

**CANBY CITY COUNCIL
REGULAR MEETING
NOVEMBER 18, 1992**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Librarian Beth Saul, Cheryl Stark, Tom Lawrence and Cam Sivesind.

Mayor Carroll called the 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 Daniels moved to approve as distributed the minutes of regular session, November 4, 1992 and special meeting, November 12, 1992. Motion seconded by Councilman Smith and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Request for Street Closure on Grant Street - Administrator Jordan reviewed the request from Bill Cassel, Publisher of the Canby Herald, asking permission to close Grant Street between 3rd and 4th on November 22nd, from 6 AM to 6 PM for the retail merchants Christmas Open House. Mr. Jordan informed the Council that various activities have been planned for the day, including the First Annual Grant Street Chili Cook-Off.

**Councilman Daniels moved to grant permission to the retail merchants to close Grant Street between 3rd and 4th, on November 22nd, for the Christmas Open House and to coordinate their activities with the local Fire and Police Departments. Motion seconded by Councilman Smith and approved 6-0.

Police Officer Commendation - Mayor Carroll referenced a letter in the packet from Brian Riley, Salem Chief of Police, commending Canby Police Officers Ed Stelle and Dennis Swanberg for their participation in solving a particular criminal case in Salem. Mayor Carroll asked Chief Giger to pass on the Council's appreciation to the Canby Officer's.

Depot Museum - Mayor Carroll also asked about a letter from Herman Bergman, Depot Museum Director, requesting the City to pave the street in front of the Depot Museum.

Administrator Jordan informed the Council that Rusty Klem is working on the issue. Mr. Jordan pointed out that the road in question is a County road and efforts will be coordinated with the County agency.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to authorize payment of accounts payable in the amount of \$85,679.14. Motion seconded by Councilman Daniels and approved by roll call vote, 6-0.

ORDINANCES & RESOLUTIONS: Resolution No. 525 - Administrator Jordan informed the Council that this resolution was a result of Clackamas County Cities and the Board of Commissioners pursuing an effective and efficient method to provide emergency

communication services. The County had previously proposed a system that had a \$10 million dollar price tag, and this prompted the implementation of the proposed committee to research the County needs.

Chief Giger said that Washington County has implemented an "updated" communication system and it is working quite well.

Councilman Taylor suggested that the next to the last paragraph of the resolution regarding the forwarding of the committee recommendation, include the wording of the "City of Canby, other Clackamas County Cities and Fire and Emergency Agencies".

****Councilman Taylor moved to adopt Resolution No. 525, A RESOLUTION SUPPORTING THE ESTABLISHMENT OF AN EMERGENCY COMMUNICATIONS FUTURES COMMITTEE, with the addition of the suggested wording; and to appoint Michael Jordan as the City of Canby's representative to the committee. Motion seconded by Councilwoman Miltenberger and approved 6-0.**

UNFINISHED BUSINESS: Legal Opinion on Picketing Ordinance - Attorney Kelley briefly reviewed the history of the request from citizens to research implementing a local ordinance to prohibit picketing in residential areas. A sample ordinance from Wisconsin had been implemented and upheld by the U.S. Supreme Court. Mr. Kelley noted that he had reviewed the case law pertaining to the Wisconsin case; reviewed local Oregon cases; reviewed the Oregon Constitution; and contacted Attorney Jim Coleman, a leading expert in municipal law and "First Amendment Freedoms". Mr. Kelley briefly reviewed Article I, Section 8, of the Oregon Constitution regarding the First Amendment.

In summary, Attorney Kelley felt the implementation of such an ordinance would be very difficult to defend and recommended against further research.

Mayor Carroll polled the Council and the unanimous consensus of the Council was to dismiss the issue at this time. (NOTE: The written legal opinion will become permanent record.)

OTHER REPORTS OR ANNOUNCEMENTS: Public Works Department Update - Mr. Klem reviewed his various departments as follows:

Streets - since July 1, 1992, S.E. 13th Street has been paved from the edge of the school property to Ivy and the County will help stripe it; N. Aspen, intersecting Knights Bridge Road, has been curbed and paved and will have additional widening in the future; and a 100 x 30 patch was put on N. Grant near 2nd and 3rd to improve the truck traffic turns going to the industrial area. The street sweeper has been working overtime to clean up the fall of leaves and the crew has been cleaning catch basins. A number of inspections were made on the Nelson, Village on the Lochs project, regarding the streets. Future plans include: oiling in front of the Depot Museum in the Spring, re-oiling N. Locust and maybe center stripe that street and S. Redwood will be rebuilt near the new school site. Inspections will be necessary for the new addition at Willow Creek in the Spring, Dave Herman's development of the Tofte property near S.E. 13th and the proposed S.E. Pine manufactured home park for Watson's.

Parks - roller blading has been taking a toll on the Maple Street tennis courts. Mr. Klem has suggested installing signs to prohibit "anything" but tennis in our only tennis courts. Rusty also noted that he had not received any negative comments about any of the parks, specifically, Canby Community Park (River Park) since it has been the object of additional work and this will continue.

Building Maintenance - a new roof has been installed on the Library and some roof repair to the Police Department. The Safety Committee has been visiting most City facilities to inspect for violations. The City crew usually performs the necessary safety compliance measures for the various buildings.

Administrator - continuing research for a S. Side Park; and pursuing an ODOT grant to assist with the Logging Road Industrial Park project. Mr. Klem noted that the state and League of Oregon Cities are currently involved in a "political discussion" regarding which agency will distribute the money for OEDD projects. Advance Financing proposals are developing, with David Anderson's S. Pine Addition II as the first and the prospect of additional proposals to come forth. Coordination with Clackamas County is continuing on the Canby Ferry and a proposed street vacation request from Ron Tatone on Knights Bridge Road. Local industries have inquired about adjustments on their sewer bills since the rate increase was implemented, he noted the ordinance has a mechanism to allow for a justified adjustment. A great deal of work has been done on S.E. 13th, both in design and construction.

Motor Pool - a new police car is currently being retrofitted, which is very time consuming. All motor pool data has been entered into a computer. An old City vehicle, "Dog 5" has been retired.

Sewer Plant - the sludge is all gone; the design is going fine; and one person has left the crew and we will soon replace that person.

Councilman Daniels asked if River Park was locked at night. Mr. Klem said Joe Gary, who lives in the mobile home in the park, currently locks the park at night and may continue this practice.

Other Comments - Councilman Taylor informed the Council that he had attended an excellent session this past weekend at the League of Oregon Cities Convention with the author of a book entitled "Re-inventing Government". Mr. Taylor said he hoped some of the concepts from the book will be shared with City staff.


Appointments - Recorder Perkett reminded the Council of appointments coming up: one member for the Canby Utility Board in February, three positions on the Planning Commission in December and a new Council person appointment the first of the year.

WORKSHOP: Logging Road Industrial Park - Mayor Carroll recessed the regular session at 8:10 p.m. to go into a workshop session regarding a proposed industrial park. The regular session was reconvened at 8:57 p.m.

Mayor Carroll asked the Council if they were prepared to proceed with a public hearing for a possible OEDD grant/loan. The unanimous consensus of the Council was to schedule a public hearing to pursue the loan.

- ACTION REVIEW:**
1. Close Grant Street on November 22nd for the merchants Christmas Open House.
 2. Mr. Jordan will serve as the City's representative on the Emergency Communications Future Committee, to research County communication issues.
 3. No further action will be taken on the picketing issue in residential areas.

Mayor Carroll adjourned the regular session at 8:58 p.m.


Marilyn K. Perkett, City Recorder
p.3


Shawn P. Carroll, Mayor

November 18, 1992

SUMMARY OF VOTES CAST

11/19/92

14:10

CLACKAMAS COUNTY, OREGON

GENERAL ELECTION

NOVEMBER 3, 1992

ELR200

ISSUE 34

PAGE 1

JOHN KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :

* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* DATE OF ABSTRACT :

* NOV 20 1992 *

CITY OF CANBY

COUNCIL POSITIONS (VOTE FOR 3)

FOUR YEAR TERMS

CANDIDATE KEYS:

CAND-01 = DRIGGERS JOE

CAND-02 = HARRIS ROGER K

CAND-03 = MILTENBERGER MAUREEN

CAND-04 = NOLDER DENNIS

CAND-05 = STARK CHERYL

CAND-97 = OVERVOTES

CAND-98 = UNDERVOTES

CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-03	CAND-04	CAND-05	CAND-97	CAND-98	CAND-99
122	281	227	325	208	284	42	652	2,019
123	284	236	279	234	251	42	585	1,911
124	561	432	442	492	460	57	994	3,438
125	365	338	399	336	422	72	1,017	2,949
126	504	390	476	411	449	51	1,118	3,399
TOTALS	1,995	1,623	1,921	1,681	1,866	264	4,366	13,716

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* NOV 20 1992 *

CITY OF CANBY

MAYOR

TWO YEAR TERM

CANDIDATE KEYS:

CAND-01 = TAYLOR SCOTT

CAND-97 = OVERVOTES

CAND-98 = UNDERVOTES

CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-97	CAND-98	CAND-99
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122	478	0	195	673
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123	465	0	172	637
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124	798	0	348	1,146
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125	689	0	294	983
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126	777	0	356	1,133
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TOTALS	3,207	0	1,365	4,572
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CITY OF CANBY

MAYOR

MISCELLANEOUS WRITE-INS

4

NOTICE OF ELECTION

NOTICE is hereby given that on **TUESDAY, NOVEMBER 3, 1992**, an election will be held in the City of Canby, Clackamas County, Oregon. The polls will be open from 7:00 A.M. to 8:00 P.M. The following shall be submitted to the qualified voters thereof:

J002

CITY OF CANBY

MAYOR
TWO YEAR TERM
VOTE FOR ONE

SCOTT TAYLOR

COUNCIL POSITIONS
FOUR YEAR TERMS
VOTE FOR THREE

JOE DRIGGERS

ROGER K. HARRIS

MAUREEN MILTENBERGER

DENNIS NOLDER

CHERYL STARK