

**CANBY CITY COUNCIL  
REGULAR MEETING  
DECEMBER 16, 1992**

Mayor Carroll presiding. Council members present: Scott Taylor, Keith Stiglbauer, Maureen Miltenberger, Terry Prince, Robert Smith and Walt Daniels.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, Police Chief Jerry Giger, Library Director Beth Saul, Swim Center Director Scott Nelson, City Planner Bob Hoffman, Recorder Pro-Tem Marty Moretty, Mark Triebwasser and several citizens that received Library awards.

Mayor Carroll called the regular session to order at 6:30 p.m. and immediately recessed for a workshop session.

Mayor Carroll reconvened the regular session at 7:30 p.m., followed by the flag salute and meditation.

Roll call of Council showed a quorum to be present.

**MINUTES OF PREVIOUS SESSIONS:** \*\*Councilman Daniels moved to approve as distributed the minutes of regular session, December 2, 1992. Motion seconded by Councilman Smith and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None presented.

**LIBRARY AWARD PRESENTATIONS:** Mayor Carroll reported that originally the presentations were to be during the Library Open House a couple weeks ago, however, weather conditions prevented the attendance of recipients.

Beth Saul explained that a Christmas Story contest for 5th and 6th graders was held. A citizen donation had made it possible to award a \$15 first place, \$10 for second and \$5 for honorable mention. Also, certificates will be awarded to participants. Mrs. Saul also wanted to recognize George Higley, a local carpenter, who has made most of the "wood furnishings" in the library at a very nominal cost.

Mayor Carroll presented the awards to the following students: First prize for sixth grade, Nicole Snider, second prize to Katy Zollner and honorable mention to Kyle Kraxberger and Russ Burnett. Fifth graders, first prize went to Sarah Hoffman, second prize Lateefa Hoover and honorable mention to Ronecca Dockter, Elizabeth Hughes, Lura Lee Stone, Christina Newton, Katy Nell Siegel, Virginia Ulrich, Olivia Dell and Danielle Rynearson.

Mayor Carroll also recognized George Higley with a certificate of appreciation for his many hours of donated time and workmanship in making the library furniture.

**PUBLIC HEARING:** ANN 92-07 Pizzuti and Woolhiser Annexation - The Mayor reviewed the hearing procedure.

Mayor Carroll asked the Council if anyone had any conflict of interest on the matter. None was voiced.

Mayor Carroll asked the hearing body if anyone had any exparte contact on the issue. None was voiced.

Mayor Carroll opened the session at 7:40 p.m.

Staff - Bob Hoffman, City Planner, reported that the Pizzuti's and Woolhiser's property is contiguous to City property and is within the Urban Growth Boundary. The annexation request does meet the ordinance criteria and the Planning Commission has recommended that the Council recommend approval to the Boundary Commission for the parcels. Mr. Hoffman pointed out that one letter in opposition from Craig Shinn was received, suggesting that the property be retained as farmland.

The property is located between N.E. 20th and 22nd, fronting N. Maple Street. There is an existing home on the 1/2 acre parcel and the remaining approximate 4 1/4 acres is vacant. All services can easily be extended to the property. Mr. Pizzuti has indicated that he only will build one house on the property. It will be zoned R-1, with a long term potential of dividing for more development. The area is intended for first stage development

Councilman Taylor asked where the actual Urban Growth Boundary ends. Using a map, Mr. Hoffman showed that the boundary runs about 150 feet west of Maple and north of 22nd Avenue. The property in question is south of N.E. 22nd.

Councilman Taylor asked if the existing home would connect to City services. Mr. Hoffman said that is the major reason for annexation is to hook-up to City services.

Councilman Prince asked about sidewalk requirements. Mr. Hoffman said the existing home would not be required to build a sidewalk unless major changes were proposed. If any "further" development is done on the Pizzuti property then sidewalks would need to be constructed.

PROPOSERS: Tony Pizzuti informed the Council that he currently lives on N.E. 20th and wants to build a new home on the five acres and utilize City services. At this time, or even in the foreseeable future, there are no future development plans. In fact, Mr. Pizzuti suggested that he would like to place his home in the middle of the parcel.

OPPOSERS: None voiced.

Mayor Carroll closed the hearing at 7:55 p.m.

Councilman Prince noted that one of the Commission recommendations was not to place the house in the middle of the parcel. Mr. Hoffman said that was right, this was so a road could ultimately be put through the parcel to service the rear portion.

Attorney Kelley suggested that the resolution title be changed to "recommendation of approval to the PMALGBC".

**\*\*Councilman Taylor moved to adopt Resolution No. 526, A RESOLUTION RECOMMENDING APPROVAL TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF TONY PIZZUTI), OF TAX PARCELS 600 AND 601 OF TAX MAP 3S-13-28DB, APPROXIMATELY 4.7 ACRES, LOCATED ON THE WEST SIDE OF N. MAPLE STREET, BETWEEN N.E. 20TH AVENUE AND N.E. 21ST PLACE. Motion seconded by Councilwoman Miltenberger and approved 6-0.**

COMMUNICATIONS: Letters Regarding Canby Village - Administrator Jordan explained that we had received numerous letters from residents of Canby Village. Mr. Jordan said the apartment complex was built under the Farmers Home Administration Program that allows for subsidized or low rental rates and the owner has the ability to

prepay the mortgage with FMA which would remove the restriction on the rental rates. There is a process to go through for the prepay, including a public hearing and an offer of incentives to keep it in a low income status. Mr. Jordan noted that the letters from the tenants are requesting the City to assist them in any way possible.

Councilwoman Miltenberger reported that she had spoken with Clackamas County Legal Services and they urged tenants to individually contact the legal services for assistance and "not to panic" since this is a long process and some other types of assistance could be available, such as Section 8. However, Ms. Miltenberger said it was suggested that the City Council send a letter supporting the concerns of the tenants.

The Council unanimously approved the concept writing a letter to the FHA requesting they implement incentives to keep the Canby Village on a low income/subsidized rental program.

**NEW BUSINESS: Accounts Payable** - \*\*Councilman Prince moved to approve payment of accounts payable in the amount of 92,363.56. Motion seconded by Councilman Daniels and approved by roll call vote, 6-0.

**Swim Center Fee Increase Proposal** - Scott Nelson, Swim Center Director, handed out a survey of pool fees from 27 various entities in Washington and Oregon.

Mr. Nelson reminded the Council that the Budget Committee requested the Swim Center to review their fee schedule, specifically the "fairness" aspect. The Policy Advisory Board undertook this task and requested input from the senior swimmers and Swim Team.

Mr. Nelson briefly reviewed the current financial situation of the pool, including revenues and expenditures. Prior to setting the proposed fee increase, Mr. Nelson surveyed other pools and in particular looked at the "top end" of facilities, these are essentially aquatic theme parks with water slides, wave pools, etc. and these facilities charge \$4.00 for single admission, \$9.00 for a family. Mr. Nelson said they found it too difficult to divide the rates into "in-City" and "out of City", therefore setting one rate of \$2.00, which is half of what the premier centers charge. Mr. Nelson also reviewed the other fees: ticket books which are for ten swims; and monthly and annual passes. He noted that the greatest increase was for "out of City" users. Finally, he reviewed the lesson program rates, swim clubs, rental rates and the financial assistance program using the current federal poverty guidelines.

Mr. Nelson suggested that instead of a flat senior citizen discount, he proposed using the federal poverty guidelines. Also, he said he would like to see a discount for children.

Mr. Nelson said he felt the fees, as proposed, along with City taxes, and user fees would cover the operational budget provided they don't lose any users. The proposed effective date would be March 23, 1993.

Councilwoman Miltenberger questioned the rationale for having the admission fee be a straight \$2.00 for youth and adults. Mr. Nelson said swims for children require more staffing, thus more costly.

Councilwoman Miltenberger felt that seniors citizens are too "proud" to participate in the low income fee schedule. Mr. Nelson said that most pools offer a discount for youth and seniors. He also felt the proposed fees fell right in the center of what other pools charge.

Councilman Prince questioned why general admission was a straight fee, when tickets and passes were based on in-City and out-City. Mr. Nelson said it was primarily an administration problem, when passes are purchased proof of living in the City is required.

Councilman Taylor said he felt it would be important for the future to generate revenues to plan for capital outlay not only operational expenses. Mr. Taylor suggested that general admission have a break for in-City and out of City fees. He also suggested some type of break in the fees for the youth.

Mark Maxwell, Swim Team Coach for the past 12 years, said the new fee schedule seemed to "hit the Swim Team quite hard", and he cited several areas of the proposed schedule in support of his request for a reduction in the Swim Team rates which he said affected about 40 families.

Mayor Carroll asked how many teams use the pool. Mr. Maxwell said Molalla joins the Canby program and the high school and N. Marion also have teams that use the pool. However, the Gator Team is the only year-around team for about 10 hours a week.

Councilman Taylor asked if there were additional fees to join the Gator's. Mr. Maxwell said it would cost about \$80 additional a month to belong to the Gator's besides the proposed fee schedule.

Sharon Smith read a letter expressing her concerns about the rates for the Gator Team being too high. She specifically cited the support that Canby Kids receive and urged the same support for the swimmer athletes. Mrs. Smith said two-thirds of the team members live out of the City limits and would have to pay even high team rates, she asked the Council to reconsider this fee.

Mr. Nelson pointed out that the two hours per day the Swim Team uses the pool is prime time and rentals are off time, when the pool wouldn't normally be used. He also gave a cost analysis break down using the out of town pass figure, resulting in a 50 cent cost for swimming in the final break down.

Councilman Taylor pointed out that the Swim Team uses the pool two hours per day and the revenue generated for that time period depends on the number of members on the team.

Councilman Prince said the Swim Team is getting a discount, compared to what the high school teams pay.

Councilman Taylor pointed out that we would only lose about \$1500 annually if we allowed the Gator's to all use the "in-City" fee. He said he was willing to give up the \$1500.

Mark Maxwell still felt there should be a reduction for the team members.

Mark Triebwasser said if the Swim Team pays about \$5,000 per year for 500 hours of use, that comes to only \$10.00 per hour, or \$20 per day which is less than half of the non-prime use fee.

Mr. Maxwell said the team does not use any personnel, only the cost of heating the pool, lights, etc.; and the prime time is not substantiated.

Mr. Nelson said that the time slot could be used for lessons, however, this is the proper time for swim team pool use.

Mr. Triebwasser said the rates have been the same for fifteen years. Mr. Maxwell said it was only ten years ago and at that time there was no charge and it was devastating when the team had to start paying for use of the facility.

Mayor Carroll asked the Council for direction or action on the fee proposal.

Councilman Taylor asked what a "swim pass" permits. Mr. Nelson reviewed the various times of the day that lap swims and recreation swims are held; and the fact that a pass allows discounts for lessons.

Councilman Taylor said he would like to see a new rate on the daily admissions for the youth that gives a break to in-City and out of City and make it a little less than \$2,00, particularly the in-City kids. He suggested \$1.75. Mr. Taylor suggested some type of adjustment on the Swim Team fees, so a pass would not be a better buy than a Swim Team fee, as well as having only one rate for the team, an in-City rate.

Mr. Nelson asked about senior citizen discount. Councilman Taylor said he was in favor of senior citizen discount. Mayor Carroll agreed to leave the senior fees as is; individual admissions for kids he suggested should be lower.

Councilman Taylor reiterated that some type of youth rate should be set and differentiate between City and out of City, unless the staff feels it is too much of a "nightmare".

Councilman Daniels agreed with the senior citizen rate concept. He also said we needed to make activities affordable for the youth.

Councilman Smith asked how they would pick a fee for the youth.

Mr. Nelson said he would suggest \$2.00 for out of City youth and \$1.75 for youth and seniors and if you are "in the City" you would pay 75% of those fees. He suggested a discount for all fees for youth and seniors.

Councilman Prince was in agreement with youth and senior discount in all areas, however, he suggested a different rate on general admissions for out of City patrons. He suggested that the Gator's have the same rate as in City, and the other swim club rates remain as presented.

Councilwoman Miltenberger and Councilman Stiglbauer both agreed with what had been suggested by other Councilor's.

Mr. Nelson asked if he could have the fee schedule approved with the noted changes.

Administrator Jordan said the changes were substantial and should be brought back for final adoption.

Councilman Taylor said he wanted the board to have the flexibility to re-butt the changes if necessary. Mr. Triebwasser said they had worked on the proposal for five months, he wanted to know how much the Council wanted the users to pay.

Scott Nelson said currently the budget is at 50% taxes and 50% fees, and with the new schedule it may be 65% fees and 35% tax support.

Councilman Prince suggested more information on long term operational cost and long range projects. Councilman Taylor felt our only choice was to have the users pay as much as possible. Councilwoman Miltenberger said she feared we would have more crime if we can't provide things for our youth.

Mr. Nelson asked for clear direction on what percentage the Council wants to see in user fees. Councilman Taylor said they were doing fine with the direction they were taking and the more self-supporting the pool is, the better we are. Councilman Daniels suggested the phase one and two scenario and take a look at it again next year. Mr. Nelson said he would make the changes and bring it back to the next meeting.

**ORDINANCES & RESOLUTIONS:** None.

**UNFINISHED BUSINESS:** Recommendation from Planning Commission for Historic Preservation Ordinance - Mr. Hoffman said the commission is prepared to meet in a joint session and suggested February 3 or 17, 1993. The Council set February 3, 1993, as a joint workshop.

Guidelines of Police Community Advisory Team - Chief Giger said the guidelines included the previously requested changes.

Councilman Prince asked about the list of members and their voting power. He was told that the list had been approved, however, the voting power has not been defined.

Councilwoman Miltenberger said the group was to be an advisory group and didn't feel they would actually do any voting.

Councilman Taylor expressed a concern about the role this proposed group would play. He specifically said he hoped this group could come to the Council with recommendations.

Chief Giger said each month a different member would "head" the meeting. He pointed out that the meetings would be informational and voting doesn't seem to be an issue.

Councilwoman Miltenberger pointed out that the Council would be made aware of the meetings through the minutes, as well as her attendance as a liaison member.

Councilman Daniels reiterated that the committee will be making recommendations, in the same manner as the Traffic Safety Committee, to the Council and a consensus among the members will be needed.

Councilman Stiglbauer suggested that the guidelines were not "cast in stone" and after the committee meets a few times they will have a better idea of what direction they should seek.

Councilman Prince again expressed his concerns about having so many police department employees on the committee.

Chief Giger said the department members didn't need voting privileges, he said he wished all department members could attend the meetings so they would know what the concerns of the citizens are. He reminded the Council that this entire concept is "new" to them and at this point they don't know exactly what will happen.

Councilwoman Miltenberger noted that at the last meeting a member actually said they were a "strong willed" group and would not hesitate about letting their feelings be known. Also, the group said they wanted as many officers as possible be a part of the group to advise them of all aspects of the department activities.

Mayor Carroll suggested going forward with the proposal and reviewing it again in six months.

**\*\*Councilwoman Miltenberger moved to approve the Police Advisory Team Guidelines as submitted. Motion was seconded by Councilman Stiglbauer.**

**\*\*Councilman Taylor suggested adding in Section 2, " members will be approved by the City Council and each will have a vote." Councilman Daniels seconded this amendment. The Council approved the amendment 5-1, with Councilman Prince voting nay because of the previous list of the members.**

Attorney Kelley read from the previous session minutes, saying the Council gave a "general consensus of approval" of the proposed team members.

Councilman Taylor asked if the Council wanted the police department members removed as official members of the advisory team.

Attorney Kelley suggested that language be incorporated into the guidelines which say that the "members will serve at the pleasure of the Council." Administrator Jordan suggested that this would be consistent with other advisory boards.

**\*\*Councilman Daniels moved to amend the motion to adding the following to Section 2, Article III, "members will serve at the pleasure of the City Council." Motion seconded by Councilman Smith and approved 6-0.**

**\*\*Mayor Carroll called for a vote of the motion on the floor to approve the guidelines as amended. Motion was approved 6-0.**

**\*\*Councilman Prince moved to accept the membership of the Police Community Advisory Team as written in the guidelines and omitting any police officers as voting members. Seconded by Councilman Daniels.**

Attorney Kelley suggested that we remove the police officers that previously appeared on the list appointed to the advisory team.


**\*\*Both the maker of the motion and second, agreed to accept Attorney Kelley's recommendation to "remove the police officers that appeared on the previous list as members of the Police Community Advisory Team." Councilman Taylor noted that this does not intend to eliminate the police department from any discussions with the team. Motion was approved 6-0.**

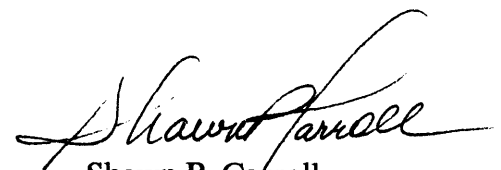
**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan said Mr. Hoffman will postpone the planning department update to another meeting time, Council agreed to the suggestion.

Councilwoman Miltenberger reminded the Council of the "Youth at Risk" program that has been quite successful, specifically with the Hispanic youth. Maureen said that Anne Almgren who ran the program is leaving the County agency.

- ACTION REVIEW:**
1. Send a letter to FMHA regarding Canby Village situation.
  2. Returning with Swim Center fee schedule.
  3. Recommending approval of the Pizzuti Annexation to the Boundary Commission.
  4. Schedule a February 3, 1993 workshop with the Planning Commission on the Historic Preservation Ordinance.

Mayor Carroll wished everyone a save holiday season and adjourned the meeting at 10:04 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Shawn P. Carroll  
Mayor