

**CANBY CITY COUNCIL
REGULAR MEETING
JUNE 3, 1992**

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

Also present: Public Works Director Rusty Klem, City Attorney John Kelley, City Treasurer Virginia Biddle, Library Director Beth Saul, Police Chief Jerry Giger, Lt. Jim Scharmota, Recorder Marilyn Perkett, Beverly Moffatt, Doug Haines, Larry Castle and David Ceignen.

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

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

MINUTES OF PREVIOUS SESSION: **Councilman Smith moved to approve as distributed the minutes of regular session, May 20, 1992. Motion seconded by Councilman Daniels and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROGRESS REPORT ON SEWER PLANT EXPANSION: Curt McLeod addressed the Council to briefly update them on the progress of the project at the sewer plant. Mr. McLeod reported that we had applied to the DEQ for a loan to recover planning fees of \$127,000. DEQ is currently processing our Stipulation and Final Order. Mr. McLeod informed the Council that the engineers meet every Thursday, at noon, with the plant operators to review various things and invited the Council to attend these meetings. He also reported that a firm will be demonstrating their odor control system at the plant, which utilizes a spray chemical.

PROCLAMATION: Unity Week - Mayor Carroll proclaimed the week of June 7-14, 1992, as Race Unity Week. Larry Castle introduced Doug Haines of the Baha'is of Clackamas County. Mr. Haines invited everyone to attend a free ice cream social at Wait Park on June 14th as an observance of the Race Unity Week and passed out pamphlets regarding this challenging issue.

COMMUNICATIONS: Hotel/Motel Tax - Beverly Moffat, Chair of the Task Force Committee, reviewed the ballot measure regarding the Amendment of the Transient Room Tax Ordinance. Ms. Moffat reported that the last 12 years there has been mismanagement in the distribution of the 6% hotel/motel tax. The proposal has a 9 member Tourism Development Council who will form a Tourism Master Plan to provide an equitable rate of sharing in the funds. The projected revenue next year will be 1.4 million. Clackamas County Fair will receive \$250,000, with the option to apply for special funds from the TDC.

Mayor Carroll reported that the Mayor's of Wilsonville and Sandy opposed the proposed ordinance, specifically because there were no guidelines for the 9 member TDC. Also, Lake Oswego has opposed the ordinance and Oregon City and West Linn have supported the ordinance.

Ms. Moffat said that Wilsonville also has their own tax and all of the taxes goes into the general fund, which they don't want to jeopardize. Lake Oswego receives \$50,000 to \$80,000 and they do not pay in, with only two hotels.

It was also reported that "The End of the Oregon Trail" promotion is requesting \$250,000 to \$300,000 for 3 to 4 years, from this tax.

Diane Precht, Chamber Manager, reviewed in detail the money they have received from this tax: 1990-91, \$3,520; in 1991-92, \$13,590; and projected for 1992-93, \$18,700. Mrs. Precht informed the Council that they are opposed to the ballot measure because of concerns regarding the 9 member TDC.

Councilman Prince also expressed concern about the 9 member TDC, who would be on the committee, and their criteria for allocating funds.

****Councilman Prince moved to support the concept of the proposed June 30th ballot measure to Amend the Transient Room Tax Ordinance, and a letter be sent to the Commissioners expressing the City's concern regarding the 9 member council that will administer the funds. Motion seconded by Councilwoman Miltenberger and approved 5-0.**

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$98,959.14. Motion seconded by Councilman Smith and approved by roll call vote, 5-0.

ORDINANCES & RESOLUTIONS: Resolution 509 - Rusty Klem explained that this was a "housekeeping" resolution and a part of the budget process. City Treasurer Biddle confirmed Mr. Klem's comments.

****Councilman Prince moved to adopt Resolution No. 509, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion seconded by Councilman Smith and approved 5-0.**

Councilman Daniels expanded upon the resolution by noting the services the City provides which makes us eligible for the tax revenues.

Ordinance No. 878 - Rusty Klem reported that the problem of littering, loitering and general discomfort for families visiting the Canby Community Park (River Park) has dramatically increased, primarily due to the consumption of alcohol by individuals at the park. Lt. Scharmota noted in a memo that there were 50 to 100 individuals in the park drinking heavily this past weekend and causing disturbances, as well as property damage.

Mayor Carroll asked why the River Park was not included in the current ordinance that prohibits no alcohol in Wait and Maple parks. Mr. Klem said he thought it was because there were many family and company picnics in that park that served beer.

Attorney Kelley pointed out the difference between the existing ordinance and the proposed ordinance, which was primarily prohibiting the possession and consumption of alcohol in municipal parks; and making it a Class C Misdemeanor, which carries a \$500 fine and 30 days in jail, or both. Mr. Kelley also pointed out that any time we incur a jail sentence, then we have an obligation to provide, if necessary, court appointed attorney and a jury trial.

Chief Giger said the appearance of the park and work by our Public Works crew has been a major factor in this request. He also said that Joe Gary, who lives in the trailer at the park, has been locking the gate at 10:00 p.m.

Councilwoman Miltenberger suggested we consider a system that would have exceptions to alcohol for groups holding special functions at the park. It was the general consensus that this concept would not be enforceable or equitable.

Rusty Klem noted that it took two crew members a half day at the park on Monday's to clean after the weekend activities.

****Councilman Daniels moved that Ordinance No. 878, AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF THE CANBY MUNICIPAL CODE 12.24.040, RELATING TO THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN MUNICIPAL PARKS; AND DECLARING AN EMERGENCY be posted and come up for final action on June 17, 1992. Seconded by Councilman Smith and approved, 5-0.**

UNFINISHED BUSINESS: Police Department Update - Chief Giger first reviewed his personnel, 22 employees, open 24 hours a day, one half of a Code Enforcement Officer and one third of a clerk.

Chief Giger reported that a merchant had solicited funds and purchased two mountain bikes, value of \$450 each, and donated them to the Police Department to use for special patrols, where a car cannot go, or for other advantageous reasons. Also, Caffall Brothers offered to provide the department with a motorcycle, which is street legal. if the department can get a second bike. Mr. Giger said these units would be very useful in areas such as the logging road that are blocked at both ends.

Chief Giger informed the Council that the new DARE Officer has made 28 presentations since his February hire date, as well has some patrol and training time. He felt that Officer Landis was making a good impression on the kids.

Lt. Jim Scharmota addressed the Council with specific information to a request during the budgeting process that the Council be provided with more detailed reports of police activity. Mr. Scharmota said his data gathering process has not been refined, however, he requested feedback from the Council on the information that he handed out to them. The Lieutenant briefly reviewed the past four months activity of the detectives, as well as some other department activity.

Mayor Carroll asked what some of the abbreviations meant. Mr. Scharmota said he would define them in future reports.

Mayor Carroll also inquired about the radar sign that we shared with Aurora. Chief Giger said that when Officer Kroeplin returns from parental leave we will again utilize it, although we have used it about 6 times.

Councilman Prince asked how the new ordinance regarding alcohol in the parks would be handled. Chief Giger said we would first "sign" all of the parks that alcohol was prohibited.

General Canby Day Update - Councilwoman Miltenberger reviewed some of the proposed activities for General Canby Day: Stan and Lois Slyter will be crowned King and Queen of the event on June 11th at the Adult Center; Betsy Ross has been selected as Grand Marshal; buttons are on sale for \$1.00; a breakfast is planned; a fun run and walk; auction; parade, with horse staging area at Eccles; horse and buggy rides; various musical entertainment; Karaoke; historical preservation tours; bingo, using the Chambers raffle permit; and fireworks at the high school. Ms. Miltenberger noted that the Canby Herald will have a detailed story regarding the July 4th event. She also requested that the streets around the park be closed for the day.

Councilwoman Miltenberger asked for Council volunteers to man the information booth and to sign up with her if they intended on riding in the parade.

OTHER REPORTS OR ANNOUNCEMENTS: Recorder Perkett informed the Council

that three more neighborhood forums have been scheduled and requested a Council volunteer to be present at each one: June 22, Canby Assembly of God Church at 1477 N. Manzanita; June 24, Canby Mobile Manor, 835 S.E. First Avenue; and July 8, Elmwood Mobile Court, 1400 S. Elm Street.

Beth Saul reported that the Canby Centennial Committee meets the first Thursday of each month and invited anyone interested to attend.

Mrs. Saul also noted that a group of citizens concerned about unattended children has organized, Canby Youth Project, and will meet in the library the second Tuesday of each month.

- ACTION REVIEW:**
1. Race Unity Week observance will be June 14th in Wait Park.
 2. Send a letter to the Clackamas County Commissioner with concerns about the Hotel/Motel Tax.
 3. Implement Resolution No. 509.
 4. Post Ordinance No. 878, to have final action on June 17.

Mayor Carroll adjourned the regular session at 9:07 p.m.



Marilyn K. Perktt
City Recorder



Shawn P. Carroll
Mayor

P R O C L A M A T I O N

WHEREAS, We as a community recognize the spiritual principle of the Oneness of Humanity; and

WHEREAS, We hold a deep respect for the dignity of every human being in our City; and

WHEREAS, June 14, 1992, has been designated RACE UNITY DAY by the United Nations.

NOW THEREFORE, I, Shawn P. Carroll, Mayor of the City of Canby, Oregon, hereby proclaim the week of June 7 - 14, 1992, to be

RACE UNITY WEEK

in the City of Canby and urge our citizens to participate in the observance on June 14th in Wait Park.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 3rd day of June in the year of our Lord One Thousand Nine Hundred and Ninety-Two.

Shawn P. Carroll, Mayor