

**CANBY CITY COUNCIL  
REGULAR MEETING  
AUGUST 19, 1992**

Mayor Shawn P. Carroll presiding. Council members present: Keith Stiglbauer, Maureen Miltenberger, Scott Taylor, Terry Prince, Robert Smith and Walt Daniels (Mr. Daniels arrived at 8:06 p.m.).

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Planner Bob Hoffman, City Recorder Marilyn Perrett, Swim Center Director Scott Nelson, Police Chief Jerry Giger, Jerry Gibbs and Cam Sivesind.

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, August 5, 1992. Motion seconded by councilman Prince and approved 5-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Mayor Carroll informed the Council that the Clackamas County Commissioners have scheduled a meeting in the City Council Chambers for September 1, 1992, Tuesday, to discuss the proposed three county merger.

Councilman Taylor said he thought the merging proposal was no longer an issue.

Administrator Jordan said that a judge had found the ballot measure as not legal, however, the matter has "not gone away." Also, at the September 1st meeting they will probably discuss the issues of the Governor's Task Force regarding combining services; and the Metro Charter issue which will be on the ballot.

**COMMUNICATIONS:** None presented.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Prince moved to authorize payment of accounts payable in the amount of \$86,842.70. Motion seconded by Councilwoman Miltenberger and approved by roll call vote, 5-0.

N. Aspen Street Dedication - Administrator Jordan explained that this was an offer of a small parcel of land for street improvements on N. Aspen off of Knights Bridge Road. The street is extremely narrow in that area, almost one lane traffic, and an older home sits on the west side. Mr. Jordan explained that if we accept the dedication, the curb would be approximately 12 feet from the house.

Councilman Taylor asked how these types of street problems are allowed to happen during the building of a subdivision. Mr. Jordan said it was many years ago and he didn't know.

Mr. Taylor asked if Aspen would also be the only exit for the new subdivision on Ash. Mr. Jordan said that we will be negotiating with Mr. Tatone for a dedication to make another exit from that area on N. Ash onto Knights Bridge Road.

\*\*Councilman Prince moved to accept, for recording, the offer of dedication by Terry and Cheryl Learfield for street improvements at the intersection of N. Aspen Street and Knights Bridge Road. Motion seconded by Councilman Smith and approved 5-0.

**ORDINANCES & RESOLUTIONS:** Resolution No. 517 - Administrator Jordan

explained that this resolution was drafted on request of Gerald Gibbs who is purchasing Northwest Machines Works through a State of Oregon loan. The ORS requires a resolution from the City for approval of the small business loan.

**\*\*Councilman Taylor moved to adopt Resolution No. 517, A RESOLUTION AUTHORIZING APPROVAL OF THE OREGON BUSINESS DEVELOPMENT FUND PROJECT PROPOSAL BY NORTHWEST MACHINE WORKS, INCORPORATED. Motion seconded by Councilman Prince and approved 5-0.**

**UNFINISHED BUSINESS: Final Order, David Nelson CUP 92-04** - Planner Hoffman said this document was the Final Order for Dave Nelson's five unit mobile home park on S. Elm. He pointed out one new condition, # 23, "the June 22 agreement between Mr. Nelson and Mr. and Mrs. Ellickson is understood to reference the revised plan for the site, dated June 16, 1992, not the original plan which had been erroneously attached to the agreement."

Councilman Stiglbauer noted that he would abstain from voting on this matter since he had not attended the August 5th meeting.

**\*\*Councilman Taylor moved to adopt the Final Order drafted by staff for the David Nelson, Conditional Use Permit, 92-04. Motion seconded by Councilman Prince and approved 4-0, with Councilman Stiglbauer abstaining.**

**OTHER REPORTS OR ANNOUNCEMENTS: Swim Center Update** - Aquatics Director, Scott Nelson, said he would consider this report as his 1991-91 annual update:

- \* attendance for this years was 72,500, up from the 64,000 in 1990-91.
- \* revenue was \$103,366 for 1991-92, up from 1990-91 of \$64,000.
- \* operational cost recovery for 91-92 was 45%, up from 90-91, which was 37%. Their goal is to reach 50%, which is considered the tops in the aquatics industry and they feel they can achieve that goal.
- \* fitness swims had 22,000 annual attendance last year.
- \* 19,000 for lessons and recreational swims; and the pool had to turn patrons away seven times this summer during open swims, due to capacity.
- \* 1,900 students received summer swim lessons, most of them from Canby and Wilsonville, however, most of the surrounding areas had students in the lessons.
- \* fall lessons have opened and now have a waiting list.
- \* Advisory Board is working on a new fee schedule which should be ready for the October budget meetings.
- \* a committee has been formed to make considerations for expansion and additions for future use.
- \* after Labor Day the pool will be closed for a week for maintenance.

Administrator Jordan reminded the Council of the Clackamas County Cities meeting on August 27th in Oregon City.

Recorder Perkett reminded the Council that prior to the beginning of the budgeting sessions in October, another budget committee position needs to be filled.

Chief Giger reported that his department had received just under \$15,000 in civil forfeiture money in one drug related case; and another \$1,000 in another case. Mr. Giger noted another forfeiture is pending, with a sizable amount. Chief Giger said they had started a narcotics case and served a warrant on an individual, Canby officers were finally able to find the large amount of cash in a trash container in plastic bags.

Attorney Kelley noted that it takes 30 days, after publications of once a week, four times in the paper; and if no one claims the seized money of property a default order is submitted to a County Judge to have it turned over to the City. Mr. Kelley said that anything turned over to the City under the forfeiture law, can only be used for Police Department enforcement purpose.

Councilman Prince asked if this money could be used to provide a secure area for parked cars. Attorney Kelley said he didn't know if it could be used for capital improvements.

Councilman Taylor stated that it was noteworthy that some of these forfeitures that are turned over to the City is worth some of the ongoing narcotics efforts.

Councilman Smith asked what happens to seized vehicles. Mr. Kelley said we either use them or sell them in an auction and then use the money in the Police Department.

Mayor Carroll reminded everyone that the second annual Mayor's Ball, "Fall Into the Night", will be September 19th.

ACTION REVIEW: 1. Record dedication deed for N. Aspen.  
2. Implement Resolution 517.  
3. Forward Final Order to David Nelson, on the CUP 92-04.

Mayor Carroll informed the Council of the ground breaking ceremony for the new elementary school on S. Redwood, on Friday morning 8:30 a.m.

Mayor Carroll recessed the regular session at 8:02 p.m., to go into a workshop session on request from DLCD as part of the Periodic Review of the Comp Plan. (NOTE: Councilman Daniels arrived at 8:06 p.m.) The regular session was reconvened at 8:38 p.m.

\*\*Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property; and (1)(h), regarding pending litigation. Motion seconded by Councilman Prince and approved 6-0.

Mayor Carroll recessed the regular session at 8:39 p.m. to go into Executive Session in the Police Department Conference Room. The regular session was reconvened at 9:15 p.m.

Administrator Jordan informed the Council that he had received a letter today from Century 21 Real Estate, regarding various real estate "off-site" signs. Mr. Jordan said the ordinance addresses these as temporary signs and they are legal, however, it does not specify the off-site situation. The letter from Century 21 wanted clarification if these signs were legal, and if so, they would put out their signs.

Mayor Carroll said, in his opinion, on-site signs are appropriate, but not the off-site signs.

Councilman Taylor suggested a meeting with all the local relators so the issue could be discussed.

Mr. Jordan noted that some of the signs are "for sale by owner", which might be harder to control. Also, most of them are in the right-of-way.

Mr. Jordan will draft a letter to all local realtors and set a meeting to discuss the issues, as well as checking into the business licensing of out of town realtors.

Mayor Carroll adjourned the regular session at 9:25 p.m.

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EXECUTIVE SESSION  
AUGUST 19, 1992

Present: Mayor Carroll, Councilor's Stiglbauer, Miltenberger, Taylor, Prince, Smith and Daniels, Attorney Kelley, Administrator Jordan and Cam Sivesind.

Mayor Carroll opened the session at 8:50 p.m. in the Police Department Conference Room.

ORS 192.660 (1)(h) - The Council discussed the pending litigation of the Rinkes case.

Mayor Carroll adjourned the session at 9:13 p.m.



Marilyn K. Perkett  
City Recorder



Shawn P. Carroll  
Mayor