

**CANBY CITY COUNCIL  
REGULAR MEETING  
JULY 17, 1991**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Librarian Beth Saul, City Planner Bob Hoffman, Public Works Director Rusty Klem, Aquatics Director Scott Nelson, Nancy & Bob Friesen, Teresa Arnold, Cynthia Shipp, Robert & Ragina Shollenberger, Jim & Janice Haas, Robert Graham, Dr. Burnham, L.W. & L.D. Brockway, Dave Fisher, Audrey Neeley, Judge Jon Henriksen, Jim McKibbin and M. Oliver.

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

Roll call of the Council showed all members to be present.

**MINUTES OF PREVIOUS SESSIONS:** \*\*Councilman Prince moved to approve as distributed the minutes of regular session, July 3, 1991 and emergency session July 9, 1991. Motion seconded by Councilman Daniels and approved unanimously.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Mayor Carroll explained to the audience why our Council Chamber's was so festive, it was due to our earlier appreciation receptions for the many community volunteers that serve on various committees and boards. Mayor Carroll thanked Marty and Marilyn for their preparation of this evening's event.

Teresa Arnold, 1287 N.E. Territorial, started to address the Council regarding the proposed new Elementary School District building site on N.E. Territorial.

Attorney Kelley explained to Ms. Arnold, and the audience, that this issue has been appealed to the Council and by "law" the City Council could not hear any new testimony. Also, the other side, the Elementary School District, was not here for rebuttal.

The Council discussed setting a time and date for the appeal hearing and set Wednesday, July 31, 1991, 7:30 p.m. at the Canby Adult Center.

Attorney Kelley informed the audience that the local newspaper will have a notice of the appeal; and people that attended and gave testimony at the Planning Commission hearing will receive written notice.

(At this point in the meeting most of the audience left the chambers.)

**COMMUNICATIONS:** None presented.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$94,812.70, seconded by Councilman Prince and approved by roll call vote, 6-0.

Annual Report from Judge Henriksen - Judge Henriksen reminded the Council that this was his 13th annual report on the Municipal Court. The Judge said that the Court collected \$139,070 which was \$6,803 down from the previous year. From the revenue the following were paid; salaries, interpreter (which is now required by law), City Attorney and expenses, and police overtime of \$3,487. Judge Henriksen commented that for the fourth

year in a row the City of Canby was first in cases filed and closed of the 23 courts in our population category.

Judge Henricksen informed the Council that he was pleased to announce that he had been selected to the faculty of the National Judicial College held every year at Reno, Nevada. He is only the second Judge from the State of Oregon to be selected to this positions. Mr. Henricksen indicated that since he is on the faculty it will cost the City very little money to send him each year.

Judge Henricksen told the Council he had ordered a gift for the City, however, it has not been delivered yet. It is a cast and carving of the City Seal very similar to the State Seal that he presented the City last year.

Councilman Taylor asked if the decline of 573 case this year meant that crime is "down" in the City. The Judge felt this indicated less minor traffic infractions.

Mayor Carroll and Councilman Taylor both thanked Judge Henricksen for his annual report and complimented him on his administration of our Municipal Court.

Solar Access Presentation - Keith Liden, representative of McKeever/Morris Inc., made a presentation regarding implementing a Solar Access Ordinance. Mr. Liden used models and video aids in his presentation. Mr. Liden indicated that if residential homes were to comply with the proposed solar access plans, a 10 to 20% energy savings could be realized. Of the 22 cities that first participated in this concept, 18 have adopted the ordinance.

Administrator Jordan said that the Planning Commission would have a public hearing on August 12th on this issue and then forward a recommendation to the Council.

**ORDINANCES & RESOLUTIONS:** Ordinance No. 864 - Administrator Jordan reviewed the memo regarding the services funded to the business community from the collected fees: signed streets & parking areas; striped parking spaces & lots; parking enforcement officer; paid for street lighting; regulating transient businesses; referrals to various business; enforcement of local & state regulations, including zoning, signs, building codes, etc.; public protection; Municipal Court, including prosecution of all local misdemeanors such as trespass, bad checks, shoplifting, theft of rental property etc.; storm water drainage system; funding for City & Community sponsored events, such as General Canby Day, Chamber Wine Festival, Slice of Summer, etc.; and City Administration. Mr. Jordan informed the Council that this memo regarding the increased fee was in the last Chamber of Commerce newsletter, therefore most local merchants have reviewed it. Also, a resolution setting the new fee will be on the next agenda.

**\*\*Councilman Prince moved that Ordinance No. 864, AN ORDINANCE AMENDING PORTIONS OF CHAPTER 5.04 OF TITLE 5 OF THE CANBY MUNICIPAL CODE ENTITLED BUSINESS LICENSES; AND DECLARING AN EMERGENCY, be posted and come up for final action on August 7, 1991. Motion seconded by Councilman Smith and approved 6-0.**

Resolution No. 477 - Administrator Jordan said that this resolution was done to add some additional language required by the state in adopting our new budget, none of the figures were changed.

**\*\*Councilman Prince moved to adopt Resolution No. 477, A RESOLUTION ADOPTING BUDGET AND MAKING APPROPRIATIONS FOR THE 1991-92 FISCAL YEAR. Motion seconded by Councilman Stiglbauer and approved 6-0.**

**UNFINISHED BUSINESS:** None presented.

**OTHER REPORTS OR ANNOUNCEMENTS:** Beth Saul, Library Update - Mrs. Saul reported that the library circulation 10,000 more items this year, however, she reported that her staff is experiencing a "burn-out" due to work load and lack of adequate staffing. Mrs. Saul reported that her staff plans to visit other libraries to see how they schedule work loads to see if they can improve on their present system.

Mrs. Saul mentioned the following future plans for the library:

- \*First birthday to celebrate one year in new facility, early September.
- \*Various craft classes and two classes taught by Sgt. Pagano for women, self defense and fire arms.
- \*Children's book week in November.
- \*Old Fashion Christmas Night this year.
- \*Canby Civic Theater will be doing programs for children between Thanksgiving and Christmas.
- \*A-X Canby History meetings are continuing with plans for an eventual brochure.
- \*John Smith has resigned and is full-time at Wilsonville Library.
- \*Martha Schrader and some youngster made a video on "how to use the library video catalog".

Beth mentioned that the library has two very impressive displays, the Uncle Sam and the Oregon Territory which is 32 panels; and a Gulf War display with pictures and mementos from local military members that served in the Gulf.

Rusty Klem asked the Council to review the memo they had received tonight regarding the engineering services for the sewer plant proposal. He will soon be asking the Council to review the contract that we currently have in place with Brown and Caldwell.

Mayor Carroll expressed his appreciation to the Police and Fire Department for their quick response to the unfortunate accident at Wait Park on General Canby Day.

**ACTION REVIEW:** 1. We will be posting Ordinance No. 864 and sending Resolution No. 477 on to the County.

Mayor Carroll also reminded everyone of the Slice of Summer concerts to be held in Wait Park on Sunday's.

**\*\***Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e) regarding negotiations on real property; (1)(h), regarding litigation; and (1)(i), to evaluate employee related performance. Motion seconded by Councilman Daniels and approved 5-0.

Mayor Carroll recessed the regular session at 8:35 p.m. to go into Executive Session in the Police Department Conference Room.

The regular meeting was reconvened at 9:59 p.m. and immediately adjourned.

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Executive Session  
July 17, 1991

Present: Mayor Carroll, Council members Stiglbauer, Prince, Smith, Prince, Taylor and Miltenberger, Administrator Jordan and Attorney Kelley.

Mayor Carroll called the session to order in the Police Department Conference Room at 8:48 p.m.

ORS 192.660 (1)(h), the Council discussed the pending litigation case regarding Rinkes and the City of Canby.

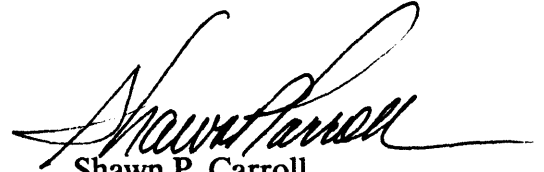
ORS 192.660 (1)(e), the Council discussed the negotiations between the Elementary School District and the City, regarding real property.

ORS 192.660 (1)(i), the Council evaluated the Judge's contract and evaluated a Police Department employee, Tim Skipper.

Mayor Carroll adjourned the Executive Session at 9:57 p.m.



Marilyn K. Perkett  
City Recorder



Shawn P. Carroll  
Mayor