

CANBY CITY COUNCIL
REGULAR MEETING
DECEMBER 18, 1991

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, Public Works Director Rusty Klem, City Planner Bob Hoffman, Police Chief Jerry Giger, Aquatics Director Scott Nelson, Jimmie Luey, Marcus McPike, Peggy Sigler, Martha Schrader, Darlene Key and Steve Miller.

Mayor Carroll called the session to order at 6:03 p.m. and dispensed with opening ceremonies.

WORKSHOP: Ethics - Mayor Carroll recessed to go into workshop session regarding "Ethics for City Employees".

Mayor Carroll reconvened the regular session 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, December 4, 1991. Motion seconded by Councilman Prince and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Carroll asked the Council if they would like to cancel the regularly scheduled meeting for January 1, 1992, since it is a holiday.

**Councilman Daniels moved to cancel the regular meeting of January 1, 1992, and meet on January 15, 1992. Motion seconded by Councilwoman Miltenberger and approved 6-0.

Councilman Prince volunteered to review the accounts payable bills for the January 1, 1992, so payments can be made.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to authorize payment of accounts payable in the amount of \$133,631.62. Motion seconded by Councilman Smith and approved by roll call vote, 6-0.

Proposed Ordinance to Prohibit Picketing - Administrator Jordan reviewed the request from Dr. George Kabacy that the Council consider implementing an ordinance to prohibit "picketing" in residential areas. Dr. Kabacy submitted a sample ordinance, that has been court upheld, from Wisconsin.

Mayor Carroll individually polled each member on this issue and it was their unanimous decision to ask staff to return to Council with more information on the subject.

Attorney Kelley informed the Council that he had spoke to a colleague on the issue, one who is highly knowledgeable in this area of concern, and he is currently researching the Oregon Constitution regarding implementing such an ordinance.

Contract with County for Historic Planning - Planner Hoffman noted that he has been meeting regularly with the Canby Historic Preservation Task Force group. At this time, Clackamas County has made a proposal to assist the City with the historic inventory. The proposed contract with the County for their services is not to exceed \$5,000. However, Mr. Hoffman said that we will receive up to \$2,500 from LCDC for this purpose; and we will be able to count City in-kinds services towards the cost. Mr. Hoffman said the maximum out of pocket money for the City will not be more than \$2,500.

Peggy Sigler, member of the Task Force, informed the Council that they anticipated about 150 additional sites to be inventories. Also, she noted that buildings 50 years and older will be considered. She pointed out the three criteria that the County considers in their historic inventory: 1) architectural design, 2) historic background, and 3) environmental factors.

****Councilman Taylor moved to authorize the Mayor to sign a contract on behalf of the City with the Clackamas County Department of Transportation and Development to engage into a historic inventory and the cost not to exceed \$5,000. Motion seconded by Councilman Prince.**

Councilman Taylor pointed out that he would like to see much less than \$5,000 spent on the project and also see a completed document.

****The Council passed the motion 6-0.**

Planning Commission Appointments - Administrator Jordan informed the Council that two members of the Planning Commission have terms that expire in December, 1991, Robert Westcott and Linda Mihata. Mrs. Mihata has consented to serve another three year term, however, Mr. Westcott cannot serve another term due to his business commitments.

****Councilman Daniels moved to re-appoint Linda Mihata to a three year term on the Planning Commission, expiring in December 1994. Motion seconded by Councilman Stiglbauer and approved 6-0.**

The Council will accept letters of intent from citizens interested in serving on the Commission, the deadline for acceptance of letters will be January 10, 1992. Councilmen Bob Smith and Terry Prince, along with either the Chairman or Vice-chair from the Planning Commission will act as a committee to screen applicants and make a recommendation to the Council.

WORKSHOP: Street Vacation - Mayor Carroll recessed the regular session at 8:02 p.m. to go into a workshop with representatives from Canby High School regarding street vacations for S.W. Fifth Avenue and S. Birch near the school.

(NOTE; MINUTES ARE NOT KEPT ON WORKSHOP SESSIONS.)

Mayor Carroll reconvened the regular session at 8:20 p.m.

****Councilman Daniels moved to have the City Council initiate street vacation proceedings for S.W. 5th between Aspen and Birch and S. Birch between S.W. 4th and 5th. Motion seconded by Councilman Smith and approved 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 866 - Administrator Jordan explained that this ordinance was to be considered for final action.

Planner Hoffman requested that the emergency clause be eliminated from the ordinance in order to allow ample time to notify people of the implementation of the ordinance.

****Councilman Taylor moved that Ordinance No. 866, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING SOLAR ACCESS PROTECTION REQUIREMENTS be adopted and become part of the laws of the City. Motion seconded by Councilman Smith and approved by roll call vote, 6-0.**

It was noted that ordinances without an emergency clause are not effective until 30 days after adoption.

Ordinance No. 872 - Planner Hoffman informed the Council that the current requirements for driveways far exceeded the necessary width and had recently caused some problems, particularly for development on small lots in R-2 zones. Mr. Hoffman said there was no opposition on the issue at the Planning Commission hearing. He also said that eleven (11) foot lanes are sufficient

Councilman Taylor felt that wide driveways were necessary in apartment complexes and that we should not have to change the ordinance for only a "couple unique" incidents.

Councilman Prince asked about other cities and was informed that Mr. Hoffman measured some of the driveways in other cities and they are relevant to the new suggested standards.

****Councilman Smith moved that Ordinance No. 872, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING CHAPTER 16.10 OF THE CANBY MUNICIPAL CODE TO PROVIDE FOR REDUCED STANDARDS FOR PARKING LOTS AND ACCESS be posted and come up for final action on January 15, 1992. Motion seconded by Councilman Daniels.**

Councilman Prince requested staff to research a solution to flatten the grade of sidewalks in driveways to eliminate the "drastic angle".

****Motion passed 4-2, with Councilmen Prince and Taylor voting nay.**

Resolution No. 497 - Rusty Klem said this resolution was required due to some DEQ changes in the industrial discharge limits of the pretreatment program.

****Councilman Taylor moved to adopt Resolution No. 497, A RESOLUTION SETTING INDUSTRIAL WASTE DISCHARGE LIMITS, DEFINING NORMAL WASTEWATER POLLUTANT CONCENTRATIONS, REQUIRING INDUSTRIAL WASTEWATER DISCHARGE PERMIT FEES, AND ESTABLISHING FEES AND CHARGES FOR THE TESTING OF INDUSTRIAL WASTEWATER. Motion seconded by Councilman Prince and approved 6-0.**

Resolution No. 498 - Administrator Jordan reminded the Council that they had previously received a copy of this proposal to review. Mr. Jordan said the intent is to form an association of government entities to primarily discuss services. The FOCUS participants will have to pay dues based on population. Canby's proposed dues would be 3 times the base (\$175), which is \$525. However, depending on participation, the base could be higher, with a maximum per year to Canby of \$750. Mr. Jordan noted that we could participate without paying, however, we would not be allowed to vote.

Councilman Taylor expressed concern about another political body that can lobby and support various things on our behalf. He emphasized the need to have smaller communities, like Canby, be recognized in these processes and their needs considered.

****Councilman Daniels moved to adopt Resolution No. 498, A RESOLUTION INDICATING THE PARTICIPATING OF THE CITY OF CANBY IN THE FORUM**

ON COOPERATIVE URBAN SERVICES AND OTHER MATTERS RELATING THEREOF. Seconded by Councilwoman Miltenberger and approved 6-0.

Councilman Taylor volunteered to participate, along with Administrator Jordan, as Canby representatives to FOCUS.

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Scott Nelson, presented an update of activities at the Swim Center:

- * since the renovations, all new systems seem to be working very well, energy consumption has improved and the appearance is better.
- * attendance and revenue has increased, in 1986 attendance was 4,500 and revenue \$49,000, now the figures are 6,500 and \$82,000.
- * the goal is to continue to increase revenue.
- * swim lessons for March are now being booked.
- * they are creating more services for adults: video use for personal progress and a Master Program with daily swim activities.
- * cooperative programs, such as the one with Chemeketa College using the pool, are generating 25% more revenue.
- * January and February will be Adult Fitness Months.
- * schools will come in next Spring for lessons.
- * David Biskar will return to work on January 2nd and Steve Lytle will be leaving soon.
- * a new crew of part time help has started, their longevity is anticipated for four years, until they graduate.

Councilwoman Miltenberger publicly expressed her thanks for the recent production of Snow White that she attended. She said the production and talent was outstanding.

- ACTION REVIEW:**
1. Research information on drafting an ordinance about picketing.
 2. Contract with Clackamas County for historic inventory.
 3. Send letters to retiring and reappointed Planning Commission members.
 4. Initiate street vacation process.
 5. Implement Ordinance No. 866 in 30 days.
 6. Post Ordinance 872 prior to second reading.
 7. Implement Resolution No.s 497 & 498.
 8. Investigate slope on driveway sidewalks.

******Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(h), regarding pending litigation. Motion seconded by Councilman Prince and approved 6-0.

Mayor Carroll wished everyone a "Happy Holiday Season" and to be sure and "Drive Carefully".

Mayor Carroll recessed the regular session at 9:10 p.m. to go into Executive Session in the Police Department Conference Room. The regular session was reconvened at 9:38 p.m. and immediately adjourned.

EXECUTIVE SESSION
DECEMBER 18, 1991

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


Mayor Carroll opened the session at 9:20 p.m. in the Police Conference Room.

ORS 192.660 (1)(h) - The Council discussed the Rinkes case,

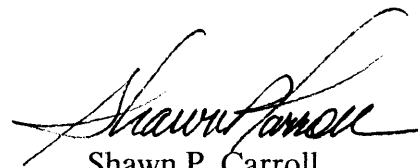
City of Canby vs. Torgeson was updated by the Attorney.

The LUBA appeal regarding siting of the school was discussed.

Mayor Carroll adjourned the session at 9:35 p.m.



Marilyn K. Perkett
City Recorder



Shawn P. Carroll
Mayor