

**CANBY CITY COUNCIL
REGULAR MEETING
NOVEMBER 4, 1992**

Mayor Shawn P. 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, Librarian Beth Saul, City Planner Robert Hoffman, Aquatics Director Scott Nelson, City Recorder Marilyn Perkett, Dorothy McCormick, Councilwoman-elect Cheryl Stark, David Anderson, Jim & Janice Haas, Bob & Nancy Friesen, Erin Kelley and Thomas and Rosemary Shiolas.

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, October 21, 1992. Seconded by Councilman Daniels and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Curt McLeod gave a very brief update on the progress of the Sewer Plant Improvements, noting that at the first meeting in December they would have drawings and more information available for the Council.

PROCLAMATIONS: American Free Enterprise Week - Mayor Carroll proclaimed the week of November 11-18, 1992, as American Free Enterprise Week. Erin Kelley from the high school FBLA organization accepted the signed proclamation.

Election Proclamation - Mayor Carroll read a proclamation offering the unofficial vote tally from the November 3, 1992, General Election: Mayor, Scott Taylor-2,777 votes; and for three City Council positions, Joe Driggers-1,712, Roger Harris-1,325, Maureen Miltenberger-1,626, Dennis Nolder-1,407 and Cheryl Stark-1,645. Mayor Carroll congratulated the successful candidates and asked that thank you letters be sent to the unsuccessful candidates.

PUBLIC HEARING: Advanced Financing Reimbursement - Shawn Carroll opened the hearing at 7:37 p.m. and explained the hearing procedure. Also, Attorney Kelley noted that this was only an "informational" hearing and quasi-judicial procedures need not be followed.

STAFF - Rusty Klem, Public Works Director, explained that the advanced financing procedure is created to assist developers in recouping costs for sewers, streets, lighting, water, etc., that will benefit an adjoining property owner that is "not" part of the development. David Anderson has submitted an application for the advance financing on his N. Pine Addition #2. The benefiting property is a lot owned by Mr. & Mrs. Shiolas to the rear of 1430 N. Pine. Mr. Anderson is requesting costs of \$7,908 and staff, after reviewing the application, has agreed to appropriate \$7,453 as the advance financing allocations.

Councilman Daniels asked if the City is involved in the financing. Mr. Klem noted that the benefited property owners, in the case the Shiolas', will be responsible in paying this amount to Mr. Anderson.

Mayor Carroll asked about a time limit. Mr. Klem said the resolution that adopts the agreement was for ten years and could be renewed for another ten years. Also, there is a 9% annual simple interest.

David Anderson, 641 N. Baker, informed the Council that he has waived any interest for the 1993 calendar year.

Thomas Shiolas, 1430 N. Pine, said the procedure was explained very well to them and they are in full agreement.

Rosemary Shiolas questioned the amount of interest. Attorney Kelley explained that this is a legal rate authorized by ORS and it does change from time to time, however, it never goes down, only up.

Mr. Klem explained that the resolution authorizes the City Administrator to enter into an agreement between David Anderson and the Shiolas for the advance financing.

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

****Councilman Daniels moved to adopt Resolution No. 524, A RESOLUTION DESIGNATING THE NORTH PINE ADDITION #2 AS AN ADVANCE FINANCING IMPROVEMENT AND PROVIDING FOR ADVANCE FINANCED REIMBURSEMENT FROM INTERVENING PROPERTY. Motion seconded by Councilman Smith and approved 6-0.**

Mrs. Shiolas asked how long it would be before the agreement would be ready and was informed by Mr. Jordan that it would be ready by the end of next week.

COMMUNICATIONS: Letter from Canby Christian Church - Recorder Perkett reviewed the request from Lyle Steers, Canby Christian Church, asking permission to hold their annual Live Nativity on N. Holly in mid December. Mrs. Perkett indicated that Chief Giger had noted there was no problem last year and approved of the request.

The City Council gave an unanimous consensus for approval of the request.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to approve payment of accounts payable in the amount of \$127,369.49. Motion seconded by Councilman Daniels. Mr. Prince asked about the encumbeedr amount of \$526 and was informed it was for the annual League of Oregon Cities convention and would probably end up a lesser amount. **The motion on the floor was approved by roll call vote, 6-0.

Annual Adult Center Review - Dorothy McCormick, Center Director, noted that she has been doing this job for 15 years and plans to retire at the end of the fiscal year. Mrs. McCormick briefly reviewed the many services the Center provides for the elderly including center meals, and meals on wheels. She indicated that 70% of the participants are within the City and 30% outside the City. The volunteers continue to be steady; they met their budget, and in fact had \$800 in excess; and with the help of a grant and Tri-Met, they have developed a service and operational manual for their transportation program; and the local Fire Department assisted in developing a Center Emergency Plan. Mrs. McCormick referred to the summary letter and noted her concerns for future funds while providing "opportunity, meaning and quality to the lives of older persons."

Mrs. McCormick said she would be back at budget time with facts and figures to show how they met the challenge of serving more people with the same amount of money.

Mayor Carroll commended Mrs. McCormick on her accomplishments and saying "she is

truly an asset to this community."

Canby Ferry - Rusty Klem explained that the Clackamas County Commissioners are seeking the City's support in their efforts to obtain a grant from The Surface Transportation Efficiency Act of 1991 (ISTEA) to replace the Canby Ferry. Their request is for \$750,000. Currently, the City of Canby has two projects that were submitted last May to ISTEA, the wayside greenway on 99E between Elm and Holly in the amount of \$250,000; and \$190,000 to complete a bike path around Canby.

Mr. Klem had enclosed a sample copy of a letter of endorsement to be signed by the Mayor. Also, he submitted a letter that would go to the County Commissioners requesting "their" support and participation in several upcoming traffic signal projects that affect their right-of-ways: 99-E and E. Territorial, 99-E and S. Pine, S. Ivy & Township and S. Ivy and 13th.

Councilman Taylor suggested some word changes to the letter in support of their Canby Ferry request.

Councilman Prince suggested that the letter regarding the traffic signals be mailed at the same time as the letter supporting the ferry.

**Councilman Taylor moved to submit the two proposed letters, as corrected, to the Clackamas County Commission regarding Canby's support for their grant request; and one regarding the County participate in the City's efforts for traffic signals. Motion seconded by Councilman Prince and approved 6-0.

ORDINANCES & RESOLUTIONS: Resolution 521 - Mayor Carroll informed the Council that this resolution was not ready for tonight. Administrator Jordan said the problem is wording regarding insurance for the bonds and suggested a special meeting be set next week. The Council set a special meeting for Thursday, November 12, 1992, 7:30 p.m. for the proposed resolution on the issuance of sewer bonds.

Resolution No. 522 - Bob Hoffman reminded the Council that they had considered this resolution at the last meeting and after the suggested changes, requested a "clean" copy be presented for adoption tonight.

**Councilman Taylor moved to adopt Resolution No. 522, A RESOLUTION ADOPTING AN URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN THE CITY OF CANBY AND CLACKAMAS COUNTY, AND PROVIDING EFFECTIVE DATES. Motion seconded by Councilwoman Miltenberger and approved 6-0.

UNFINISHED BUSINESS: Vacate CUP 91-01/DR 91-02 and LUBA # 91-164 - Attorney Kelley explained that this document was necessary to vacate the Conditional Use Permit and Design Review submitted by the Elementary School District; also to vacate the LUBA appeal filed by Mr. Haas, Mr. Olson and Mr. Friesen. Since the school site has now been changed to the south side of town and construction is underway, this issue now needs to be resolved. Mr. Kelley noted a typo on the document that will corrected to the right date of "September 20, 1991."

**Councilman Taylor moved to approve the authorization to vacate CUP 91-01/DR 91-02 and LUBA # 91-164, as corrected. Motion seconded by Councilman Daniels and approved 6-0.

CDBG Mobile Outreach Unit - Rusty Klem reminded the Council of the three Block Grant projects that had been approved for Canby: Mobile Outreach Units, Telephone Welfare Check System and Social Improvement Plan. However, after HUD reviewed the

first two projects, they were found to be ineligible. The County contested the ruling on the Telephone Welfare System and it was finally approved. However, the Mobile Outreach was canceled. Mr. Klem made some suggestions on how to rechannel the \$8,000 from the canceled project:

- 1) swim pool memberships for low-income, however this could not be approved because expenditures cannot be made ahead of time.
- 2) free swim lessons for low-income, this is a service that is already provided and will not gain approval.
- 3) contribute to the proposed community policing project, however they are reluctant to fund Police Department service.
- 4) supplement the Social Improvement Plan project, and this was what staff recommended for rechanneling of the money.

Councilman Taylor suggested some type of funding for driver education for students. Mr. Klem said this is similar to the first three suggested projects and would likely be rejects. He noted that they prefer to fund capital investment projects.

Councilman Taylor suggested staff investigate allocating the money for the proposed youth center, in the way of equipment or remodeling.

Mr. Klem reminded the Council that documentation must be made to show that the use will benefit a percentage of low-income users.

Councilman Prince asked if that was what the Adult Center did and was told that benefiting the elderly is also popular with this type of funding.

Beth Saul suggested that the ADA retrofitting might also be considered.

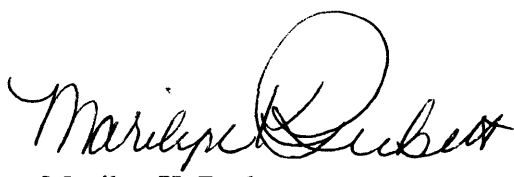
Councilwoman Miltenberger asked if there was a time limit on this issue and was told no, however, we should move as quickly as possible.


Councilman Taylor said he felt the youth center was almost ready to be implemented and asked that staff pursue this as a possible use for the CDBG funding. The Council gave a general consensus of approval for this suggestion.

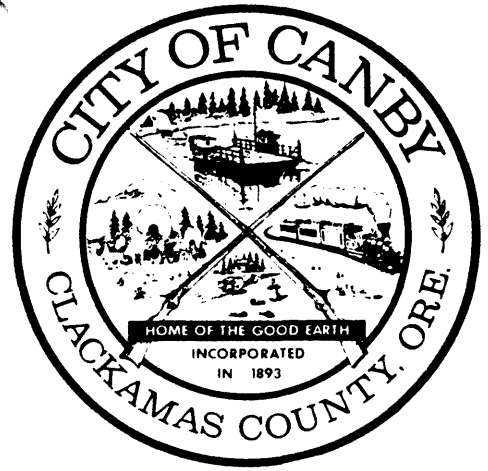
OTHER REPORTS OR ANNOUNCEMENTS: Beth Saul reported on some of the Centennial plans: a beard growing contest, a bonnet contest, pioneer pot luck, local talent show and a speech from the Mayor.

- ACTION REVIEW:**
1. Send letters to Council candidates.
 2. Implement Resolution No. 524, by initiating the Advance Financing Agreement.
 3. Send letters regarding the ISTEAA project.
 4. Prepare Resolution No. 521 for the November 12th meeting.
 5. Send Resolution No. 522, and agreement to the County.
 6. Investigate youth center for CDBG funding.

Mayor Carroll adjourned the regular session at 8:41 p.m.


Marilyn K. Perkett
City Recorder


Shawn P. Carroll
Mayor



PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on **NOVEMBER 3 1992**, to consider the following measure:

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes as of 8:30 A.M., **NOVEMBER 4, 1992**.

MAYOR

SCOTT TAYLOR 2,777

CANBY CITY COUNCIL (3 positions)

JOE DRIGGERS 1,712

ROGER HARRIS 1,325

MAUREEN MILTENBERGER 1,626

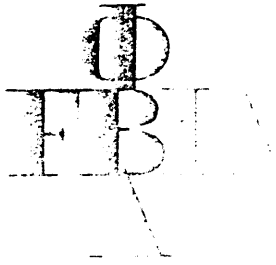
DENNIS NOLDER 1,407

CHERYL STARK 1,645

NOW, THEREFORE, I, Shawn P. Carroll, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented.

Dates this 4th day of November, 1992.


Shawn P. Carroll, Mayor



Future Business Leaders of America

Canby Chapter 6441 • 721 S.W. Fourth Avenue • Canby, OR 97013

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

WHEREAS, the American Free Enterprise System is the mainstay of economy; and,

WHEREAS, this Free Enterprise System provides each consumer with the freedom to choose from a variety of merchants; and,

WHEREAS, this system guarantees both consumer and merchant rights under the law; and,

WHEREAS, many youth organizations like the Future Business Leaders of America support the continued growth of this system; and,

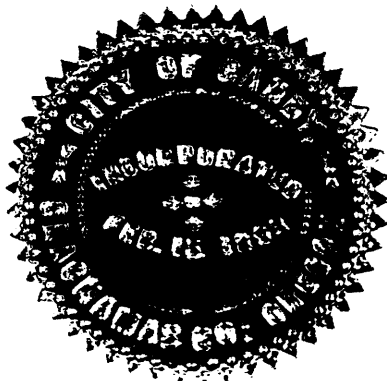
WHEREAS, the eleventh through the eighteenth days of November, 1992 are unofficially recognized as American Free Enterprise Week nationwide.

NOW, THEREFORE, I, Shawn P. Carroll, Mayor of the City of Canby, Oregon, proclaim that November 11 - 18, 1992, be declared

AMERICAN FREE ENTERPRISE WEEK

and urge the citizens of Canby to observe this week by supporting the System.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 4th day of November in the year of our Lord One Thousand Nine Hundred and Ninety Two.



Shawn P. Carroll, Mayor