

**CANBY CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 2, 1992**

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

Also present: Administrator Jordan, City Attorney John Kelley, Recorder Marilyn Perkett, Public Works Director Rusty Klem, City Planner Robert Hoffman, Police Chief Jerry Giger, Librarian Beth Saul, Dave Hoover, Judge Jon Henricksen, Thomas & Rosemary Shiolas, Tom Kendall, Lieutenant Jim Scharmota and Dispatcher Keith Marquand.

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 19, 1992. Motion seconded by Councilman Prince and approved 4-0.

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

**SEWER PLANT PROJECT:** Curt McLeod gave a brief update of the progress on the sewer plant project. Mr. McLeod reported that he and Steve Hanson, Plant Superintendent, flew to Sacramento to tour facilities in the area that had submergible pumps. These pumps allow for a simpler plant operation and if installed in Canby will be the first in Oregon. He felt confident of this type of pump installation. Also, Willamette Valley County Club has been reviewing the water reuse program and they will perform a feasibility study on this issue. They could possibly use 50% of our effluents. However, this will be a future consideration.

Mayor Carroll asked if we were still hauling sludge. Mr. Klem said we were all caught up in that area.

Councilman Prince asked if we could "guarantee" no sludge problems next year. Mr. Klem said "possible guarantee", not a certain, our biggest problem now is finding sites approved for handling the sludge.

**MUNICIPAL COURT UPDATE:** Judge Jon Henricksen addressed the Council to give his annual court update. The Judge reported a very high volume increase in our courts, primarily due to our Mexican population. This also increases court costs, specifically for interpreters. The Judge commended Ron, who works at Cutsforth's, and does court interpreting every Thursday, for a small fee. He went on to note Ron's dedication in everyday activities in helping our Hispanic population and requested that we acknowledge Ron in a letter for his volunteer efforts.

The Judge said one reason the court has not met their budget, was because a Code Compliance position is budgeted for 1/2 salary, and does not benefit the court. However, most costs are absorbed and all Police overtime is paid.

Judge Henricksen informed the Council that he could not report on Canby's placement in state court categories since this has been eliminated from the Supreme Court reporting process. However, due to our statistics for cases opened and closed, he felt we still ranked number one in our population category.

The Judge commended our Police Department, saying they were an outstanding agency, as well as our City Attorney, John Kelley.

Mayor Carroll asked how we could help with the Hispanic problems. Judge Jon said we might ask assistance from local service organizations to volunteer help to not only "inform" the Hispanic population of various laws, customs, etc, but be "friendly."

Beth Saul, Librarian, reported that we had recently received a grant for a program to make English a second language and provide English and Spanish literature.

Mayor Carroll thanked Judge Henricksen for reporting on the Municipal Court activities.

**PUBLIC HEARING:** ANN 92-06, Thomas Kendall - Mayor Carroll reviewed the hearing procedure.

Mayor Carroll asked the Council if anyone had any conflict of interest on the hearing subject. None was reported.

Mayor Carroll asked the Council to declare any exparte contact. None was declared.

The Mayor opened the hearing at 7:55 p.m.

STAFF- Planner Bob Hoffman stated that the subject property was owned by Thomas Kendall and located on N. Pine, north of 14th Avenue and south of 15th Avenue. It is approximately 2 acres and would be zoned R-1, Low Density Residential. Mr. Hoffman pointed out that the parcel is entirely surrounded by City property; all services are available to the area; and a possible 10 single family units could be built on the site. The primary concern was the high water table in the area, which is not appropriate for traditional drywells. He reported that other methods will have to be considered to handle the stormwater.

Mr. Hoffman said the Planning Commission recommended the Council recommend approval to the Boundary Commission for annexation of the parcel.

Councilman Prince asked what could be considered for the stormwater. Mr. Hoffman said the pit test showed the water level to be at 19 feet, drywell needs a 27 foot level. One method is to use a perforated pipe to let the water seep out.

APPLICANT - Thomas Kendall, 20070 Larkspur, # 67, West Linn, owner of the property, said he had obtained an engineer to assist in the stormwater problem. The developer will be responsible for design and installation of whatever process the City requires to solve this problem. Also, he had hired an Urban Forestry Consultant to assist in the tree removal. Many of the trees had to be removed for safety reasons. Mr. Kendall has purchased 50 trees, 10 to 20 feet tall, to replant. Mr. Kendall said he planned a 4 to 6 foot buffer between the road to the north and the development to satisfy concerns about that proposed road.

PROPOSERS: None voiced.

OPPOSERS: Rosemary Shiolas, 1430 N. Pine, expressed concern about the road that will be next to their property. She said they would have a road on both sides of their property. Mrs. Shiolas said two roads within 96 feet of each other was "poor planning", in her opinion.

REBUTTAL: None voiced.

Mayor Carroll closed the hearing at 8:10 p.m.

Councilman Daniels asked about the concern for the two roads around the Shiolas property. Mr. Hoffman said this would be taken into consideration during the design/review process and was not an issue for annexation of the parcel.

**\*\*Councilman Prince moved to adopt Resolution 518, A RESOLUTION RECOMMENDING TO THE METROPOLITAN BOUNDARY COMMISSION, ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF THOMAS KENDALL) APPROXIMATELY 2.03 ACRES LOCATED ALONG THE EAST SIDE OF N. PINE STREET, APPROXIMATELY 2,500 FEET NORTH OF STATE HIGHWAY 99-E, (BETWEEN 14TH AND 15TH AVENUES). Motion seconded by Councilman Daniels and approved 4-0.**

**COMMUNICATIONS:** Letter from CTA - Administrator Jordan reviewed a letter from Canby Telephone Association, outlining their activities for the 4th annual Canby Communication Classic. They requested permission to use the City streets for their event and will provide liability insurance. Also, they have contacted the Police Department regarding safety precautions.

**\*\*Councilman Daniels moved to approve the request from Canby Telephone Association to use the City streets for their Canby Communication Classic on Saturday, September 12, 1992. Motion seconded by Councilwoman Miltenberger and approved 4-0.**

Administrator Jordan also read a thank you note from Howard Giger for the City's thoughtfulness during his recent illness.

**NEW BUSINESS:** Accounts Payable - **\*\*Councilman Prince moved to approve payment of accounts payable in the amount of \$97,154.28. Motion seconded by Councilman Smith and approved by roll call vote, 5-0.**

**ORDINANCES & RESOLUTIONS:** Ordinance 879, Amending Chapter 8.20-Alarm Permits - Attorney Kelley reported that he had been requested by Lt. Scharmota and Dispatcher Keith Marquand to make some changes in the current alarm ordinance. They wanted to slightly raise fees, lower the number of non-chargeable false alarms and lower allowable false alarms prior to permit revocation.

Keith Marquand, Alarm Coordinator, informed the Council that he had attend various meetings with other agencies regarding this issue and the primary concern for everyone was to reduce the number of false alarms, which would reduce costs.

Councilman Daniels asked what was a chargeable alarm. Mr. Marquand said that currently, permits allowed for five alarms without penalty. Lt. Scharmota said that "acts of God", such as storms, and power outages were not considered as a chargeable alarm.

Mr. Marquand said in his six years in the Police Department, all alarms have been false. Last year they had 287 alarms and have 175 permits. He also stated that if there is no response to an alarm, it is not charged as a "chargeable."

Lt. Scharmota said that the department recommends both an audible and silent alarm for installations.

Keith reported that when Portland dropped their number of chargeable alarms to the number two, the false alarms dropped by 24%. Most alarms are from residences, not commercial entities. Also, financial institutions, like banks, by federal law can not have their permits revoked.

Councilman Daniels suggested that we inform patrons of the alarm ordinance when building permits are issued. Mr. Jordan suggested that we also do this when issuing business licenses.

**\*\*Councilman Prince moved that Ordinance No. 879, AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF ALARMS CHAPTER 8.20 OF THE CANBY MUNICIPAL CODE, be properly posted and come up for final action on September 16, 1992. Motion seconded by Councilwoman Miltenberger and approved 4-0.**

**UNFINISHED BUSINESS:** None presented.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan asked the Council if they would be prepared to start the 93-94 budget process with a first meeting on October 14th. The Council agreed, and it was noted that one more budget committee member is needed.

Mayor Carroll informed the Council of the annual Chamber of Commerce dinner on September 15th. Those wishing to attend should inform the business office.

Mayor Carroll also reminded everyone of the second annual "Fall into the Night" fund raiser by the Clackamas County Mayor's. The benefit will be September 19th and tickets are available at City Hall.

Bob Hoffman reminded the Council of the workshop at the next meeting following the public hearing on the proposed Comp Plan amendments.

Beth Saul reported that the Centennial Committee will meet on September 10th, 7:00 p.m.

**ACTION REVIEW:**

1. Recommend Resolution No. 518, to the Boundary Commission for annexation of Kendall property.
2. Letter to Ron regarding help with Hispanic population.
3. Post Ordinance No. 879 for second reading, and but info in business license and building permit packets regarding alarm ordinance.

**WORKSHOP:** Abandoned Vehicles - Mayor Carroll recessed the regular session at 8:40 p.m. to go into workshop session. The regular meeting was reconvened at 9:20 p.m.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e), regarding real property negotiations; and (1)(h), regarding pending litigation. Motion seconded by Councilwoman Miltenberger and approved 4-0.**

Mayor Carroll recessed the regular session at 9:23 p.m. to go into executive session. The regular meeting was reconvened at 9:53 p.m.

Mayor Carroll informed the Council that last Friday a meeting was held with local realtors regarding off-site real estate signs. Those attending were Heritage Real Estate, Canby Realty, Coldwell Bankers and Century 21. Those attending did not want the off-site signs, we will draft ordinance language and have that group review it.

Mayor Carroll adjourned the meeting at 9:56 p.m.

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EXECUTIVE SESSION  
SEPTEMBER 2, 1992


Present: Mayor Carroll, Council members present: Daniels, Smith, Prince, Miltenberger and Stiglbauer arrived at 9:38 p.m., Administrator Jordan, Attorney Kelley and Rusty Klem.

Mayor Carroll called the session to order at 9:30 p.m. in the Police Department Conference Room.

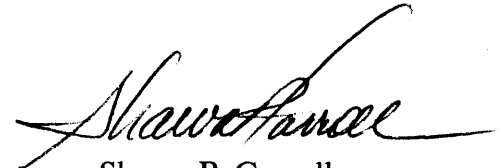
ORS 192.660 (1)(e) - The Council first discussed the negotiations for possible acquisition of a small section of the Logging Road north of Territorial. (Mr. Klem left at this time.)

ORS 192.660 (1)(h) - Attorney Kelley gave the Council an update on the Rinkes case.

Mayor Carroll adjourned the session at 9:52 p.m.



Marilyn K. Perkett  
City Recorder



Shawn P. Carroll  
Mayor