

**CANBY CITY COUNCIL  
REGULAR SESSION  
FEBRUARY 6, 1991**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, Swim Center Director Scott Nelson, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, City Treasurer Virginia Biddle, City Receptionist Marty Moretty, John Dethman, Aaron Starr, Mavourn Stuart, Mark Triebwasser, Judy Pellett, Jacki Love, Mike Franzwa, Mavourn Stuart and Chris Curran.

Mayor Carroll called the meeting to order at 7:30 p.m., followed by the flag salute and meditation.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Prince moved to approve as distributed the minutes of regular session, January 16, 1991. Motion seconded by Councilman Daniels and approved 5-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Recorder Perkett introduced Marty Moretty, the new receptionist recently hired and noted what an asset Mrs. Moretty was to the City staff.

Mayor Carroll wished his daughter, Ashley, a Happy "First" Birthday today.

**COMMUNICATIONS:** Administrator Jordan read a letter from the Canby Fire Department thanking the City for the use of our chipper that they used during their annual Christmas Tree pick-up service.

Mr. Jordan reviewed a request from Jeannine Patrick, of the Pudding River Dog Enthusiast Club, requesting permission to use the portion of the City parking lot across from the Police Department on March 9th, from 11:00 am to 3:00 pm to encourage citizens to participate in their dog training programs. \*\*Councilman Daniels moved to approve the request of the Pudding River Dog Enthusiast Club to use a portion of the City Parking Lot on March 9, 1991, to display their dog training and obedience programs; and to coordinate their activities with the City Public Works and Police Departments. Motion seconded by Councilman Smith and approved 5-0.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Prince moved to approve payment of accounts payable in the amount of \$83,625.24, seconded by Councilman Smith and approved by roll call vote, 5-0.

Audit Report - John Dethman, of Coopers & Lybrand, briefly reviewed the City's annual audit and essentially noted that the City had good accountability to the citizens on spending procedures. Mr. Dethman used a comparison table of other cities to compare General Fund balance as a percentage of expenditures, per capita spending, tax rate and overlapping tax rate. The table put Canby in very good standing in these categories.

In reviewing the management letter, Mr. Dethman suggested that a number of funds be discontinued and put into the general fund and that under Oregon Budget Law we were allowed to appropriate by department spending, using a broader approach in lieu of the line item approach.

Administrator Jordan and Mayor Carroll thanked Mr. Dethman for his report and the good working relationship that Coopers and Lybrand has projected with the City for the past several years.

At this time, Councilor Prince asked if someone from the dog club could explain some of their organization's programs. Judy Pellett, from the club, explained how various stations would be set up to display some of their activities and allow for interaction with the public. She said their club was three years old and held an annual dog show each year at the Molalla State Park.

Local Agency Agreement - Rusty Klem explained that the N. Birch Street improvement project required this agreement between the City and the State of Oregon to specify responsibilities of both parties for the project. The agreement is specifically needed due to the fact of using Federal Aid Urban Project money. \*\*Councilman Daniels moved to approved the Local Agency Agreement between the City of Canby and the State of Oregon and authorize the City Recorder and Mayor to execute the agreement of behalf of the City. Motion seconded by Councilman Prince and approved 5-0.

Councilor Daniels asked if both sides of the street would have sidewalks and was told that they were planned for, however, it depended on the results of the bids.

Annual Liquor Licenses Renewals - Recorder Perkett explained the annual process on renewing all liquor licenses in the City and noted that the forms required endorsement by the City. \*\*Councilman Prince moved to approve the annual renewal of the following liquor licenses: Roth's IGA Foodliner, 7-11 Store., Willamette Valley Country Club, American Legion Post 122, TNT Market, Canby Bowl, Lost Dollar Saloon, Cutsforth's Thriftway, Elm Street Inn, Gold Dragon Restaurant, Fultano's Family Pizza and Marvel's Pizza. Motion seconded and approved 5-0.

Highway Banner Fee - Administrator Jordan informed the Council that we occasionally receive request from various organizations to display advertising banners across our Highway 99E overpass. Mr. Jordan explained that our street crew and the CUB crew install the banners to be sure they are secure and this does involve some cost in labor. The request to implement a \$50 fee will help defray some of the costs. Also, an application form was drafted as per Municipal Code Section 16.42.050. \*\*Councilman Smith moved to authorize a \$50 fee for a Banner Permit and application as per Municipal Code Section 16.42.050. Motion seconded by Councilman Stiglbauer and approved unanimously, 5-0.

Swim Center Fee Schedule - Scott Nelson, Swim Center Director, informed the Council that the Advisory Board and been pursuing a rate study and several area pools will be increasing their rates as a result of Measure 5 passage. Mr. Nelson said it had been eight years since a pass rate had been increased at the pool. The proposed schedule offers a fifteen percent discount for City residences and lessons will also be increased.

Councilor Prince asked if the increase would affect the attendance and Mr. Nelson said he did not feel that it would.

Mike Franzwa, Fairway Lane and Swim Team parent, addressed the Council noting that the increase was a big jump and the Swim Team would loose membership. Mr. Franzwa said that about two-thirds of the team members are from out of the City. He encouraged the Council to give the Swim Team a reduced rate.

Mavourn Stuart, Advisory Board member, informed the Council that the board had reviewed the fee increase for several months, including the fact that many out of City patrons use the pool that is supported by City tax money. Mrs. Stuart said the board had also considered a financial hardship rate, but decided to leave this up to the Council for

consideration.

Mark Triebwasser, Advisory Board member, reminded the Council that this was the first increase in about ten years and felt it should be done on an annual basis.

**\*\*Councilman Stiglbauer moved to approve the fee schedule as presented by staff (and attached to these minutes) effective March 1, 1991; to instruct staff to pursue a hardship clause to bring back to the Council by May 15, 1991; and to allow the Swim Team members out of the City the same rates as City members. Motion seconded by Councilwoman Miltenberger and approved 5-0.**

Special Animal Permit - In compliance with Municipal Code Section 6.04.030, Jacki Love, 1225 N. Grant, submitted an application for a permit to keep a miniature pot bellied pig at her home. Ms. Love had obtained signatures from several neighbors who had no problem with their keeping such a pet. Ms. Love informed the Council that this type of pet is very mellow and will get to be about forty pounds. **\*\*Councilman Daniels moved to approve the request for a Special Animal Permit by Jacki Love, 1225 N. Grant Street, to keep a pot bellied miniature pig at her residence. Motion seconded by Councilman Smith and approved 5-0.**

Administrator Jordan noted that in the past, many of those who requested to keep pets, other than domestic, have been done on an administrative basis and asked if the Council would like the ordinance amended to reflect the same type of procedure. The general consensus of the Council was to amend the ordinance as noted.

**ORDINANCES & RESOLUTIONS: Ordinance No. 852 - This was the second reading of the tree ordinance. **\*\*Councilman Daniels moved to adopt on final reading, Ordinance No. 852, AN ORDINANCE REGULATING THE PLACEMENT, REMOVAL AND MAINTENANCE OF ALL STREET TREES AND RECOMMENDING GUIDELINES FOR THE PLACEMENT, REMOVAL AND MAINTENANCE OF TREES ON PRIVATE PROPERTY; REPEALING MUNICIPAL CODE SECTION 12.20 AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved by roll call vote, 5-0.****

Resolution No. 463 - This is the accompanying resolution to the street tree ordinance and establishes a tree species list. Mr. Klem explained that in establishing the list, he had discussed various species and shrubs with the Oregon State University Extension Service. **\*\*Councilman Daniels moved to adopt Resolution No. 463, A RESOLUTION ESTABLISHING A STREET TREE SPECIES LIST, seconded by Councilman Smith and approved 5-0.**

**UNFINISHED BUSINESS:** None presented.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan reminded the Council of the various Newly Elected Officials Workshops sponsored by the League of Oregon Cities.

Administrator Jordan informed the Council of a meeting on Tuesday, February 12th, with some property owners regarding possible annexation.

Mayor Carroll asked if the sludge pump was having problems. Mr. Klem said it had been shut down and was in operation at this time so there should be no significant odor now. Mr. Klem did note that some of the local farmers were using chicken manure.

**ACTION REVIEW:** 1. Approve Jeannie Patrick's request for dog program.

2. Execute Local Agency Agreements for Birch Street Improvement Project.
3. Approve liquor licenses.
4. Implement \$50 Banner Fee.
5. Implement new pool schedule and pursue hardship clause.
6. Approve Special Animal Permit
7. Implement Ordinance No. 852 and Resolution 463.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e), to discuss real property; and (1)(h), to discuss pending litigation. Motion seconded by Councilman Stiglbauer and approved 5-0.**

Mayor Carroll recessed the regular session at 8:38 p.m. to go into Executive Session in the Police Department Conference room. The press was invited.

The regular session was reconvened in the Council Chambers at 9:53 p.m. and immediately adjourned.

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**EXECUTIVE SESSION  
FEBRUARY 6, 1991**

Mayor Carroll presiding. Council present: Prince, Daniels, Smith, Stiglbauer and Miltenberger. Absent: Taylor.

Also present: Administrator Jordan, Attorney Kelley and Chris Curran.

Mayor Carroll opened the session at 8:47 p.m. in the Police Department Conference Room.

ORS 192.660 (1)(h) - The Torgeson case was reviewed by Attorney Kelley.

The Council discussed the pending litigation case with Dave Boland and Harold Jeans.

ORS 192.660(1)(e) - the Council discussed real property transaction between the City and school district.

The executive session was adjourned at 9:51 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Shawn P. Carroll  
Mayor