin Larkins, Seth Entze & Michael Winters

3-D Projects - These were cities built by Mrs. Sump's 3rd & 4th grade class and Mrs. McLeod's second grade class. Each received a first place. In addition, Mrs. McLeod's class was awarded a "grand prize." Billy Imholt accepted the award.

ESSAY DIVISION

Elementary Age:

- 1st - Katrina (Mr. Sluyter's 3rd grade)
- 2nd - Maria Imholt (Mrs. Sump's 3/4 grade)
- 3rd - Hap (Mr. Sluyter's 3rd grade)
- Honorable Mention - Kathryn, Nicole & Julia from Mr. Sluyter's class. Brittney Flora & Michael Lynn from Mrs. Sump's class.

Ackerman Jr. High:

- 1st - Stephanie Weygandt, Melissa Stinson & Leslie Kraft
- 2nd - Amy Morse
- 3rd - Kathryn Lloyd
- Honorable Mention - Caleb Stelle, Vickey Stewart, Aubrey Goslar, Clinton Nichols, Anna Bilberry & Trish L. Ward.

Mayor Taylor reminded everyone that all of the pictures, 3-D projects and essays are on display at the Canby Public Library.

Mayor Taylor recessed the regular session for a five minute break.

After reconvening, Mayor Taylor expressed his appreciation to the General Canby Day Committee for their hard work in planning another successful event on July 4th. He particularly thanked the Scout Troop members who placed flags all around town and also noted that the fireworks show this year was "spectacular."

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

UNFINISHED BUSINESS: Patricia Gilbert Complaint - Mayor Taylor announced that he would again change the agenda to accommodate Mrs. Gilbert and Mrs. Pirkey so they wouldn't have to sit through the entire session.

Mayor Taylor reminded the Council that Mrs. Gilbert had appeared before the Council in August and September 1993 regarding several issues.

Mrs. Gilbert commented that she has also gathered signatures from other concerned citizens regarding these issues. She stated that she did not know some of these conditions existed prior to moving to the south side of town.

Mayor Taylor commented that Attorney Kelley had addressed many of her concerns at the September 15th meeting.

In regards to the "occupancy of 5 unrelated people" living in the same dwelling, he said he realized that proving the "relationship" issues is difficult. Mrs. Gilbert said she was also concerned about multi-family units with no resident managers. She said the over-population of the apartments near her is the sole reason for her concerns.

Mayor Taylor said the City has an ordinance regarding public alcohol consumption, however, there is nothing that covers private property and alcohol consumption. Mrs. Gilbert said the Hillsboro District Attorney has dealt with a state law about "drinking at large," and suggested we contact him for information on this law.

Mayor Taylor commented that Attorney Kelley and Police Chief Giger are currently working on a noise ordinance. In regards to the unauthorized camping concern, he felt that had been addressed in September. He further stated that the vacant lot maintenance issues was dealt with under the Uniform Fire Code. Also, the non-operative vehicle concern was addressed under the Abandoned Vehicle Ordinance.

Mrs. Gilbert said she has noticed some improvements in the vacant lots.

Mayor Taylor noted that Mrs. Gilbert's last list of concerns included alcohol consumption in City parks. Mrs. Gilbert cited a problem of drinking in the Community Park, as well as speeding. Mayor Taylor informed Mrs. Gilbert that the City has regular patrols by our Police in the parks. The parks staff also work a split shift and are on duty on the weekends. Mayor Taylor said we'd all like to have nice parks to use, however, to get to that point and the cost is something all citizens must participate in resolving.

The Mayor also pointed out that currently our police officers have the ability to issue citations for many of Mrs. Gilbert's concerns. The issue of hiring additional officers is something to be discussed with the City Budget Committee.

Mayor Taylor said City staff and Council are interested in speaking with Mrs. Gilbert and 150 people that signed her petition about such issues in our community.

Mrs. Gilbert asked that the Council consider her tonight "as an individual" in regards to her special problems in her area.

Mrs. Gilbert spoke about the park planned in her "back yard." She said the Mayor said "no park would be in that area," and now there is going to be a park. She is opposed to the park planned for that area.

Councilman Harris said, his recollection is that the park was first brought up by Mrs. Gilbert because she thought it was going in at Township and since they didn't want it there, it would be on S. Knott. At no time did anyone on the Council tell Mrs. Gilbert that "no park" would be built in her area.

Mayor Taylor reminded Mrs. Gilbert that City staff offered to meet with her group last September.

Mrs. Gilbert again reiterated that there are too many "loop holes" in our current ordinances. She said she wanted the Council to take care of issues like drunk drivers, over population in apartments, etc.

Mayor Taylor stated that he thought these issues had been addressed. He also pointed out that some of the problems are "gray areas" in regards to enforcement, specifically where private and personal property are concerned.

At this time, Mayor Taylor noted that another child was present to accept an award and asked Mrs. Gilbert to relinquish her time momentarily.

Award - Mayor Taylor presented Kevin Larkins, from Mr. Huggins class, with his 3rd place award. Kevin addressed the Council and said, "This doesn't happen very often to me."

Gilbert Compliant - Chief Giger said the Police Department has responded to some of the same type problems in other area of the City. Last month, 17 nuisance calls were received. He said they were a and documented.

Councilman Harris assured Mrs. Gilbert that the Council was sympathetic to her concerns, however, he stated that legislating more laws doesn't always resolve problems. In fact, he didn't feel the City was capable of resolving all of Mrs. Gilbert's concerns.

Mrs. Gilbert reiterated that City laws need to be updated and better defined.

Councilwoman Stark agreed with Councilor Harris' comments.

Councilman Prince said he was sympathetic to her problems and knew City staff was working on a noise ordinance. He commented that the apartment occupancy issue is a difficult one.

Councilman Daniels asked if the apartment complex had a resident manager. Mrs. Gilbert said there was a resident manager for rental issues, but not for complaints. A local realty office is now in charge of the complex and is making an effort to clean it up.

Mayor Taylor stated that the Council's task is to "look at the overall concept of a change in the environment within the community, that we look at the different issues that might be causing the problems sited and whatever ordinances we have that are capable of addressing those issues, and if we would like to respond differently, what would we have to do to the ordinance to respond differently." He added that Mrs. Gilbert wanted a neighborhood with some type of regularity and if the City can, in a proactive manner, encourage that, this is the ultimate goal. Mrs. Gilbert agreed. Mr. Taylor said the Council now needs to discuss how they want to approach this goal. He further stated, "we need to give you (Mr. Kelley) some picture of what areas we want to look at; talk about those ordinances; go through them and say - "this is what we want to have - and why - what are the limitations - what else can we do - what can we do." He added that Mrs. Gilbert will be notified when we have those conversations. Mrs. Gilbert said this is what she would like to see the City pursue.

Mrs. Pirkey's Complaint - Mayor Taylor stated that because Mrs. Pirkey's issues had been scheduled for Municipal Court, the Council will not discuss it. Mrs. Pirkey agreed.

COMMUNICATIONS: Letter from Chamber of Commerce - Administrator Jordan reviewed a request from the Chamber to use Wait Park on Sunday, July 17th, from 9:30 am to 3:00 pm to serve lunch to the Cycle Oregon group. Additionally, the Chamber requested closure of Third Avenue between Holly and Grant and police monitoring of intersections.

Chief Giger commented that monitoring the intersections usually meant only putting out some barricades for caution.

****Councilman Daniels moved to approve the request of the Chamber of Commerce to block off N.W. Third between Holly and Grant on Sunday, July 17th for the Cycle Oregon lunch; and to coordinate their efforts with the Police and Public Works Departments. Motion seconded by Councilman Harris and approved 5-0.**

NEW BUSINESS: Accounts Payable - ** Councilman Daniels moved to approve payment of the June 27, 1994, accounts payable in the amount of \$310,373.06. Motion seconded by Councilwoman Stark.

Mr. Daniels commented that he had reviewed the list of payables with the City Treasure

and approved them.

****Motion was approved 5-0, by roll call vote.**

****Councilman Daniels moved to approve payment of the year-end accounts for fiscal year 93-94, in the amount of \$67,293.20. Motion seconded by Councilman Prince.**

Again, Mr. Daniels said he had reviewed the last minutes' list of payments needed to close out the City's fiscal year and recommended approval.

****Motion was approved 5-0, by roll call vote.**

Sewer Rate Increase - Administrator Jordan said the third and final phase of Resolution 501, to raise sewer rates from a beginning of \$8.00 per month to this last phase of \$20.25, was to be considered. He said that Ray Bartlett, who performed the initial rate analysis, agreed to recommend the final rate increase to raise funds to retire the bonds issued to renovate the Sewer Treatment Plant.

Councilman Prince stated that the increase will not appear on bills until September 1st, even though it becomes effective July 1, 1994.

The Council gave a unanimous consensus to implement the final sewer rate increase.

94-95 Adult Center Contract with Clackamas County - Administrator Jordan reminded the Council that the City contracts with the County for Adult Center services, and we in turn, sub-contract to the Friends of the Adult Center for the daily operation of the center. This contract includes meals, transportation and information and referral services. Mr. Jordan said the contract was essentially the same, except for some estimates on participation which slightly affect the revenues from the County.

****Councilman Nolder moved to authorize the Mayor and City Recorder to enter into a contract with Clackamas County and Area Agency on Aging for operation of the Canby Adult Center. Motion seconded by Councilman Harris and approved 5-0.**

Holum Deed for Street Purposes - Administrator Jordan reminded the Council that the City had sold a piece of property on the corner of S. Pine and SE Third to Morris and Marilyn Holum. A part of that transaction required a dedication along S. Pine to the City for street purposes.

****Councilwoman Stark moved to accept for recording a deed from Morris and Marilyn Holum for a piece of property on S. Pine for street purposes. Motion seconded by Councilman Harris and approved 5-0.**

WORKSHOP: Mayor Taylor recessed the regular session at 9:10 p.m. to go into a workshop on a proposed ordinance to implement a construction excise tax. The regular meeting was reconvened at 9:55 p.m.

The Mayor called for a five minute break at this time and reconvened the regular session at 10:00 p.m.

ORDINANCES & RESOLUTIONS: Ordinance No. 922 - **Councilman Prince moved to adopt Ordinance No. 922, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR 1994-95 FISCAL YEAR. Motion seconded by Councilman Harris and approved by roll call vote, 5-0.

Ordinance No. 923 - Attorney Kelley informed the Council that the Police Department had requested he amend and simplify the current curfew ordinance. The new provisions are:

1. For minors under the age of 16 years the curfew is between 10:00 pm and 6:00 am; and for minors 16 to 18 years the curfew is midnight to 6:00 am.
2. Taking a minor into custody follows the Oregon Statute provisions.
3. The old penalty was a misdemeanor and this makes it a "civil violation" with a maximum fine of \$300.00.

Mayor Taylor asked if the parents are fined the \$300 and was told yes. Minors are not fined.

Councilman Nolder asked if the day makes a difference, i.e., weekdays, vs. weekends. Mr. Kelley replied no.

****Councilman Daniels moved that Ordinance No. 923, AN ORDINANCE AMENDING CHAPTER 9.40 REGARDING CURFEW; AND DECLARING AN EMERGENCY be posted and come up for final action on July 20, 1994. Motion seconded by Councilman Prince.**

Councilman Harris asked how the Police would apply the new ordinance. Chief Giger said it is usually evident if parents care about the welfare of their child by asking a few questions. He said this ordinance will help them enforce curfews on youth that parents can't keep at home or kids out in the early morning hours. This will give the police the opportunity to take the child to juvenile and make the parents aware of their activities. He noted that this did not include kids that may work at Cutsforth's stocking shelves and don't go home until midnight - these youth are no problem.

****The motion was approved 5-0.**

UNFINISHED BUSINESS: Sewer Plant Project Change Order - Curt McLeod commented this would be the last change order, however next month he will be requesting the final payment. After payment of this change order, the remaining bond money will be \$295,000.

****Councilwoman Stark moved to approve the final change order No. 4 as presented, in the amount of \$31,350.00. Motion seconded by Councilman Harris and approved 5-0.**

Councilman Daniels asked when the final walk through inspection would be done. Mr. McLeod said it is about half-way completed and it should be done by the end of the week. He encouraged anyone who wished to participate in the final inspection to let him know.

Mayor Taylor suggested holding a future workshop session at the sewer plant facility to give everyone a chance to look it over.

OTHER REPORTS OR ANNOUNCEMENTS: Councilman Prince suggested that the City Council set some directive regarding Metro's future plans. Mr. Prince recommended that staff consider some type of buffer zone between the City of Canby and Oregon City to be designated to maintain a separation.

Administrator Jordan reminded the Council of the workshop on July 13 with the Planning Commission on the Transportation Master Plan.

The Council set July 20th, 6:00 p.m. as a workshop session with the Planning Commission to discuss the Metro 2040 plan.

- ACTION REVIEW:**
1. Assist Chamber in the Cycle Oregon fund raiser.
 2. Implement increase in monthly sewer rates.
 3. Implement 94-95 Adult Center contract with Clackamas County.
 4. Draft Ordinance for Construction Excise Tax.
 5. Record deed from Holum's for street purposes.
 6. Implement Ordinance 922.
 7. Post Ordinance 923 for second reading.
 8. Insist on a separation zone between cities with Metro.
 9. Schedule Planning Commission for July 20th workshop.

****Councilman Prince moved to go into Executive session under ORS 192.660 (1)(d), regarding labor negotiations; (1)(e), regarding real property; and (1)(h) regarding pending litigation. Motion seconded by Councilman Nolder and approved 5-0.**

Mayor Taylor recessed the regular session at 10:35 p.m. to go into Executive Session. The regular meeting was reconvened at 11:24 p.m.

Administrator Jordan informed the Council that a motion would be necessary to create a new position in the AFSCME contract.

****Councilman Harris moved to create the position of Senior Office Clerk for the AFSCME contract, effective July 1, 1994. Motion seconded by Councilman Nolder and approved 4-1, with Councilman Prince voting nay.**

Mayor Taylor adjourned the regular session at 11:27 p.m.

EXECUTIVE SESSION
JULY 6, 1994

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

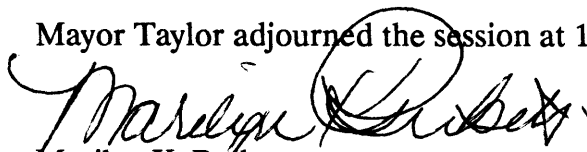
Mayor Taylor called the session to order at 10:40 p.m. in the board room of the Utility Board.

ORS 192.660 (1)(h) - The Council discussed the Sharon Day vs. City of Canby case, Rinkes vs. City of Canby, and Canby vs. Rinkes.

ORS 192.660 (1)(e) - The Council discussed an offer on small piece of property owned by the City.

ORS 192.660 (1)(d) - The Council discussed adopting a new position for the AFSCME contract.

Mayor Taylor adjourned the session at 11:19 p.m.


Marilyn K. Perrett
City Recorder


Scott Taylor
Mayor