

**CANBY CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 17, 1993**

**WORKSHOP:** The Council held a workshop session in the CUB board room starting at 6:00 p.m. to 7:25 p.m. Mayor and all six Councilors present, Chief Jerry Giger, Lt. Jim Scharmota, Cam Sivesind, Officer Tim Skipper, Officer Greg Kroeplin and Recorder Perkett.

The Council discussed the current shortfall of funds in the Police Department budget due to the arbitration award.

**REGULAR SESSION:** Mayor Scott Taylor presiding. Councilors present: Maureen Miltenberger, Dennis Nolder, Terry Prince, Cheryl Stark, Walt Daniels and Joe Driggers.

Also present: Chief Jerry Giger, City Planner Bob Hoffman, City Recorder Marilyn Perkett, Librarian Beth Saul, Recreation Director Scott Nelson, Mark O'Shea, Karen Cederquist, Kimberly Churchill, Morris & Alma Cederquist, David Traaen, Rosemary Glutsch, Georgia Newton, Diana Precht, Barry Lucas, Kurt Schrader, Hank Fenske, Paul Stipe, Genevieve Hoffman, Patricia Mitchell, Margaret Duty, Doug & Terry Dolney, Jenny Peterson, Steve Hausotter, Janet Kach-Copher, Rick Copher, Lynda Hines, Don and Peggy Peterson, Cam Sivesind, Janet Paulson, Tamara Maher and others.

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

Mayor Taylor announced that Administrator Jordan and his wife Claudia welcomed a new baby daughter, Alex Anne, born Monday and weighed 8 pounds 6 ounces.

**ROLL CALL OF COUNCIL:** Roll call of the Council showed a quorum to be present.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Prince moved to approve the minutes of the regular session of November 3, 1993, with the following amendment: Page 4, Line 7 from the bottom the word "whole" should be "H.O.P.E." Motion was seconded by Councilwoman Miltenberger and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Mark O'Shea, 815 S. Douglas, addressed the Council regarding the recall election scheduled for December to recall Councilors Driggers and Miltenberger. Mr. O'Shea informed the Council that many of the people in attendance this evening were present to express their opposition to the recall. He stated it was a burden financially on the City tax payers, and caused further division in the community. Mr. O'Shea urged the Council to speak out in one unified voice against the recall.

Jenny Peterson stated the recall issues were a waste of time and money for the community. She urged a "no" vote on the recall.

Georgia Newton, from the Merchants Association, passed out a letter indicating the proposed "holiday" schedule of events for merchants. The Chili Cook-Off and Holiday Open House will be held on Sunday, November 21st, with the cook-off proceeds going to the Canby Kiwanis food baskets. Also, Sunday, November 28, will be the annual tree lighting ceremony at Wait Park.

Mayor Taylor thanked the Chamber and urged community participation in the holiday events.

The Mayor addressed the request for a "unified voice" from the Council regarding the recall stating he felt this should be an individual response.

Councilwoman Stark voiced her personal conviction against the recall election on Mr. Driggers and Ms. Miltenberger. Mrs. Stark said, "they are only trying to do their "job," the same as all Councilor's are trying to do."

Councilman Prince said he felt both Mr. Driggers and Ms. Miltenberger were very professional and dealt with every issue evenly, he felt their actions were not a non-constitutional issue.

Mayor Taylor said that the energy that is being expended on this matter could be put to a better use. He said it was an issue that is inappropriate and unnecessary.

**COMMUNICATIONS:** Letter from General Canby Day Committee - Mayor Taylor read a letter from the General Canby Day Committee regarding the replacement of three members. Barry Lucas, Becky Davis and Gordon Rasted are resigning at this time. The Committee suggested new members of Betsy Ross, Bryan Sullivan and Gay Kuykendall.

**\*\*Councilman Daniels** moved to appoint Bryan Sullivan to the unexpired term of Barry Lucas, July, 1995; Gay Kuykendall to the unexpired term of Becky Davis, July, 1996; and Betsy Ross to fill the unexpired term of Gordon Rasted, July, 1994. Motion seconded by Councilman Prince and approved 6-0.

Letter from Canby Herald - Mayor Taylor read a letter from Bill Cassel, Canby Herald Publisher, requesting use of Wait Park and the Gazebo on Saturday from 4:00 p.m. to Sunday, 4:30 p.m. for the second annual Chili Cook-Off. Street closures were requested for N. Grant Street between 3rd and 4th Avenues.

The Council gave a unanimous consensus to approve the request from Mr. Cassel for the street closures and use of Wait Park.

Letter from Hank Fenske - Mayor Taylor read a letter from Hank Fenske tendering his resignation at the end of this calendar year from the Canby Planning Commission. Mr. Taylor explained that Planning Commissioners get no compensation for putting in two to four nights a month. He thanked Mr. Fenske for his service and energy spent in this position.

Councilman Prince also thanked Mr. Fenske and pointed out that Hank authored the advanced financing ordinance that was being considered tonight.

Kurt Schrader, Chair of the Commission, asked that the Council not fill the position right away, hoping that Mr. Fenske might have a change of heart regarding the resignation.

**NEW BUSINESS:** Accounts Payable - **\*\*Councilman Daniels** moved to approve payment of accounts payable in the amount of \$95,426.96. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.

CDBG Projects - Bob Hoffman said these projects are Community Block Grant Fund Projects which are federally funded through the County. The projects must fit the criteria to benefit low and moderate income persons; prevent or eliminate slums or blight; or urgent needs that have occurred in the community in the last 18 months. Mr. Hoffman said these were national goals, and the projects must fit one of the criteria. He added that low and moderate income would have to benefit a family of two with no more than \$26,050, or for a three-person family no more than \$29,300. Mr. Hoffman said the proposed projects

are in areas where the criteria is met. At this time, Mr. Hoffman was requesting the Council to prioritize the proposed projects:

- 1) Adult Center Expansion; 2) Concentrated Public Works Projects (N. Cedar from NW 2nd to NW 5th and S. Fir from SW 6th to between SW 7th & 8th, and possibly NW 2nd from N. Douglas to N. Cedar); 3) Neighborhood Center (on S. Knott adjoining our S. Locust Street Park project); and 4) Architectural Barrier Removal (these are identified ADA compliance projects for an approximate \$271,000).

The Mayor and Council members each expressed their personal priority for the above mentioned projects. The final prioritized results were:

- 1) Adult Center Expansion
- 2) Neighborhood Center
- 3) Concentrated Public Works Projects
- 4) Architectural Barrier Removal

Staff will begin working on the applications which are due November 30th.

**UNFINISHED BUSINESS:** Sign Code Ordinance Review - Mayor Taylor moved to this agenda item to accommodate the number of participants in the audience.

Bob Hoffman said the proposal was the result of numerous meetings with the "sign committee."

Rosemary Glutsch, the Chair of a merchants' committee working on the ordinance, addressed the Council. Ms. Glutsch thanked the Council for allowing Bob Hoffman to work with the group on this issue. She showed the Council a document which contained over 50 signatures from local businesses in support of the new proposal. She said they strived to make the ordinance "user friendly" and "self-policing." She added that signs most often bring customers to businesses, and because we compete with various malls and town centers, it is important to advertise with signs. Ms. Glutsch said another committee is considering revitalization of the downtown area, and by next year, when the "sunset" clause takes affect, they may have more ideas to share.

Mayor Taylor said some of the verbiage was confusing to him. He said he hoped this proposal would create a City that looked attractive, with appropriate signs, and if one of the businessmen endangered the process, then the entire group would communicate to solve the issues.

Councilman Daniels asked the difference between daily signs and portable signs. He was told daily signs are to be picked up nightly, and portable signs have wheels.

Councilman Prince questioned the section on modification of sign standards. Diana Precht, Chamber Manager, said they wanted to leave it open and not close the door, and no specific instance was taken into consideration when drafting this section.

Councilman Driggers suggested using a slide show, as a visual aid, would have been beneficial in reviewing these sign code changes.

Councilman Prince questioned the section on balloons. He was told it was intended for the very large advertising balloons similar to the ones CTA uses to advertise their CTA Communication run.

Mr. Prince asked if we would still have safety control over clocks, barber poles, and public information signs. He was told we would have control.

Councilman Prince questioned the section on clear vision maintenance of signs. Mr. Hoffman said the state usually controls most signs on the highway, specifically for visibility control.

Mr. Prince asked how a handicapped person would handle a sidewalk area if there are sandwich boards allowed. Mr. Hoffman said there is a minimum requirement of five (5) feet clearance after the sign is put in place.

Councilman Prince asked about the size of daily display signs. Mr. Hoffman said if they are on the property the standards are different than if the signs are in the right-of-way. Also, Mr. Hoffman said the vision clearance at an intersection is 10 feet, or if an alley, 30 feet. He noted that the area varies by zones, but the intent is to eliminate visual hazards.

Mayor Taylor said the next step is to have the Planning Commission schedule a public hearing on the proposed ordinance.

**\*\*Councilman Daniels moved to refer the proposed amendments to the sign code to the Planning Commission for a public hearing process. Motion seconded by Councilman Nolder and approved 6-0.**

**ORDINANCES & RESOLUTIONS: Ordinance No. 902 - Beth Saul reminded the Council that this ordinance was drafted to create a library endowment fund.**

**\*\*Councilman Prince moved that Ordinance No. 902, ESTABLISHING AN ENDOWMENT FUND FOR THE CANBY MUNICIPAL PUBLIC LIBRARY, be posted and come up for final action on December 1, 1993. Motion seconded by Councilwoman Stark and approved 6-0.**

Ordinance No. 903 - Bob Hoffman said this ordinance would amend the existing advanced financing ordinance. The ordinance is intended to permit a developer to build a necessary public improvement that serves additional areas or people and a process that will ultimately reimburse the developer when adjacent property owners take advantage of the public improvement. Mr. Hoffman said that Commissioner Fenske worked on this document for over a year.

**\*\*Councilman Daniels moved that Ordinance No. 903, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 4 OF THE CITY CODE, come up for final action on December 1, 1993. Motion seconded by Councilman Driggers.**

Councilman Driggers asked if any developers had a chance to review the document and would they have to apply for the financing. Mr. Hoffman said developers had not seen the document, and the existing ordinance is currently being used. This revision is to correct some problems. Mr. Hoffman said this also allows the Commission to impose, as a condition of approval, that a developer build a particular public facility and finance it through this method. Mr. Hoffman said the Commission may be more willing to require certain improvements with this "tool" than they were without the advanced financing.

Councilman Nolder informed the Council that on Monday he met with the Economic Development Committee to discuss funds we are applying for to be used in the proposed Logging Road Industrial Park. During that process he was able to see how advanced financing works by the examples set forth by Curt McLeod. Mr. Nolder said that the City will build the improvement, and we will recover the funds as the parcels develop.

Councilman Driggers said his concern was that we may require more improvements with

additional costs to the developer, the conception being that the developer can eventually retrieve the money.

Mr. Hoffman pointed out that we do not yet have the answers to questions that Measure 5 may impose on this proposal. He said they will have to get those answers prior to finalizing this ordinance.

**\*\*Motion to approve the ordinance was passed 6-0.**

Staff was directed to send various local developers and builders copies of the proposed ordinance for input prior to the second reading.

Ordinance No. 904 - Keith Marquand, Communications Employee, informed the Council that in the year 1992, they processed 22 applications for firearms. This year, to date, they have processed 116. This ordinance was drafted to help offset some costs in processing the reports. Mr. Marquand said the State of Oregon mandates that local jurisdictions do the background checks on the firearms purchaser. He also said that all information is then entered into the county-wide computer system.

**\*\*Councilman Driggers moved that Ordinance No. 904, AN ORDINANCE AMENDING CHAPTER 9.08 OF THE CANBY MUNICIPAL CODE REGARDING THE SALE OF FIREARMS AND ESTABLISHING A BACKGROUND INSPECTION FEE, be posted and come up for second reading on December 1, 1993. Motion seconded by Councilman Nolder and approved 6-0.**

**UNFINISHED BUSINESS:** MLP 93-02, Guttormsen Findings - Mr. Hoffman said these findings were prepared by Kevin Howard's attorney, Michael Robertson. He pointed out that the appeal criteria was not addressed, so staff will insert the wording from page 62 in the proper area.

**\*\*Councilman Driggers moved to adopt the Findings, Conclusions and Final Order of MLP 93-02 (Kevin Howard). Seconded by Councilman Daniels.**

Councilman Prince asked if ODOT takes the position there is no access, would a landlocked parcel be created if we approve the Findings. Mr. Kelley said the Council has already approved the MLP. However, if ODOT refused to grant them access, we may end up in some type of litigation. Mr. Kelley further explained that ODOT could appeal to LUBA on the basis that we did not adequately deal with the criteria for access. ODOT could also refuse access and then Mr. Howard would have to litigate against ODOT in the Circuit Court. Mr. Kelley said he had suggested that the City condition the MLP upon obtaining access from ODOT, but the Council chose not to accept that suggestion.

Mayor Taylor asked that the Council move forward on this issue since all of this had been discussed at a previous session.

**\*\*Vote for accepting the Findings was 5-1, with Councilman Prince voting nay.**

**OTHER REPORTS OR ANNOUNCEMENTS:** Swim Center Department Update - Scott Nelson said he would briefly update the Council on the Swim Center and the Park Departments.

Swim Center - the maintenance shut down has just been completed, and it should be good for about three years. Attendance is down about 5%, however, income is up about 5%. They will take part in the Kiwanis food drive with a "canned food admission swim." Christmas-break swims have been scheduled. The Elementary School has purchased lessons for the entire second grade.

Parks - The Christmas lights are being placed in Wait Park. They are working on signage for all the parks, which will be much like state park signs. Canby Kids is working with them to install nets at Maple Street Park for home sites that are concerned about ball damage. Along with Canby Kids, they will be renovating the in-fields at Maple Street Park. The crew has been working on the nature trail at Community Park. They are also trying to develop a forest management plan. Finally, the SDC funds are at 80% for this year.

South Clackamas Recreation District - The group will have their first draft of the proposed Master Plan on December 13th.

Councilman Driggers asked if he had pursued getting some disposal litter scoops after implementing the amendment to the dog nuisance ordinance. Mr. Nelson said other jurisdictions faced a littering problem with the disposable scoops. Also the cost seemed to be prohibitive.

Mr. Driggers felt enforcement was an issue and thought we should have the Parks crew carry some of the disposable scoops to offer patrons, in lieu of giving a citation. Mr. Nelson said they would pursue this suggestion.

Councilman Prince asked if more Christmas lights would be installed this year. Mr. Nelson said CUB had installed additional power, and we should see more lights.

Councilwoman Miltenberger stated her child was enrolled in swim classes and she commended Mr. Nelson and his staff for such an excellent lesson program. Also, she has received comments from many others on the good programs at the Swim Center.

**ACTION REVIEW:**

1. Block off streets for the Chili Cook-off.
2. Send letters regarding General Canby Day appointments.
3. Bring back Ordinance No.'s 902, 903 and 904 for second reading at the next meeting.
4. Forward Guttormsen Findings.
5. Send the sign code proposal to Planning Commission for a hearing.
6. Submit the prioritized CDBG projects.

Mayor Taylor noted that the Council will be pursuing a "visioning symposium" in January.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)( e) to negotiate real property. Motion seconded by Councilwoman Stark and approved 6-0.**

Mayor Taylor recessed the regular session at 9:05 p.m. to go into Executive Session. The regular session was reconvened at 9:20 p.m.

**\*\*Councilman Driggers moved to authorize the City Attorney to submit an earnest money agreement to purchase property for the Atkins property on S. Locust Street, not to exceed \$70,000. Motion seconded by Councilman Prince and approved 6-0.**

Mayor Taylor adjourned the regular session at 9:23 p.m.

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EXECUTIVE SESSION  
NOVEMBER 17, 1993

Present: Mayor Taylor, Councilors Prince, Nolder, Miltenberger, Stark, Daniels and Driggers, Attorney Kelley, and Recorder Perkett.

Mayor Taylor called the session to order in the CUB board room at 9:12 p.m.

ORS 192.660 (1)(e) - The Council discussed the possible purchase of real property for a South Side Park.

Mayor Taylor adjourned the session at 9:20 p.m.



Marilyn K. Perkett  
City Recorder



Scott Taylor  
Mayor