

**CANBY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 15, 1993**

WORKSHOP: The City Council and several Sister City Association representatives met in workshop session at 6:00 p.m. in the CUB board room to discuss the current Sister City program and future of the program.

REGULAR SESSION: Mayor Scott Taylor presiding. Council members present: Walter Daniels, Joe Driggers, Maureen Miltenberger, Dennis Nolder, Terry Prince and Cheryl Stark.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Librarian Beth Saul, Police Chief Jerry Giger, City Planner Bob Hoffman, City Clerk Marty Moretty, Brenda Kimble, Dawn Reddrick, Dave Hoover, Linda Mihata, Hank Fenske, and Mark & Patricia Gilbert.

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

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: **Councilman Daniels moved to approve as distributed the minutes of regular session September 1, 1993. Motion seconded by Councilman Prince and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Katie Eggleston Committee - Brenda Kimble and Dawn Reddrick addressed the Council regarding their endeavors in promoting a committee that is seeking information on the whereabouts of Katie Eggleston. Ms. Eggleston has been missing since August 2, 1993. The committee has been selling yellow ribbons for \$1.00 to assist in the search effort. The ribbons will be available at local businesses.

Mayor Taylor thanked the ladies for sharing their goals with the Council and at that time purchased a ribbon, as did other Council members. The local police department will be supporting this effort by putting yellow ribbons on the cars.

Mayor Taylor announced that there was some type of problem on the local OCTS channel, which they have been working on all day to correct.

PROCLAMATION: Recycling Awareness Week - Mayor Taylor proclaimed the week of October 2 - 9, 1993, as Recycling Awareness Week in Canby.

COMMUNICATIONS: V.F.W. Request - Michael Breshears, Post Commander of the Canby-Aurora VFW, requested use of the parking lot on N.W. Elm and First for a garage sale on October 3rd as fund raiser.

**Councilman Daniels moved to authorize permission for the VFW to use the parking lot as requested on October 3rd for their garage sale fund raiser; and to coordinate their activities with the Public Works and Police Departments. Motion seconded by Councilwoman Stark and approved 6-0.

Canby Christian Church - Chief Giger informed the Council that he had been contacted by the Christian Church requesting closure of Holly between 4th and 5th on September 19th, to take a photograph for their 100th Anniversary.

The Council gave an unanimous consensus of approval for the requested street closure.

Boy Scout Eagle Rank - At this time, Mayor Taylor congratulated David Bacon, Troop 258, for achieving his Eagle Scout rank.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to authorize payment of accounts payable in the amount of \$76,459.60. Motion seconded by Councilman Daniels and approved by roll call vote, 6-0.

Police Contract - Administrator Jordan noted that the Police Association labor contract has been in negotiations for about one and one-half years, and the contract has been settled. Police Association President Tim Skipper and Vice-President Greg Kroeplin came forward to ratify the contract by signing it, along with the Mayor and City Administrator signing the contract.

ORDINANCES & RESOLUTIONS: Ordinance No. 897 - Administrator Jordan said this ordinance was to be considered for final action for a Transportation Plan contract.

**Councilman Daniels moved to adopt Ordinance No. 897, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH KITTLESON AND ASSOCIATES, INC. FOR THE PREPARATION OF A TRANSPORTATION AND TRAFFICWAYS PLAN. Motion seconded by Councilwoman Stark and approved by roll call vote, 6-0.

Ordinance No. 898 - Administrator Jordan reported that this ordinance was for a contract for the Stormwater Master Plan and was to be considered for final action.

**Councilman Daniels moved to adopt Ordinance No. 898, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN- MC LEOD, INC. FOR THE PREPARATION OF A STORMWATER MASTER PLAN. Motion seconded by Councilman Driggers and approved by roll call vote, 6-0.

Ordinance 899 - Bob Hoffman informed the Council that the Planning Commission held a public hearing on August 9, 1993 on the proposed amendments and recommended the following changes to the Land Development and Planning Ordinance:

- * Linda Mihata chaired the subcommittee on street trees, which requires street trees in partitions and subdivisions;
- * 25 copies of maps are to be submitted with applications, instead of 18; and
- * the final requirement is that plats be submitted in a manner to be machine readable for a future GIS system.

**Councilwoman Miltenberger moved that Ordinance No. 899, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE be posted and come up for final action on October 6, 1993. Motion seconded by Councilman Prince.

Councilwoman Stark asked about the landscaping, whether it would be with grass or bark dust. Mr. Hoffman said it could be either.

Mayor Taylor reiterated that the trees referred to in this ordinance must first be approved by the City as being compatible with our tree requirements.

**Motion was approved 6-0.

Ordinance No. 900 - Administrator Jordan reminded the Council that staff entered into an agreement in June with other County agencies regarding emergency communications. The previous agreement was amended regarding consolidation of Public Safety Answering Points (PSAP), of which Canby is one. The amendment says that any consolidation of PSAP's is "voluntary" and approved by the governing body. Also, ORS requires an ordinance when forming another entity to control a service.

****Councilman Daniels moved that Ordinance No. 900, AN ORDINANCE OF THE CITY OF CANBY, OREGON, RATIFYING THE CREATION OF THE CLACKAMAS REGIONAL ELECTED GROUP (CREG) AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF CANBY, OREGON, AND DECLARING AN EMERGENCY, be posted and come up for final action on October 6, 1993. Motion seconded by Councilman Driggers.**

Administrator Jordan pointed out that the Council should appoint a primary and alternate representatives to the group, as well as a person to be on the management group and technical committee.

Councilman Prince questioned the rationale for termination notice at the beginning of the fiscal year. Mr. Jordan said this is due to budgetary reasons.

Councilman Nolder asked what the cost would be to the City. Mr. Jordan said we currently spend over \$200,000, per year, for emergency communication services. Clackamas County communications services has quoted, in the past, that they could dispatch for Canby for approximately \$50,000 annually. However, we have been concerned about the services from C-Com, as are other entities. This agreement is intended to set standards and efficiencies of services in communications, county-wide. Mr. Jordan said that, ultimately, the financial efficiency should be more beneficial to Canby. The group will be pursuing a bond election next year to change to the 800 megahertz radio system.

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

Mayor Taylor volunteered to be the elected official on the board of directors. An alternate will be selected at the next meeting.

Administrator Jordan will be serving on the Management Team and Chief Jerry Giger will serve on the Emergency Communications Technical Operating Staff.

The City Council gave an unanimous approval of the three above mentioned appointments.

UNFINISHED BUSINESS: Mayor Taylor reported that the Mayor's Ball, "Fall into the Night" will be October 9th at the fairgrounds. He said that tickets are available at City Hall, Chamber office and local businesses. Mayor Taylor reviewed the various emergency services throughout the County that are benefited by the event.

OTHER REPORTS OR ANNOUNCEMENTS: World Class Library Project - Beth Saul, Library Director, reminded the Council that she has been goal oriented in preparing for the new technology, specifically the World Class Library, which is an electronic system for library functions. Mrs. Saul has pursued this concept with Dave Hoover, Landmark Concepts, as well as other local people, Charlie Lam, Ken Hagen, Ron Hamelin, Brad Brotherton, Will Newman, Dennis Tomplin, Harry LeeKwai, Larry Cole, and others in the library field. The meetings with the above mentioned resulted in North Willamette Telecom offering to hire Dave Hoover to develop the functional specifications and a computer system for the library, including grant seeking strategies. North Willamette Telecom will pay half of the money, and the library the other half, for a total of \$10,000.

Dave Hoover said that the library functions are being redefined. He suggested that a World Class computer system would be used by library patrons as they do today; this computer would have the ability to answer the phone used by patrons from home computers; and this would be connected to a community area network system. Ultimately, they would like to connect with "Internet", which has about 30 million computer users connected throughout local networks world-wide. He said this is becoming "a way of doing business - a way of communicating", which can be brought to our community. He suggested that two groups, students and small businesses, would be the primary users of such a system.

Mr. Hoover said the proposal was in four parts: Context - harnessing the information; Concept - develop systems for Canby; Community - develop community awareness and advocacy; and Cash - develop grant seeking strategy.

Councilman Daniels asked about cost for users. Mr. Hoover said it varies with the data basis. Internet has an access fee. He said that much of the participation will be fee based as an overhead in other ways.

Mayor Taylor asked if the agreement with Mr. Hoover had already been concluded and was told by Mrs. Saul that it had been.

Mayor Taylor thanked Mr. Hoover for his presentation.

Response to CCC Concerns - John Kelley said the six (6) concerns expressed by the CCC group.

1. Occupancy Ordinances for Multi-Family Dwellings - a. appoint City employee to draft, adopt and enforce new ordinances. b. City appointed employee to work with CCC member on the above.

Mr. Kelley pointed out that Code 16.04.220, defines family, as an individual or two or more living together in a dwelling; or a group of not more than five individuals not related. If a family is related, we have no number, if unrelated then only five. He also reviewed the handicapped law on this issue.

2. Public Alcohol Consumption Ordinance/Law - private parking areas, public and recreations areas, and private parking areas and multi-family dwelling lots.

Mr. Kelley said we presently regulate alcohol consumption in public parks and recreation areas, Code 12.24.40. The City does not prohibit alcohol on private property, which he said would actually be prohibition.

3. Noise Ordinance - residential and recreational areas.

He reported that we have no noise ordinance, only the Oregon Criminal Code, section 166.025, (1)(b), we can charge a person with disorderly conduct when making unreasonable noise.

4. Unauthorized Camping Ordinance - City parks, City waterways, bathing in waterways.

Mr. Kelley pointed out that Code 12.24, prohibits overnight camping without special permission in City parks, and prohibits washing of clothes or fish in the City waterways. He noted that some of the waterway areas we don't control, only the side of the river in the City limits area.

5. Vacant Lot Maintenance Ordinance - vector control.

John Kelley reviewed Chapter 8.12, which addresses various nuisances relating to maintenance of vacant lots.

6. Non-Operational Vehicle Ordinance - vehicles on blocks/jacks/ramps, vehicles with leakage onto ground, vehicles with broken glass, and vehicles batteries.

We currently prohibit repair and dismantling of vehicles for periods longer than 15 days and 2 hours if in a public thoroughfare. We don't have a specific ordinance regarding the leakage onto the ground, broken glass or batteries. We do have an ordinance regarding abandoned or junked vehicles.

Patricia Gilbert thanked the Council for looking into her requests. She said she was satisfied that the City is doing all possible with current laws, however, she felt they might be updated, if possible. She did question the multi-family dwelling occupancy, asking how do you prove the relationship of those living in the dwelling.

Mayor Taylor said he felt we now must consider the "priority" in which we respond to the various issues. He encouraged a meeting with the CCC group to discuss the priorities and costs of these type of issues. The Mayor requested Mrs. Gilbert to work with the City Administrator in pursuing these issues.

Mrs. Gilbert said that she was upset with the fact that she had been approached by an Oregonian reporter suggesting that this was a racial issues. She said her concerns were not racially motivated.

Community Development Update - Mr. Hoffman reviewed a written report he had submitted to the Council.

- * land use applications are down by one-third.
- * building permits have remained the same the past 12 months.
- * single family permits last 12 months is the same, manufactured home permits are up, with 28 permits.
- * multiple family units permits is way up, 63 units approved.
- * lien searches are up substantially, some of this is due to refinancing at the low interest rate.
- * several commercial and industrial projects in the past 12 months. 17% of all new construction is non-residential compared to 2% last year.
- * number of new lots or units is about 459 units or lots.
- * vacancy of residential units is very low.

Mr. Hoffman reviewed the non-residential projects worked on recently.

Sixteen other major planning projects were listed:

- * periodic review initiated in 1988 is complete.
- * he noted that the Governor has not yet signed the historic ordinance state law in regards to "owner opt out", this will have an impact on our ordinance procedure.
- * 78 amendments to the Land Development and Planning Ordinance.
- * agreed to issue contracts for Trafficways and Stormwater Plans.
- * order GIS equipment and software.
- * building codes strengthened.
- * have inventoried all building permits and motor vehicle records on the computer.

He said budget improvements will be discussed in a meeting next week. However, he said

they now require bonding prior to occupancy of a building prior to landscaping.

Mr. Hoffman said that since we have no Public Works Director his office now performs more communications and organization of meetings and review; depends a great deal on our contract engineer, Curt McLeod; involving the City Administrator in more of their activities; and more direct contacts with the supervising staff.

Mr. Hoffman outlined some of the problem areas: the landscaping problems, prior to the bonding process; enforcement of conditions are slow in some cases; minimal recognition of downtown Canby landscaping; lack of recognition of importance of rivers; Canby's role in County and region is not clear; long range population trends are beginning to be accounted for; need to better define what is "compatible" in legal terms; and Capital Improvements are largely not budgeted for.

Councilman Driggers asked if the pace of growth is still accelerating and if increases in fees would slow it down. Mr. Hoffman said he felt it would not be of any affect and cited areas where it has not made a difference.

Mr. Jordan said a workshop has been scheduled for the City Council on the weekend of October 29 & 30. Half a day on Friday, the 29th and all day on the 30th.

Administrator Jordan requested a date for a budget committee meeting. Mayor Taylor commented that a wagon train would be in town on or about October 13th and we would be expected to participate in some manner in this occasion. The Council settled on Tuesday, October 12th, 7:00 p.m. for the budget meeting.

The FOCUS group will be meeting tomorrow evening at 5:30 p.m., at the Beaverton City Hall.

Administrator Jordan reminded the Council of the Clackamas County Cities Association meeting on Thursday, September 23rd.

Mayor Taylor reminded the Council that November 7, 8 & 9 is the League of Oregon Cities Annual Convention.

Chief Giger reported that the mural on the Police Department is almost done. Mayor Taylor commented that he did not see the legend of the picture. Mr. Giger will check on the legend.

- ACTION REVIEW:**
1. Allowing VFW to hold a garage sale in parking lot at NW Elm and First.
 2. Signing contracts with Kittleson for Transportation Master Plan and Curran-McLeod for Stormwater Master Plan.
 3. Bringing back Ordinance 899 & 900 at next meeting.
 4. Working with the CCC regarding their issues.
 5. Tickets available at City Hall for the "Fall into the Night."

****Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(i), employee performance evaluation. Seconded by Councilman Driggers and approved 6-0.**

Mayor Taylor recessed the regular session at 9:15 p.m. to go into Executive Session.

Mayor Taylor reconvened the regular session at 10:50 p.m.

Administrator Jordan asked for clarification on the format for the next meeting regarding

the public hearing due to the expected attendance. Mayor Taylor said he like to give everyone an opportunity to speak, however, this could easily become a two meeting hearing. Mayor Taylor suggested a half hour for the proponents, set opponents at 2-3 minutes, and then allow rebuttal. He asked for a three minute timer. Mr. Jordan said the main idea from both sides is that the hearing be "fair."

**Councilman Prince moved to approve the salary increases as discussed for City department heads, retroactive to July 1, 1993. Motion seconded by Councilman Driggers and approved 6-0.

Mayor Taylor adjourned the session at 11:00 p.m.

EXECUTIVE SESSION
SEPTEMBER 15, 1993

PRESENT: Mayor Taylor, Councilors Driggers, Daniels, Stark, Prince, Nolder and Miltenberger and Administrator Jordan.

Mayor Taylor called the session to order at 9:28 p.m., in the CUB conference room.

ORS 192.660 (1)(i) - The Council discussed the job performances of City department heads and salaries.

Mayor Taylor adjourned the session at 10:42 p.m.


Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor

PROCLAMATION

WHEREAS, Cities and counties are working together to provide effective, efficient waste reduction and recycling programs to Oregonians; and

WHEREAS, Public agencies and private businesses are incorporating cost-effective waste reduction practices into their everyday activities; and

WHEREAS, Oregon youth are taking an active role in preserving our natural environment for generations to come.

NOW THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, hereby proclaim October 2 - 9, 1993 as the eighth annual

RECYCLING AWARENESS WEEK

in Oregon and specifically, Canby. I encourage each City resident to practice the essential environmental habits of reuse, reduction, and recycling in their homes, workplaces and school.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 15th day of September in the year of our Lord One Thousand Nine Hundred and Ninety-Three.


Scott Taylor, Mayor