

CANBY CITY COUNCIL
REGULAR MEETING
JUNE 19, 1991

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

Also present: Administrator Michael Jordan, Police Chief Jerry Giger, Librarian Beth Saul, Public Works Director Rusty Klem, Swim Center Director Scott Nelson, City Treasurer Virginia Biddle, City Recorder Marilyn Perkett, Sharon Root, Anna Phillips and Chris Curran.

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, June 5, 1991. Motion seconded by Councilman Prince and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PUBLIC HEARING: 1990-91 Supplemental Budget - Mayor Carroll briefly reviewed the public hearing procedure.

Treasurer Biddle reviewed the proposed Supplemental Budget: \$41,135 will be transferred from the General Fund for the following expenditures, \$25,000 - Street Department; \$13,000 - Debt Service; and \$4,135 Community Service. Also, Emergency Services received \$2,000 in unanticipated revenues and this needed to be budgeted for expenditures.

Mayor Carroll opened the hearing at 7:34 p.m.

Proponents: None.

Opponents: None.

Mayor Carroll closed the hearing at 7:35 p.m.

**Councilman Prince moved to adopt Resolution No. 479, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET. Motion seconded by Councilman Daniels and approved 5-0.

COMMUNICATIONS: Letter from Graham Building Businesses - Administrator Jordan read a letter signed by Sharon Root and Marcia Fisher, requesting the Council to consider extending the time limit on parking in the Graham lot to three hours instead of the present two hour limit.

Sharon Root addressed the Council and pointed out that some of her morning ceramic classes last for three hours and her clients usually have a large box of supplies to transport to her business in the building basement. Also, she said that some of Mrs. Fisher's clients in her hair salon have appointments that last from 2 1/2 to 3 hours.

Councilman Daniels suggested some type of sticker or card could be placed in the vehicle to let the Parking Officer know that the occupant is a client of one of these businesses.

Councilman Taylor brought up the fact that other businesses in town have only two hour parking and wondered how they would feel. He also asked how many people this affected.

Mrs. Root said on Wednesday mornings she has a three hour class of 12 people, some elderly. However, she did not know how many would be affected in Mrs. Fisher's beauty shop.

****Councilman Daniels moved to authorize staff to implement three hour parking in the Graham Building Parking lot for six (6) months and to evaluate it at the end of that time. Motion seconded by Councilwoman Miltenberger.**

Anna Phillips, 314 N. Grant, of Canby Ice Cream reported that three of her customers received parking tickets last week after staying for an extended lunch and she questioned the history behind the two hour limit.

Attorney Kelley noted that it was City businesses that requested the limited parking to keep the flow of traffic and available parking spaces in the core area for business customers. Also, most people have their business done within two hours.

****The motion on the floor passed 5-0.**

Letter from Canby Arts Association - Administrator Jordan reviewed the letter from Diane Anderson, President of the Canby Arts Association, requesting annual permission to use Wait Park and surrounding streets for the July 4th, General Canby Day.

****Councilman Daniels moved to grant the Canby Art Association permission to use Wait Park and surrounding streets for the July 4th event and to coordinate their activities with the Public Works crew and Fire Department. Motion seconded by Councilman Prince and approved unanimously.**

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to authorize payment of accounts payable in the amount of \$162,362.37. Seconded by Councilman Smith and approved by roll call vote, 5-0.

Scott Taylor apologized for not following the order of the agenda, however, he questioned a letter he received from Mr. Midura regarding the sewer plant odor problem and wondered why it was not an agenda item.

Administrator Jordan said it was not a letter which, in his opinion, required Council action and was handled administratively.

Approval of Year End Close Out - Administrator Jordan requested that the Council authorize a member to come into City Hall on June 28th, our last working day of the fiscal year, to authorize payment of accounts to close out the books.

****Councilman Taylor moved to authorize Councilman Daniels to review the accounts for the year end close out and to make the payment to close out the year on June 28, 1991. Motion seconded by Councilman Daniels and approved 5-0.**

General Canby Day Banner Request - Administrator Jordan pointed out that Municipal Code 16.42.050, requires Council approval for the placement of temporary street banners. Canby Arts Association was requesting authorization to put a banner up to advertise the July 4th General Canby Day, it will come down on July 5th.

****Councilman Smith moved to authorize the request of the Canby Arts Association to put up a temporary banner for the July 4th General Canby Day. Motion seconded by Councilman Daniels and approved 5-0.**

Proposed Business License Fee Increase - Recorder Perkett reminded the Council that during the budgeting process the revenues generated from annual business licenses was doubled. Therefore, she had researched several communities regarding their current fees and found most cities fee schedules are based on number of employees. The Recorder felt this would not be as easy to administer, however, would be more equitable to the businesses. Mrs. Perkett pointed out that the Chamber of Commerce had submitted a letter today asking why the increase and to justify the increase in fees. It was also noted that we had not increased the fees since 1974. Mrs. Perkett also asked the Council if they wished to keep the current criteria of licensing both contractors and subcontractors. Many cities only license the contractors and it is often difficult to catch all subcontractors to request a license.

Several Council members felt a flat fee for each business was better than a fee that was on a scale according to number of employees. Also, it would be easier to administer, as well as the fact that all businesses received the same benefits.

Councilman Daniels pointed out that years ago when the fee had first been instituted it was to pay for the foot patrol which checked doors on business establishments; this patrol was cut from the budget many years ago. However, he felt the current parking officer was a benefit for businesses.

The general consensus of the Council was to establish a flat fee of \$45.00. Also, the Council requested that staff return to Council with not only a draft ordinance but a written report on the benefits to businesses. Staff will probably have this ready for the July 17th agenda.

ORDINANCES & RESOLUTIONS: Ordinance No. 862 - Administrator Jordan informed the Council that this ordinance was a housekeeping ordinance in the budgeting process.

****Councilman Daniels moved to adopt on final reading, Ordinance No. 862, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR 1991-92 FISCAL YEAR.** Motion seconded by Councilman Prince and approved by roll call vote, 5-0.

UNFINISHED BUSINESS: Adoption of Goals and Objectives - Administrator Jordan reviewed the process that started in January with the department heads and Council, along with facilitator Merlin Reynolds. He felt this would be a "road map" for several years to come of the goals and objectives of the City and was requesting that the Council officially adopt the document.

Councilman Taylor requested that the City Mission Statement be included in the document.

Councilman Smith requested that, for historical value, a page be added with the names of all the people that worked on the document.

****Councilman Daniels moved to go on record as a Council adopting the published City Goals and Objectives with the requested additional pages.** Motion seconded by Councilman Smith and approved 5-0.

Mayor Carroll thanked everyone who had participated in the long process of developing the City Goals and Objectives.

Wait Park Policy for Reservations - Administrator Jordan reminded Council that at the last meeting they had requested staff to return with a Policy allowing the Administration to authorize one day events that needed no special street closures or anticipated a large attendance at Wait Park.

****Councilman Taylor moved to adopt the City Policy on use of Wait Park for special events with no street closures or large attendance. Motion seconded by Councilman Prince.**

Councilman Taylor requested that we amend the motion to read "City Parks", not just Wait Park, in the event some of our other parks fall under this policy.

Motion was passed as amended, 5-0.

Interim Meeting Room Rules for Public Library - Beth Saul informed the Council that the library had been using these rules that were adopted about nine months ago and some minor changes were incorporate into the rules, except for one primary change. Mrs. Saul said she had received notice that in the mid-west a case was being tried in the courts regarding not allowing "religious" meetings in the libraries. The report she received said the law suit will probably change this and refer to these types of meetings as "public forums", therefore, she wanted to incorporate this into the rules.

Councilman Taylor said he appreciated her concern in acting promptly on this issue, however, he felt that in the future we should not act upon any "possible rulings" until they are finalized since there seemed to be so many law suits about various things these days.

****Councilman Taylor moved to adopt the Canby Public Library Rules for Library Community Room Use as published. Motion seconded by Councilman Daniels and approved 5-0.**

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Carroll polled the Council about canceling the July 3rd regular meeting. It appeared that a quorum would be present so the meeting will be held.

Jerry Giger, Police Departmental Update - Chief Giger gave an update of activities in the Police Department:

- Currently there are 14 officers and 5 dispatchers.
- He attended 3 classes in the last 9 months on Community Policing. Also, 3 officers are involved in taking classes.
- The department has been reviewing the Citizens Advisory concept.
- The Department Policy manual has been completed; the last one was done in 1984.
- Two officers, Detectives Gustaveson and Swanberg, went to Sacramento to attend classes for the Western State Information Network, as well as study Drug and Gang Task Force enforcement.
- A total of 70 drug cases were filed in the first 6 months.
- A large drug bust was made by the department and two arson cases solved.
- They are evaluating their LETN training program by having the officer pre and post test regarding the TV programs.
- The roof is still "leaking" and Roy Hester is checking into some possible solutions.
- The Traffic Safety Committee is very active and may get involved in requesting some grants.

Councilman Prince asked him to explain the DARE Officer that will be hired in the new budget year. Chief Giger explained that this will be a Drug Awareness and Resistance Education Officer that will have intense training in the field and do classroom presentations at the schools.

Rusty Klem informed the Council that he will be meeting with the Willamette Valley Country Club members regarding the odor problem from the sewer plant.

Scott Nelson reported that the Swim Pool is currently in their swim lesson program and it is

going quite well. Also, the new roof project is almost done.

****Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e), regarding real property negotiations; (1)(h), regarding litigations; and (1)(i), to evaluate the performance of a City employee. Motion seconded by Councilman Prince and approved 5-0.**

Mayor Carroll recessed the regular session at 9:08 p.m, to go into Executive Session after a short recess. The regular meeting was reconvened at 10:35 p.m.

Mayor Carroll asked if there was any other business to come before the Council.

Councilman Prince informed the Council that \$16,000 which appeared on the accounts payable from the Investigation Fund was usually used for drug related purposes. Mr. Jordan said all of this money comes from forfeitures. Mr. Prince said there was not documentation on the expenditures and felt some should be kept. Administrator Jordan said he would look into this matter.

Councilman Prince also suggested that the Council should be thinking about Supplemental Budgeting funds, after the Rinkes litigation, to fund Mayor Carroll's trip to our Sister City as our representative.

Councilman Prince brought up the subject of the City owned logging road and felt we should make a decision about what our intentions are for this road and let the Planning Commission know of our future plans. The Parks Master Plan had this road selected for a future jogging and bike path. When it was first accepted by the City, it was then designated to be a road and utilizing the bridge as a two lane road. Administrator Jordan said that we have recently cleared brush from that road and received complaints from citizens that we had ruined a scenic road.

Administrator Jordan pointed out some growth projects going on in the City: numerous inquiries regarding annexation from the Redwood Street area; an annexation application filed today by David Anderson for a very large area behind Hiway Tire; and an annexation of a 30 acre tract of Tofte land that adjoins Township Village which would create housing for about 120 lots. Also, Cedar Ridge is now putting in streets and Township Village Phase III will put in streets next week. Mr. Jordan noted how busy the Planning Department was, including a Conditional Use Permit application from every school in the City, except Ackerman.

Mayor Carroll adjourned the regular session at 10:50 p.m.

EXECUTIVE SESSION JUNE 19, 1991

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

Mayor Carroll opened the session in the Council Chambers at 9:23 p.m.

ORS 192.660 (1)(h), the Council discussed the pending Rinkes litigation case.

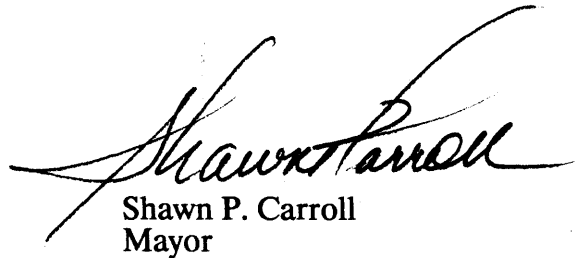
ORS 192.660 (1)(e), the Council discussed the possible purchase of Southern Pacific property and sale of City property to the Elementary School District.

ORS 192.660 (1)(i), the Council discussed the job performance of the Municipal Judge and an investigation of a Police Department employee.

Mayor Carroll adjourned the session at 10:34 p.m.

A handwritten signature in cursive script, appearing to read "Marilyn K. Perkett".

Marilyn K. Perkett
City Recorder

A handwritten signature in cursive script, appearing to read "Shawn P. Carroll".

Shawn P. Carroll
Mayor