

**CANBY CITY COUNCIL
REGULAR SESSION
JANUARY 16, 1991**

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

Also present: Administrator Michael Jordan, Attorney John Kelley, Public Works Director Rusty Klem, Police Chief Jerry Giger, Librarian Beth Saul, City Planner Bob Hoffman, City Recorder Marilyn Perkett, Wayne Scott, Jeff Wurio and Chris Curran.

Mayor Carroll called the regular session to order at 7:30 p.m., followed by the flag salute. Mayor Carroll requested a moment of silence for our men and women in the Persian Gulf crisis.

MINUTES OF PREVIOUS SESSION: **Councilman Daniels moved to approve as distributed the minutes of regular session January 2, 1991. Motion seconded by Councilman Prince and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Letter from Master Gardeners - Administrator Jordan reviewed a request from the Clackamas County Master Gardeners to place two advertising banners over Highway 99E on the City owned overpass for their May Spring Fair. **Councilman Daniels moved to approve the request of the Master Gardeners of Clackamas County to place two banners on the north end of town on the City overpass. Seconded by Councilman Taylor, Administrator Jordan said the banners would be up about three weeks and must come down within 48 hours after the end of their event. Also, the Utility Board will place the banners and we do have liability in the event of any problems. Motion passed 6-0.

Library Board Memo - Beth Saul reviewed a memo from Jean Warren, Library Board President, requesting Council approval of a 50 cent fee for interlibrary loan requests. **Councilman Taylor moved to approve the Library Board request to initiate a 50 cent interlibrary loan fee. Motion seconded by Councilman Prince. Councilman Taylor asked if this wasn't part of the service of the county-wide network and the three year serial levy that was in affect. Mrs. Saul said yes, however, Sandy, Oregon City, West Linn, Milwaukie and Lake Oswego all have a loan fee due to the extra work and also the fact that many patrons don't bother to pick up their requests or forget what they have ordered. Councilman Taylor asked that for any future money requests that more information be made available to justify the request. Motion passed 6-0.

Administrator Jordan showed the Council a Certificate of Appreciation that the Kiwanians presented the City for participating in the Toys for Tots program.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to approve payment of accounts payable in the amount of \$84,641.85. Motion seconded by Councilman Smith and approved by roll call vote, 6-0.

CDBG Application Review - Mr. Klem reviewed the four proposals that the City will submit for funding with CDBG funds, noting the application deadline date is January 25, 1991. Mr. Klem said the staff proposed about eleven projects and chose the following four to submit: 1) funding to develop a "Social Improvement Plan" which would be similar to a Capital Improvement Plan as guides to meet social needs for our growing community; 2)

funding for Spanish lessons for City staff to meet the needs of the Hispanic population; 3) funds to remodel a confiscated trailer to make a mobile City Hall to schedule in various parts of the City on a regular basis for use by the Police and other City staff; and 4) funds to purchase an automatic dialing system for checking on shut-in on a daily automatic basis.

Councilman Prince asked about funding for a south side park and was informed that after the County had once granted the City money for this project and we didn't use it for that, rather having it transferred to the Swim Center project, we were told not to apply for that particular project again.

Mayor Carroll asked about the Spanish lessons and was informed it was for all City staff, and more importantly at least one staff member in each City location.

Councilman Prince inquired about proposing some street projects and was told that we had to do them in the south side target area and most streets are not in need of repair in that area.

Mr. Klem also noted that staffing would be made available for a mobile City Hall if this proposal is approved and Lieutenant Jim Scharmota is preparing this proposal.

The general consensus of the Council was that the four proposals were very good and they approved the applications. Mr. Klem will keep the Council informed on the progress of the CDBG applications.

Extinguishing an Easement - This is a parcel of Ron Tatone's property in Harvest Oaks Estates that needs to have a new plat due to a change in the 12 foot utility easements, therefore we must extinguish the existing easement through a quit claim procedure.

****Councilman Taylor moved to approve the quit claim deed to extinguish an easement of Lot one, Block three in Harvest Oak Estates. Motion seconded by Councilman Prince and approved unanimously.**

ORDINANCES & RESOLUTIONS: Ordinance No. 854 - Administrator Jordan explained that this was the second reading on this ordinance to amend the Site and Design Review Ordinance. ****Councilman Taylor moved to adopt on final reading 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. Motion seconded by Councilman Stiglbauer and approved by roll call vote, 6-0.**

Ordinance No. 856 - Administrator Jordan explained that this ordinance was needed to create a fund for street improvements. ****Councilman Daniels moved to adopt on final reading Ordinance No. 856, AN ORDINANCE CREATING A STREET RESERVE FUND FOR THE PURPOSE OF RETAINING REVENUE WITH WHICH TO UNDERTAKE STREET RELATED CAPITAL IMPROVEMENTS. Motion seconded by Councilman Stiglbauer and approved 6-0, by roll call vote.**

Ordinance No. 852 - Rusty Klem explained that this was the ordinance drafted after the Council and Planning Commission had made suggestions regarding trees in the City. He said the resolution is still being prepared and will list the various trees permitted and not permitted.

****Councilman Taylor moved that 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, be properly posted and**

come up for final action on February 6, 1991. Motion seconded by Councilwoman Miltenberger.

Councilman Prince asked about private property trees and was told that the City will make recommendations, however, public property or easements will come under this ordinance.

Councilor Taylor asked about maintenance of right-of-way trees and was told the homeowner will maintain them, but in extreme cases the City may help and any requests for removal or trimming of these trees must have City approval.

Motion for Ordinance No. 852 was approved, 6-0.

Resolution No. 466 - Planner Hoffman reviewed this resolution that was requesting a Comprehensive Plan Amendment by Wayne Scott to change zoning of approximately eight acres of the recently annexed parcel of about 50 acres plus, off N.E. Territorial Road. Mr. Hoffman said that the Planning Commission held a public hearing on December 10, 1990, and made final approval on January 14, 1991. Only one citizen spoke in opposition of the proposal, Dale Debries, and that was concerning the entrance, he was informed that this would be addressed during the development stage of the project. The parcel is presently zoned for industrial and the requested Comprehensive Plan change is for Low Density Residential. **Councilman Taylor moved to adopt Resolution No. 466, A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY TO INCLUDE TAX LOT 100 OF TAX MAP 3-1E-27C (CONSISTING OF APPROXIMATELY 7.8 ACRES) FOR LOW DENSITY RESIDENTIAL USE, motion seconded by Councilman Daniels.

Councilman Taylor requested that in the future the Council be reminded of how much land is in the various different zones so they can be kept updated and aware.

Action on the motion was for approval, 6-0.

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan reviewed a memo from Karen Rider, Court Administrator, requesting monetary support for Judge Jon Henricksen to attend the National Judicial College in Reno Nevada. The request was for \$825 for tuition and conference fee plus additional expenses for mileage, lodging and meals. Administrator Jordan reminded the Council that the City of Canby paid for this college two years ago and suggested that the City of Molalla, for which Mr. Henricksen is also a Municipal Judge, be requested to pay half of the expenses. The total amount will be approximately \$1,600.

Councilman Taylor suggested that the City contact the City of Molalla to request they pay half of the total amount, however if they can not, he suggested that the City pay the entire amount. Mr. Taylor felt that Judge Henricksen runs an effective and efficient court system and the money would be well spent, if necessary. **Councilman Taylor moved to approve the request of Judge Jon Henricksen to pay for his tuition and conference fees plus mileage, meals and lodging for the National Judicial College in Reno Nevada; and to request that the City of Molalla share in the expenses, and only upon Molalla's denial will the City of Canby pay the entire amount. Motion seconded by Councilman Daniels and approved 6-0.

Administrator Jordan reminded the Council of the workshop session on Wednesday, January 23rd, 7:00 P.M., in the Library.

Mr. Jordan also reviewed the "Newly Elected Official's Workshop" dates and asked those

interested in going to let the business office know as soon as possible.

Beth Saul reported that the China Exhibit on loan from a Fred Meyer and Linfield Grant will be there until February 3rd.

- ACTION REVIEW:
1. Notify Master Gardeners of approval for their banners.
 2. Implement 50 cent interlibrary loan fee.
 3. Prepare the four CDBG applications.
 4. Record deed to extinguish easement.
 5. Implement Ordinance's 854, & 856.
 6. Post Ordinance 852 for second reading.
 7. Implement Resolution 466 to change Comprehensive Plan.
 8. Notify Judge Henricksen of approval to attend Judicial College.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(h), regarding pending litigation.

Mayor Carroll recessed the regular session at 8:24 p.m., to go into Executive Session in the Police Department conference room.

The Council reconvened the regular session in the Council Chambers and immediately adjourned at 8:55 p.m.

EXECUTIVE SESSION
JANUARY 16, 1991

Mayor Carroll presiding. Councilor's present: Taylor, Prince, Smith, Daniels, Stiglbauer and Miltenberger.


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


Mayor Carroll opened the executive session at 8:30 p.m., in the Police Department conference room.

ORS 192.660 (1)(h) - The Council first discussed a suit against the City regarding the Willamette Green Phases I and II.

The Torgeson appeal was also discussed.

Mayor Carroll adjourned the session at 8:51 p.m.


Marilyn K. Perkett
City Recorder


Shawn P. Carroll
Mayor