

CANBY CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 6, 1991

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Planner Bob Hoffman, Public Works Director Rusty Klem, Aquatics Director Scott Nelson, Librarian Beth Saul, City Recorder Marilyn Perkett, Cyndi Klaetsch, Judy Sherrard, Wade Wiegand, Hank Fenske, Kurt Schrader, Linda Mihata, Pat Ewert, Rosa Hemphill, Craig Shinn, John Falkenstein and Terry Blackwell.

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 SESSIONS:** \*\*Councilman Daniels moved to approve as distributed the minutes of the regular meeting, October 16, 1991; emergency meeting, October 22, 1991; and special meeting, October 29, 1991. Motion seconded and approved 4-0. (Councilman Smith arrived at 7:33 p.m., after the vote.)

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

**PROCLAMATION:** National Community Education Day - Mayor Carroll proclaimed November 19, 1991 as national Community Education Day in Canby and presented John Falkenstein, Director of the Community School, the proclamation. Mayor Carroll urged citizens to participate in the available programs offered by the local community school.

**COMMUNICATIONS:** None presented.

**NEW BUSINESS:** Accounts Payable - Councilman Smith moved to approve accounts payable in the amount of \$128,979.91. Motion seconded by Councilman Daniels and approved by roll call vote, 5-0.

**ORDINANCES & RESOLUTIONS:** Resolution No. 490 - Administrator Jordan explained that this resolution was to justify the methodology supporting the System Development Charges for Parks in the City. A forecast of growth was used and a fee was placed on each bedroom of a single family dwelling as being the most equitable measure.

Kurt Schrader, Chairman of the Parks Master Plan Committee, addressed the Council to urge their support of the resolution which was the product of two years of work. Mr. Schrader said the ultimate goal is to have 5 acres of parks per every 1,000 population. The committee and staff will continue researching grants and other avenues of funding for parks.

Councilman Taylor questioned if this formula was based on a 20,000 population figure.

Administrator Jordan said it was based on the projections of the Parks Master Plan and a population over the next 12 years with a 4% increase each year.

Attorney Kelley noted that the 20,000 population was a prediction of the Comprehensive Plan, whereas the Parks Master Plan reviewed what they wanted to accomplish in three phases over a 12 year period and used a 4% growth projections.

Councilman Taylor asked if the sewer and parks system development charges were combined.

Administrator Jordan explained that they are separate and "stand alone", as they are accounted for separately in the budget and audit. Also, expenditures must be spent "only" for whatever purpose they were collected.

Attorney Kelley informed the Council that we are required to review and change, if necessary, the system development charges every five years.

Councilman Daniels questioned if the SDC's were collected up front.

Administrator Jordan explained that they were collected at the time of the issuance of building permits.

**\*\*Councilman Prince moved to adopt Resolution NO. 490, A RESOLUTION ESTABLISHING A METHODOLOGY FOR A PARK'S SYSTEM DEVELOPMENT CHARGE. Motion seconded by Councilman Daniels and approved 5-0.**

Resolution No. 491 - Administrator Jordan explained that he was a member of the Fair and Efficient Law Enforcement Committee that had worked on this issue for approximately seven months. Other members were, Pete Harvey, Lake Oswego City Administrator; Roger Hall, Councilman from Milwaukie; Dan Fowler, Mayor of Oregon City; Ris Bradshaw, Clackamas County Deputy; Bill Brooks, Clackamas County Sheriff; Ed Lindquist, Clackamas County Commissioner; and Mike Swanson, Clackamas County Chief Executive Officer. Mr. Jordan said that four major factors were considered in trying to find a solution: the tax equity; efficiency of service provision and benefits by combining services; the impacts of measure #5; and political factor.

They first considered a two district system, one within the Metropolitan Urban Growth Boundary and one encompassing the Unincorporated Rural area of Clackamas County. However, the rural district presented some problems, specifically in service.

The final decision was to create an Urban Unincorporated Enhanced Patrol District. The primary unincorporated area in the County is north of the Clackamas River that does not lie in an incorporated City. The desired level of patrol service in that area was one officer per 1,000 population. Mr. Jordan said the committee focused on the patrol segment of the Sheriff's budget as being the most important. The proposed Urban Unincorporated Enhanced Patrol District would fund, entirely, the patrol services inside the district through a tax base. In essence, the current levy would drop from \$1.55/thousand to \$1.31/1000. The new district would be in a separate tax base and that would be approximately \$1.61/1,000.

Mr. Jordan said this is only the first step, they will continue to work on the issue. At this time, they are requesting only an endorsement to support the committee's recommendation.

**\*\*Councilman Taylor moved to adopt Resolution No. 491, A RESOLUTION FROM THE CITIES OF CLACKAMAS COUNTY TO THE BOARD OF COUNTY COMMISSIONERS REQUESTING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE "FAIR AND EFFICIENT LAW ENFORCEMENT COMMITTEE". Motion seconded by Councilman Stiglbauer and approved 5-0.**

Resolution No. 492 - Rusty Klem explained that the City currently has a resolution for SDC for sewer's based on Equivalent Residential Unit (ERU), which is the anticipated water use for a single family residential unit. Mr. Klem said the ERU method has not always

been equitable or easy to defend. An example he gave was for a restaurant which basis their ERU on the number of seats, i.e., people they can serve. Ray Bartlett, who has just completed a rate study for the City, recommended going to a meter-size base system. Mr. Klem noted this would be consistent with CUB and would encourage water conservation. The proposed fee would not change, it would remain \$1,200 only based on a 3/4 inch water-sized meter instead of the ERU.

Councilman Prince questioned how we would control the fees for things such as grease.

Mr. Klem said we assess that charge through our extra strength discharge permit process.

Councilman Daniels inquired about the rationale for a resident that has a one inch water-meter to perhaps better serve a large garden or yard and actually does not use that much water.

Administrator Jordan explained that these charges are made on "potential" uses, and a large meter would allow for a greater use. He said if we allow the "potential" for larger water uses, then we must be prepared to accept the larger amount of waste.

Councilman Taylor asked if there was some sort of credit system for patrons that implement high energy saving appliances or those who might donate land for parks.

Administrator Jordan said that the Parks SDC plan does have a credit system for donated space or development of their own park area, however, we have no provision for credit in the sewer SDC process.

Mr. Klem said the sewer ordinance has a mechanism that allows someone to bring their records to us for evaluation and we could reduce their monthly rates. He used an industry as example for this process. However, we have nothing in place to reduce the SDC.

Mayor Carroll asked what the "maximum" figures represented in the resolution.

Mr. Klem said they were inserted in case we need to adjust our figures after the actual bid figures are received for the improvements of the sewer facility.

**\*\*Councilman Daniels moved to adopt Resolution No. 492, A RESOLUTION ESTABLISHING SEWER SYSTEM DEVELOPMENT CHARGES BASED ON A WATER-METER SIZE METHODOLOGY, AND EXTRA STRENGTH FEES. The motion was seconded by Councilman Prince and approved 5-0.**

**UNFINISHED BUSINESS: Appoint Traffic Safety Commissioner** - Chief Giger informed the Council that since Sharon Smith had resigned from the Commission they had been seeking interested citizens for this position. He said Juanita Gunder, 810 S. Elm, was active in the community and interested in City traffic problems.

**\*\*Councilman Smith moved to approve the recommendation and appoint Juanita Gunder to the Traffic Safety Commission with her term expiring in July, 1993. Motion seconded by Councilman Taylor and approved 5-0.**

Mayor Carroll reminded the Council that we needed to designate a "voter" to represent the City at the League of Oregon Cities Convention that starts this weekend. Councilman Smith volunteered to be the "designated voter", with unanimous Council consensus.

Mayor Carroll informed the Council that the City needed to appoint a representative to attend Clackamas County "tax coordination planning meetings". Administrator Jordan offered to attend these meetings, the Council gave unanimous approval of Mr. Jordan

representing the City. However, Councilman Taylor urged the Budget Chairman, Terry Prince, to attend the same meetings whenever possible.

Mayor Carroll reminded the Council that Canby will host the monthly Clackamas Cities Association meeting on November 21st at Willamette Valley Country Club. Council members were urged to sign up with Mrs. Perkett for the meeting.

**OTHER REPORTS OR ANNOUNCEMENTS:** Mr. Klem informed the Council that in the past the City has had a mobile home unit at the Canby Community Park that was rented out to a person as a basis of part time caretaker, this was not a very successful venture. Currently, that mobile home is owned and occupied by Todd Gary, a City employee, and he has done a good job of watching out for vandalism at the park. Mr. Gary is planning to move so the City has the option of letting him move the unit out of the park or buying it and renting it out again on a "caretaker" basis. Staff recommended that Mr. Gary be allowed to remove the mobile home unit. The Council unanimously approved of the staff suggestion.

Councilman Prince asked if we could lock the park gate at night.

Chief Giger said that the Police Department could not guarantee that it be locked at the same time each evening or opened up at the same time.

Scott Nelson explained that the Swim Center has been experimenting with staying open on holidays. However, they will close on Monday, November 11, Veterans Day to "super chlorinate" the pool. Mr. Nelson also reported that he had received word from the State Board of Health today that we have permission to turn on the ozonator in the evenings. The next step, regarding the ozonator, is to implement state written regulations.

Councilman Prince asked what an ozonator did and was informed it was a method of disinfecting the pool which seems to be successful.

**ACTION REVIEW:** 1. Implement the two SDC Resolutions No. 490, Parks and 492, Sewers.

2. Send the approved Resolution No. 491, supporting the Fair and Efficient Law Enforcement Committee action to the Clackamas County Board of Commissioners.

3. Appoint Juanita Gunder to the Traffic Safety Commission.

**\*\*Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(h), regarding pending litigation and (1)(i), regarding the evaluation of a public employee. Motion seconded by Councilman Prince and approved 5-0.**

Mayor Carroll recessed the regular session at 8:45 p.m. to go into Executive Session in the Police Department. Mayor Carroll reconvened the regular session at 9:25 p.m. and immediately adjourned the meeting.

---

#### EXECUTIVE SESSION NOVEMBER 6, 1991

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

Mayor Carroll opened the session at 8:57 p.m. in the Police Department Conference Room.

ORS 192.660 (1)(i) - The Council discussed the evaluation of former employee Tim Skipper.

ORS 192.660 (1)(h) - The Council discussed the following pending litigation cases:  
City of Canby vs. Bryce Hanson;  
Elementary School District Property;  
Boland and Jeans; and  
Mike Rinkes

Mayor Carroll adjourned the session at 9:24 p.m.

A handwritten signature in cursive script, reading "Marilyn K. Perktt". The signature is fluid and somewhat stylized, with a large loop at the end.

Marilyn K. Perktt  
City Recorder

A handwritten signature in cursive script, reading "Shawn P. Carroll". The signature is fluid and somewhat stylized, with a large loop at the end.

Shawn P. Carroll  
Mayor

## PROCLAMATION

*WHEREAS, this day was established by the National Community Education Association to recognize community education, with its principles rooted in community involvement and empowerment, integrated delivery of services, and maximum use of resources, and*

*WHEREAS, community education programs are in a position to bring about the comprehensive services needed to respond to President Bush's call for a nation of literate adults, and*

*WHEREAS, Canby Community School strongly supports and contributes to the National Community Education Day theme "Literacy, A Community Affair."*

*NOW, THEREFORE, I, SHAWN P. CARROLL, Mayor of the city of Canby, Oregon, do hereby proclaim Tuesday, November 19, 1991 as*

### NATIONAL COMMUNITY EDUCATION DAY

*and call upon the residents of the city of Canby to observe this day by supporting literacy programs available to the public, volunteering to be trained as a literacy tutor, and educating themselves about the societal problems relating to illiteracy in our community and the nation.*

*IN WITNESS WHEREOF, I hereby set my hand and the seal of the city of Canby to be affixed on this sixth day of November in the year of our Lord, One Thousand Nine Hundred Ninety-One.*

---

Shawn P. Carroll, Mayor