

**CANBY CITY COUNCIL  
REGULAR MEETING  
JUNE 17, 1992**

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

Absent: Maureen Miltenberger and Keith Stiglbauer

Also present: Administrator Michael Jordan, City Treasurer Virginia Biddle, City Planner Bob Hoffman, Librarian Beth Saul, City Recorder Marilyn Perkett, Public Works Director Rusty Klem, Assistant Planner Jim Wheeler, J.A. Bergen, Gary & Chris Kohfield, Steve Emig, Janet Hebdon, Rodney & Harriet Blethen, Fred & Bettie Postlewait, Cam Sivesind, Janet Paulson and Lan Davis.

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 SESSIONS:** \*\*Councilman Daniels moved to approve as distributed the minutes of regular session, June 3, 1992 and the special session, June 9, 1992. Motion seconded by Councilman Smith and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Beth Saul addressed the Council on the current American Disability Act (ADA) requirements that the City is pursuing. Mrs. Saul invited any Council member or citizen who would like to serve on the ADA Task Force Committee to contact her of the business office.

**PUBLIC HEARINGS:** Supplemental Budget, 1991-92 - Mayor Carroll reviewed the public hearing procedure. The Mayor asked the Council to declare any conflict of interest or exparte contact on the issue, none was voiced.

Staff - Virginia Biddle, City Treasure explained that we had received funds that were not budgeted from forfeitures, library donations and cash carryover . That money needed to be budgeted for expenditures. Also, there was a \$100,000 transfer from other funds to the Sewer Construction for expenditures. The Debt Service had a cash carryover to cover bond expenses.

Mayor Carroll opened the hearing for public input at 7:42 p.m. and immediately closed the hearing since there was no public comments.

\*\*Councilman Prince moved to adopt Resolution No. 511, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET, seconded by Councilman Daniels and approved 4-0.

State Revenue Sharing, 1992-93 - Mayor Carroll briefly reviewed the hearing process.

Staff - Virginia Biddle reported that we would receive \$30,000 as State Revenue sharing money to be budgeted in the General Fund.

Administrator Jordan noted that in the past we have received a great deal more revenue sharing money from the state and federal which was budgeted for our outside agencies, such as Canby Kids, Chamber of Commerce, Community School, etc.

Mayor Carroll opened the hearing at 7:46 p.m. for public comments. None was expressed and the hearing was immediately closed.

**\*\*Councilman Prince moved that Ordinance No. 877, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1992-93 FISCAL YEAR, be properly posted and come up for final action on July 1, 1992. Motion seconded by Councilman Smith and approved 4-0.**

1992-93 City Budget - The hearing process was briefly reviewed by the Mayor.

Staff - Virginia Biddle explained that our total proposed budget was \$5,128,252, our expected resources are \$3,841,229, the debt bonds for the library are \$71,420, and the tax base is \$1,325,000.

Administrator Jordan explained that the 12 member budget committee met about nine times to finalize and analyze the proposed budget.

Mayor Carroll opened the hearing at 7:51 p.m.

Gary Kohfield asked how the City could "afford" all the new vehicles he observes in the City. Mr. Jordan noted that there are no new vehicles in the proposed budget, and many of the new public vehicles in town belong to the Canby Utility Board.

Mayor Carroll closed the hearing at 7:53 p.m.

**\*\*Councilman Daniels moved to adopt Resolution No. 512, A RESOLUTION ADOPTING BUDGET AND MAKING APPROPRIATIONS FOR THE 1992-93 FISCAL YEAR. Motion seconded by Councilman Smith and approved 4-0.**

**COMMUNICATIONS: Parade Request** - Administrator Jordan reviewed a request from Doug Truax, Muscular Dystrophy Association Parade Coordinator, requesting permission and police escort for a parade. The parade is on July 23, and is to transport camp participants from the Canby Grove Conference Center to the Knight Elementary School for a dance. Chief Giger had prepared a memo approving the parade route and request for assistance.

**\*\*Councilman Taylor moved to approve the request of the Muscular Dystrophy Association for a parade and police escort on July 23. Motion seconded by Councilman Prince and approved 4-0.**

**NEW BUSINESS: Accounts Payable** - **\*\*Councilman Prince moved to approve payment of accounts payable in the amount of \$97,127.13, seconded by Councilman Smith and approved by roll call vote, 4-0.**

Year End Accounts Payable - Recorder Perkett reminded the Council that the City's year end is June 30, and all accounts must be closed on that day and checks mailed.

**\*\*Councilman Taylor moved to authorize Councilman Prince to approve the year end accounts for payment on June 30. Motion seconded by Councilman Smith, approved 4-0.**

Mayor Carroll thanked Terry Prince, Chair of the Budget Committee, the Council and Budget Committee for their work on this year's preparations.

Liquor License Application - Recorder Perkett explained that the application of Lan's Country Landmark for a package container liquor license to sell beer and wine at their Mini-Mart is the former location of the Flying A Service Station on Hwy 99E.

**\*\*Councilman Taylor moved to recommend approval to the O.L.C.C. for a package container liquor license to Lan's Country Landmark. Motion seconded by Councilman Prince and approved 4-0.**

**ORDINANCES & RESOLUTIONS:** Ordinance No. 878 - Administrator Jordan explained that since the problems in the Community Park initiated this ordinance, the City crew has gone to a split shift to allow for seven day coverage in the parks. This has helped alleviate the litter problems.

Councilman Daniels asked if the parks have been signed and was informed that we are waiting for a sample from Woodburn that has English, Spanish and Russian wording.

**\*\*Councilman Taylor moved to adopt 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.** Motion seconded by Councilman Prince and approved 4-0, by roll call vote.

Councilman Taylor asked if the boat launch would be involved with this matter and was told it would. The suggestion was made to be sure a sign faces the river.

Mayor, Carroll asked that citizens help in solving our problems in the municipal parks and to call the police if they have any concerns regarding any potential problems.

Ordinance 879 - Attorney Kelley explained that this ordinance deals with the storage of abandoned vehicles on private property. The present ordinance does not "limit" the number of "junked, wrecked or inoperable" vehicles that one must have in an enclosure. The new ordinance proposed the number to be three and staff suggested that the "enclosure" language be more definitive. Mr. Kelley said the enclosure could be a building or a sight blocking fence.

Administrator Jordan explained that this is one of the issues that we deal with that we try to create a "balance" between private property rights and the community needs for a "livable" neighborhood.

Councilman Smith suggested that the vehicles be in a building enclosure and not a fence.

Councilman Taylor suggested that the number of vehicles that are allowed to be enclosed be two instead of three. The Council agreed with the suggestion for no more than two vehicles.

Rod Blethen, 1240 N.E. 11th, suggested that the Council set a time frame for allowing a specific vehicle to be in an enclosed yard. He asked if this was one specific case and was informed it involved more than one complaint and in one case couldn't be resolved by moving everything behind a fence. Mr. Blethen also suggested a permit system for allowing people to have inoperable vehicles.

The Council agreed 3 to 1, to have sight blocking fences, with Councilman Smith voting for a building enclosure.

The Council suggested that staff contact other cities to see what their ordinances require and return to Council with those samples for further considerations.

**UNFINISHED BUSINESS:** Logging Road Update - Rusty Klem reminded the Council that when the City took ownership of the Logging Road in 1987, the intent was to make it a road, using the over-pass. In 1991, when the Logging Road was annexed to the City, the suggested use was for a bikepath/pedestrian walkway and for emergency vehicle use. He asked the Council, "What do you want to use it for?"

Administrator Jordan noted that we are currently having property annexed on the east side of the Logging Road and the future of the infrastructure placement is being discussed, this makes the use of the road an issue to be clearly defined.

Councilman Prince said that he felt the intent of the Council at the time of annexation was made clear it was to be a bikepath/walkway and used for emergency vehicles.

Administrator Jordan stated that no policy had been set as to the exact use of the road and we need a clear issue before we proceed with planning for the area.

Councilman Taylor said he disliked making a decision that might dictate future needs.

Councilman Daniels also said he would not like to lose the "option" to make the site a future road.

Councilman Smith said in 1988 when he was asked to look at the overpass bridge, he felt it was not adequate for two way traffic and it was ideal for a walkway/bikepath.

Chris Kohfield, 1215 N.E. 11th, presented a petition with 19 signature from residents on her street, requesting that N.E. 11th remain as is and not a through street, and to keep the Logging Road as a bikepath/walkway.

Gary Kohfield, 1215 N.E. 11th, said that limited access for the police on the Logging Road was not a concern, he was not in favor of making this a road for future development and felt the current residents should be able to have a say in the use of the road and not future residents.

Bettie Postlewait, 1629 N. Redwood, said that during the annexation process the Logging Road was proposed to be a bikepath/walkway and she would like to encourage that use.

Janet Hebdon, 1276 N.E. 9th, urged the Council to leave the Logging Road as it is now.

Steve Emig, 1275 N.E. 11th, agreed with his neighbors, however, he questioned the motorcycles using that road.

Rodney Blethen 1240 N.E. 11th, asked if the south side of the road would be accessed for emergency vehicles use. Mr. Jordan said in the future they may use 13th as an access area.

Councilman Prince reiterated his desire to keep the area as a jogging path.

Councilman Daniels asked if the pot holes could be fixed with a little asphalt. Mr. Klem said it would take a "lot" of asphalt, however, there is not enough traffic to keep the asphalt down. Also, they have trimmed the brush so it doesn't contaminate the road base.

\*\*Councilman Prince moved that we define the usage of the Logging Road as a bikepath/pedestrian and for emergency vehicle use only. Seconded by Councilman Daniels

The Council briefly reviewed where access would be for the emergency vehicles and ultimately decided to leave the motion as it was originally stated.

Mrs. Kohfield restated that she was concerned about where the emergency vehicles accesses would be and felt the road should be properly secured to other traffic.

Councilman Taylor reviewed the motion, the road is to be dedicated in the future for bike and pedestrian traffic only, with the exception that emergency vehicles may use it with

limited accesses, which means in the future we could make an access at some particular area on the road.

**\*\*Motion passed, as stated, 3-1, with Councilman Taylor voting nay.**

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan reported to the Council that the City had contracted with an individual to assist as a building inspector for 50% of the permit fee. This was done specifically because of the work load that we will have during the process of the two school constructions.

Councilman Taylor expressed his concern about the City providing the same service level without a budget change. He reiterated the fact that we cannot keep providing the same level of service without additional funding.

Rusty Klem noted that we currently contract with the County to cover for our staff Building Official when he is out of the office and it is far more expensive, this is a another way of providing that service.

**OTHER REPORTS OR ANNOUNCEMENTS:** Public Works Department Update - Rusty Klem addressed the Council to update the Parks, Motor Pool, Cemetery and Street Departments.

**Parks** - Mr. Klem said we currently have two employees working a split shift to cover the parks seven days a week, the visibility of a City vehicle and personnel seems to help our problems in the parks.

**Motor Pool** - He reported that the field consumption and maintenance records are currently being entered in a spread sheet computer program. A new police car has been delivered and is being retrofitted for police work. The crane has been inspected and some deficiencies found, which will be improved.

**Cemetery** - Mausoleum sales have been very slow, niches are selling, however, the crypt space sales is disappointing. A new access to the cemetery on Walnut Street is being planned within the next couple years.

**Sewer** - We have received the 0% DEQ loan of \$127,700 to pay back the facilities plan work done on the sewer project. The plant is experimenting with an ultraviolet method to replace the chlorine use at the plant as part of the design project. Another experiment is a ring lace process which suspends the bacteria for an even distribution. Six lift stations have had an annual service.

**Street** - Mr. Klem reported that there will soon be some improvements to S. 13th, right turn lane and curbs, and we are working with the school district on this project. The Federal Aid Urban (FAU) funding is changing funding criteria, with approximately \$47,000 for the next cycle and we can get 94 cents on the dollar for use in immediate projects. Also, they are changing their name to Service Transportation Programs (STP).

**General** - a recently formed service provision group, involving utility service providers, i.e., CUB, Canby Telephone, Fire Department, Cable TV, meets to review specific development sites to look ahead for better planning strategies.

Mayor Carroll asked about our mowing process at the cemetery, due to some complaints about cut grass laying around. Mr. Klem said we are currently in the process of providing a grass catcher for the Hustler mower and that should solve the problem.

Councilman Prince asked if FAU funds would be for specific area projects. Mr. Klem said we would not have to follow a previously approved projects list, it could be used for any approved project.

Mayor Carroll asked about the problem at the end of Birch Street where a hole is forming. Mr. Klem said we have problems with our drywells in that area of town due to the sandy soil, it usually takes a long period of time for the settling in the drywells so we keep repairing them as the problem arises.

At this time, Bob Hoffman, City Planner, announced that the Canby Herald had stated that the Comp Plan/Zone Change for the Chitty's near N. Baker and N.W. 5th would be a July 1st Council agenda item. However, this will be on the Council July 15 agenda.

Administrator Jordan reminded the Council of the Cities Association meeting on July 25th being hosted by Molalla at the Arrowhead Restaurant.

- ACTION REVIEW:
1. Approve the Muscular Dystrophy parade request.
  2. Recommend approval to OLCC for Lan's Country Landmark package container liquor application.
  3. Implement Supplemental Budget for 91-92, by Resolution 511.
  4. Approve 92-93 City Budget by Resolution 512.
  5. Install signs in municipal parks prohibiting alcohol.
  6. Approve Revenue Sharing requirements.
  7. Obtain sample ordinances regarding enclosure of abandoned vehicles.
  8. Proceed with a plan for service delivery around north end of Logging Road, assuming that road will be a bikepath/walkway and use by emergency vehicles only.

\*\*Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(i), regarding employee performance evaluations. Motion seconded by Councilman Prince and approved 4-0.

Mayor Carroll recessed the regular session at 10:00 p.m. to go into Executive Session in the Police Department. The regular session was reconvened at 11:20 p.m.

\*\*Councilman Taylor moved to approve the compensation for management staff as presented (a copy of the salary schedule is part of the minutes of this meeting) and the benefit package as follows: the medical package plan will be a change to Blue Cross Plan 5, Plan 2 for the Life Insurance and a Long Term Disability Insurance Plan, with the premiums to be 100% paid by the City. Motion seconded by Councilman Smith and approved 4-0.

Mayor Carroll said that a 6% salary increase has been approved for Administrator Michael Jordan and continuing the higher education benefits.

Councilman Daniels suggested that Mr. Jordan's compensation/benefit package be put in writing. Mayor Carroll said he would do an addendum letter to the present Administrator contract.

Mayor Carroll adjourned the session at 11:23 p.m.

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EXECUTIVE SESSION  
JUNE 17, 1992

Present: Mayor Carroll, Councilor's Taylor, Prince, Daniels and Smith, Administrator Jordan and Herald reporter Cam Sivesind.

Mayor Carroll called the session to order at 10:08 p.m., in the Police Department

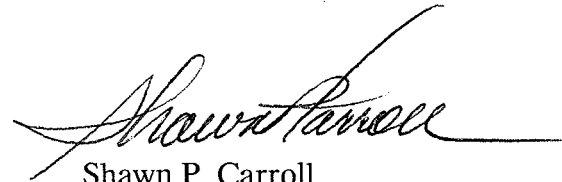
Conference Room.

ORS 192.660 (1)(i) - The Council discussed job performance evaluations for City employees.

Mayor Carroll adjourned the session at 11:17 p.m.



Marilyn K. Perkett  
City Recorder



Shawn P. Carroll  
Mayor