

**CANBY CITY COUNCIL
REGULAR MEETING
JANUARY 2, 1991**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, Library Director Beth Saul, City Planner Robert Hoffman, City Recorder Marilyn Perkett, Public Works Director Rusty Klem, and Public Works Supervisor Roy Hester, Joe Walker, Judy, Kate, Mike & Jeff Carroll, Dick & Virginia Carroll, Joyce Prue, Karen & Angela Carroll, Jerry & Mary Schoen, Diana Prescott, Dorothy McCormick, Christopher Curran, Judge Jon Henricksen and Lyle Read.

Mayor Kopelk 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 Prince moved to approve as distributed the minutes of regular session, December 5, 1990. Seconded by Councilman Daniels and approved 6-0.

OATH OF OFFICE CEREMONIES: The Honorable Judge Jon Henricksen was present to administer the oath of office to the newly elected City officials.

Judge Jon Henricksen administered the oath of office to Shawn P. Carroll, the new Mayor.

Mayor Carroll presented Nancy Kopelk with a "gavel plaque" honoring her ten years with the City of Canby government. Administrator Jordan presented Mrs. Kopelk with a large bouquet of flowers and gift on behalf of the City staff and expressed the City's gratitude for her years of service.

Judge Jon Henricksen administered the oath of office to the three Councilman that were re-elected to another four year term, Walter Daniels, Scott Taylor and Terry Prince.

**Councilman Prince moved to nominate Maureen Miltenberger, 131 S.W. 7th Place, Canby, to the unexpired term on the City Council, until November, 1992. Motion seconded by Councilman Smith and approved 5-0.

Judge Jon Henricksen administered the oath of office for Canby City Council to Maureen Miltenberger.

**Councilman Stiglbauer nominated Councilman Scott Taylor to the position of City Council President, seconded by Councilman Prince and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Terry Prince moved to approve payment of accounts payable for December 15, 1990, in the amount of \$72,657.29 and for

December 31, 1990, in the amount of \$35,823.64. Motion seconded by Councilman Smith and approved by roll call vote, 6-0.

Administrator Jordan noted that the regular Council meeting of December 19, 1990 was canceled and that was the reason for two accounts payable lists.

Adult Center Annual Report - Dorothy McCormick, Adult Center Director, briefly reviewed the past year activities at the center. Mrs. McCormick noted that activities for seniors are actually free, or on a donation basis. She indicated that the Canby center reached 108% of their goal in fund raising the past year, netting \$34,000 and this amount was extremely good for the size of the center. Mrs. McCormick told the Council that if the South Recreation District becomes more stable in the future, they would consider joining in the district for funding purposes.

Tree Ordinance - Rusty Klem reminded the Council that the Planning Commission had reviewed the draft ordinance and also, today comments were received from Canby Utility Board regarding their recommendations on the draft.

The Utility Board recommendations were primarily regarding unsafe trees in easement areas and these concerns could easily be addressed in the ordinance.

Mr. Klem reviewed the Planning Commission recommendations and noted their top concerns as follows: they wanted a noxious species list and wanted those species banned; remove all wording regarding "woody vegetation" and replace it with shrubs; eliminate all references to "grass"; and extend the appeal period to two weeks instead of 24 hours.

Councilor Prince expressed concern about eliminating references to grass, specifically for overgrown areas. Attorney Kelley noted that the nuisance abatement ordinance would cover that area regarding overgrown grassy areas.

Mr. Klem reminded the Council that the list of undesirable trees was for planting in public areas, and only recommendations would be made for planting on private property. Mr. Klem requested that the Council have any suggestions or recommendations about the ordinance to him by Friday and a final copy will be in the January 16th packet for the first reading.

Graham Parking Lot Lease - Attorney Kelley explained that our lease with Graham's for the parking lot behind their building had expired two years ago. Mr. Kelley has prepared a new lease and sent to the Graham's and a motion was necessary to approve the lease when the lease is returned to City Hall. **Councilman Daniels moved to authorize the Mayor and City Recorder to execute a ten year lease on the parking lot behind the Graham Building with Paul and Theresa Graham on behalf of the City. Motion seconded by Councilman Prince and approved 6-0.

Utility Board Appointments - Two positions on the Utility Board are due to expire and both members have volunteered to serve another term. **Councilman Daniels moved to re-appoint Wayne Oliver and Kermit Scarborough to the Canby Utility Board for another three year term, expiring in February 1994. Motion seconded by Councilman Smith and approved 6-0.

ORDINANCES & RESOLUTIONS: Ordinance 853 - Bob Hoffman, City Planner reviewed the process to date on the proposed ordinance. Mr. Hoffman pointed out that he had received a letter from DLCD requesting that if the City were to implement the proposed ordinance a couple changes were necessary. Mr. Hoffman pointed them out as: Section 4, ...does not apply to the review of manufactured homes on individual lots zoned for single family residential use; and Section 5, M. This section does not apply to the review of

manufactured homes on individual lots zoned for single family residential use. Mr. Hoffman explained that this meant Section 4, D exempted manufactured homes from this section; and Section 5, M exempted manufactured homes from placing additional conditions other than those already specified in this ordinance. Mr. Hoffman also explained that, as directed by the Council, another ordinance has been prepared and the process started to make manufactured homes an "outright use".

Councilman Prince expressed a concern regarding passing this ordinance after making those two changes and not giving the Planning Commission a chance to review the conditions.

Attorney Kelley referred to the Oregon Statutes and explained that if the changes were not "substantial", and in his opinion there were not, then we could pass the ordinance on second reading with no problems.

Administrator Jordan reminded the Council that the intent of the proposed ordinance was to have a document in place in the event an application should be turned in, and if we had no such document then we would have no regulations at all.

****Councilman Daniels moved to approve Ordinance No. 853, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING MANUFACTURED HOMES ON INDIVIDUAL LOTS PLANNED AND ZONED FOR SINGLE FAMILY RESIDENTIAL USE TO BE PERMITTED AS CONDITIONAL USE; AND DECLARING AN EMERGENCY, as amended by the additions of Section 4 and Section 5. Motion seconded by Councilman Taylor and approved by roll call vote, 4-2, with Councilor's Prince and Smith voting Nay.**

Ordinance No. 854 - Attorney Kelley first explained the memo from Planner Hoffman, which he noted really did not apply to ordinance No. 854, which is amending the design review ordinance specifically for parking and some other minor changes to comply with other existing ordinance.

****Councilman Prince moved that Ordinance No. 854, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING ORDINANCE NO. 848 REGARDING STANDARDS FOR SITE AND DESIGN REVIEW, AND DECLARING AN EMERGENCY be posted and come up for final action on January 16, 1991. Motion seconded by Councilman Smith and approved 6-0.**

The Council next considered Mr. Hoffman's memo regarding changes to the Design Review Ordinance.

Mr. Hoffman pointed out some conflicts with the Design Review Ordinance regarding the regulations of signs. Specifically, what the intent of Council was in regards to reviewing all signs, not just new projects. Staff pointed out the costly process for design review of a sign with minor changes. It was the general consensus of the Council that their intent was for the design review of new project signs and therefore an ordinance amendment would be drafted to reflect their intent.

The next conflict with the design review process was the problem of regulating trees on both private and public property. The general consensus of the Council was not to regulate trees on private property, therefore, no amendment would be needed at this time.

Ordinance No. 856 - Mr. Klem explained that a reserve fund was needed so money that was not spent at the end of the year could go into this fund, rather than go into the general fund. ****Councilman Taylor moved that Ordinance No. 856, AN ORDINANCE CREATING A STREET RESERVE FUND FOR THE PURPOSE OF RETAINING**

REVENUE WITH WHICH TO UNDERTAKE STREET RELATED CAPITAL IMPROVEMENTS, be posted and come up for final action on January 16, 1991. Motion seconded by Councilman Prince and approved 6-0.

Resolution No. 464 - This was revised by request of the Council to better explain the unusual circumstances for waiving the sewer connection fee for Lyle Read. **Councilman Daniels moved to adopt Resolution No. 464, A RESOLUTION WAIVING SEWER CONNECTION FEES FOR LYLE L. AND JOYCE R. READ FOR THEIR PROPERTY LOCATED AT 588 N. JUNIPER STREET, CANBY, OREGON. Motion seconded by Councilman Smith and approved 6-0.

Resolution No. 465 - Roy Hester informed the Council that the cost of certain supplies used at the cemetery had been increased and he suggested a ten percent increase for grave liners, stone placement and name bars. **Councilman Taylor moved to adopt Resolution No. 465, A RESOLUTION SETTING PRICES AND RATES FOR SERVICES AND SPACES PROVIDED AT ZION MEMORIAL CEMETERY. Motion seconded by Councilman Prince and approved 6-0.

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Carroll said he had received several comments on how nice our new street sweeping program was since we had the new contract service.

Councilor Taylor requested that some of the "trenches" in Birch Street be filled in due to their bad condition. Mr. Klem noted that CUB is doing some water line work on that street, however, we will gravel the trenches.

Administrator Jordan reminded the Council of the January 12th workshop session at the Library Conference Room.

ACTION REVIEW:

1. Prepare Tree Ordinance for next meeting.
2. Execute lease for Graham parking lot.
3. Notify CUB of board appointments.
4. Post Ordinance 854 for second reading.
5. Post Ordinance 856 for second reading.
6. Prepare amendment to Ordinance 848, regarding signs.
7. Implement Resolution No. 464.
8. Implement Resolution No. 465.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e), regarding negotiation of real property and 192.660 (10)(h), regarding litigation or pending litigation. Motion seconded by Councilman Stiglbauer and approved 6-0.

Mayor Carroll recessed the regular meeting at 9:02 p.m. to go into Executive Session in the Police Department Conference Room.

The regular session was reconvened in the Council Chambers at 10:05 p.m.

Councilman Taylor recommended that the Council return to the Council Chambers after an Executive Session in the Police Department to reconvene and adjourn. In the event a citizen would like to be present for any reason or if someone wishes to wait for the Council to return after the closed session; and actually because it is proper by open meeting law.

Mayor Carroll adjourned the meeting at 10:08 p.m.

EXECUTIVE SESSION
JANUARY 2, 1991

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

Also Administrator Jordan and Attorney Kelley.

Mayor Carroll opened the Executive Session in the Police Department at 9:10 p.m.


ORS 192.660 (1)(e) - The Council discussed the possible purchase of the Southern Pacific Parking lot.


ORS 192.660 (1)(h) - The Council discussed the Torgeson case.

Attorney Kelley discussed a Municipal Judge ruling regarding driving without a driver's license vs an ID card.

The Council discussed a land use decision regarding a commitment of the City Planner.

Mayor Carroll adjourned the session at 10:01 p.m.


Marilyn K. Perfett
City Recorder


Shawn P. Carroll
Mayor