

**CANBY CITY COUNCIL
REGULAR SESSION
MARCH 6, 1991**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, City Recorder Marilyn Perkett, Public Works Director Rusty Klem, City Planner Robert Hoffman, Police Chief Jerry Giger, Librarian Beth Saul, Swim Center Director Scott Nelson, Wayne Scott 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, February 20, 1991, seconded by Councilman Prince and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Recorder Perkett passed around some pictures taken of vandalism at the Wait Park and restroom facility. The vandalism consisted primarily of spray painting fixtures, walls, outside the building and trees.

Chief Giger noted that the City has a reward fund for informants of vandalism and also that many citizens are experiencing reckless burning on their porches.

Mayor Carroll encouraged all citizens to come forth with information regarding vandalism in the community.

Recorder Perkett also informed the Council that Councilman Smith had volunteered to be on the Board of Review for an Eagle Scout project next Monday, at the Carus School for Eagle Scout Candidate, Jason Yates.

COMMUNICATION: Safety Committee Memo - Administrator Jordan read a memo from the Safety Committee that requested Council to consider the potential hazard at the intersection of N. Ivy and 13th Avenue due to increased development in the area and the various facilities, schools, Adult Center and pool. The committee suggested that nubs might be installed in Ivy Street to caution incoming traffic of reaching a residential area. Also, they requested a letter be sent to Clackamas County to consider some type of traffic light at that site.

Mr. Klem said the suggested nubs cost about \$1.75 each and it would take 50-60 in that area. He also noted that a traffic signal would be about \$100,000 and a flashing signal about \$80,000. Mr. Klem said that a letter should be sent to the County regarding this site, but noted that it would not be a high priority county-wide traffic concern. Other suggestions were, larger numerals painted on the pavement and battery operated flashing lights on barricades.

Robert Hoffman informed the Council of a public hearing next Monday with the Planning Commission regarding the H.O.P.E. project and he would draw their attention to the concern about that particular intersection.

****Councilman Taylor moved to proceed with installation of nubs with County approval and to send a letter to the County asking them to consider a traffic signal at the intersection of N. Ivy and 13th Avenue. Motion seconded by Councilman Daniels and approved 5-0.**

Letter from Donald Bear - Administrator Jordan informed the Council that Planning Commissioner Don Bear had submitted a letter of resignation, effective immediately.

The Council decided to fill the vacancy on the Planning Commission by requesting a letter of interest from candidates and then review by the Council prior to filling the position.

NEW BUSINESS: Accounts Payable - ****Councilman Daniels moved to pay accounts payable in the amount of \$12,576.08, seconded by Councilman Smith and approved by roll call vote, 5-0.**

Video Newsletter - At this time the Council viewed a 15 minute video designed to "reach out to the public" in regards to City and Council activities. The film was shot last week and edited this week. The Council all seemed to be quite impressed with the content of the proposed video newsletter. Administrator Jordan explained that the committee working on this issue hopes to start the program in September. The video will be played prior to each Council meeting throughout the month and hopefully two tapes will be prepared in advance to always have a couple ahead. Mr. Jordan informed the Council that he will probably have to budget for someone, on a contract basis, to produce the series.

Mayor Carroll thanked the committee and Harry LeeKwai for the work on the proposed video newsletter.

ORDINANCES & RESOLUTIONS: Ordinance No. 857 - Planner Hoffman briefly reviewed the proposed ordinance requesting a zone change from Light Industrial to Low Density Residential of a portion of property, approximately eight acres, located east of Redwood, between Territorial Road and 99E. Mr. Hoffman said that at the Planning Commission public hearing there was no negative testimony from the public and the commission recommend approval of the zone change. Mr. Hoffman pointed out that in the westerly and southeast portion of town there was adequate light industrial areas.

****Councilman Taylor moved that Ordinance No. 857, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY, be properly posted and come up for final action on March 20, 1991. Motion seconded by Councilwoman Miltenberger and approved 5-0.**

Resolution No. 467 - The proposed resolution was drafted to support the County Library Levy, of which the City receives \$7,700, which is 45.5% of the total library budget.

****Councilman Prince moved to adopt Resolution No. 467, A RESOLUTION SUPPORTING PASSAGE OF THE 1991 CLACKAMAS COUNTY LIBRARY OPERATIONS SERIAL LEVY, seconded by Councilman Smith and approved 5-0.**

Resolution No. 468 - Administrator Jordan explained that this resolution was to support a committee to once again review the equitable law enforcement on a County level. The committee intends to complete their tasks in 90 days.

****Councilman Taylor moved to adopt Resolution No. 468, A RESOLUTION FROM THE CITIES OF CLACKAMAS COUNTY TO THE BOARD OF COUNTY COMMISSIONERS REQUESTING RECOGNITION OF A COMMITTEE TO BE KNOWN AS THE "FAIR AND EFFICIENT LAW ENFORCEMENT COMMITTEE". Mr. Taylor felt having Administrator Jordan as a member of the committee presented a valuable opportunity for small cities, such as Canby, to voice viewpoints on funding and**

service issues. Mr. Taylor expressed his concern on the final document from the committee saying he hoped it would not be submitted for a "quick" analysis and thus not be a "crisis" matter but allow the Council time to properly review any final outcome of this committee. **The vote on the resolution was 5-0 for approval.

UNFINISHED BUSINESS: Pedestrian Bubbles - Chief Giger reviewed the past process of the proposed bubbles. He noted that temporary bubbles had been installed for five months at N.W. Second and Holly and the idea resulted from concerns regarding pedestrian safety and traffic safety, specifically from cutting corners on turning. Chief Giger presented several slides taken to show the potential safety hazards; slides of existing bubbles in Milwaukie; and slides of drawings with various proposals. Mr. Giger said the Traffic Safety Committee had no recommendations at this time due to funding restrictions and the final designs should come from engineering expertise. Other proposals discussed were nubs in the street near the intersections and putting a barrier out about two and one-half feet from the corner for stop sign placement.

Manufactured Housing Ordinance Wording - City Planner, Bob Hoffman, had prepared some possible wording for Council consideration regarding their intent on placement of "new" manufactured homes. Mr. Hoffman suggested changing wording in Municipal Codes Section 16.48, Site Plan Review that would address "near like-new" structures with specifics for the determination to include evaluation of color, materials and appearance of siding, roofing and appurtenances as determined by evidence of recent paint, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces. Councilman Taylor and Daniels both expressed concern about the term "near like-new". Mr. Hoffman pointed out that the additional wording on the specifics should cover that concern. Mr. Hoffman will take the proposed changes for the Site Plan Review change to the Planning Commission and a public hearing will be scheduled prior to returning to Council with an ordinance for the change. Ordinance No. 855, regarding manufactured homes as an outright use could be returned to Council as previously presented.

OTHER REPORTS OR ANNOUNCEMENTS: Councilman Daniels reported to the Council that have citizens related to him that the Council "rubber stamps" issues at the meetings. Mr. Daniels pointed out that the Council receives a great deal of documentation to cover various issues about five days previous to meetings, and when they do their "homework" in reviewing documentation, then the decision making process is not a matter of "rubber stamping" issues.

Beth Saul, Librarian, reminded the Council of the Library Book Sale to be held on Friday and Saturday, with a special members only sale for Friends of the Library. Mrs. Saul said membership fee is \$7.50, which allows you into the pre-sale.

Harry LeeKwai, OCTS Director, informed the Council that their office would be moving into their new quarters on N.E. Second on March 19th.

ACTION REVIEW:

1. Install nubs on S. Ivy with County approval and send letter to County regarding possible traffic light signal.
2. Post Ordinance 857 prior to final reading.
3. Placement of nubs at intersections in lieu of pedestrian bubbles for the time being.
4. Redraft language on Land Use Ordinance regarding placement of "like-new" homes and set for Planning Commission public hearing.

****Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property; (1)(h), to consult with counsel regarding litigation; and (1)(i), regarding evaluation of performance of public officers or employees. Motion seconded by Councilman Daniels and approved 5-0.**

Mayor Carroll recessed the regular session at 9:13 p.m. to go into Executive Session in the Police Department conference room.

The regular session was reconvened at 10:59 p.m.

Administrator Jordan updated the Council on an accident that took place on February 14, 1991, on the access road to the City/CUB shops which involved two CUB employees. Gary Stockwell was injured and was in the hospital for a few days after his vehicle hit a tree stump and was totaled. The Police Department investigated the accident and estimated the speed of the vehicle that was totaled in excess of 40 miles per hour, noting the road at the accident site was only 17 feet wide. After discussing the issue with Don Godard, it was decided to turn the matter over to the Police Department and the two employees were issued citation to appear in Municipal Court for speed racing.

Mr. Jordan also informed the Council that on the following Monday, a CUB employee, Joe Gary, ran a stop sign in a CUB pickup and hit another vehicle.

Councilman Taylor commented that the public often visualizes the City and CUB as one entity, therefore, he expressed a desire to be kept aware of policies and procedures for things such as this.

Councilman Daniels noted that this was his first knowledge of the incident and he requested that Council be notified at the earliest possible time of such events.

Administrator Jordan said he would let the Council know of any administrative action plans and how the City will communicate to the Utility Board on this issue.

Councilman Prince congratulated Administrator Jordan on his selection to the committee to study the County law enforcement equity issue.

Mayor Carroll adjourned the regular session at 11:10 p.m.

EXECUTIVE SESSION MARCH 6, 1991

Mayor Carroll opened the Executive Session at 9:23 p.m., in the Police Department conference room.

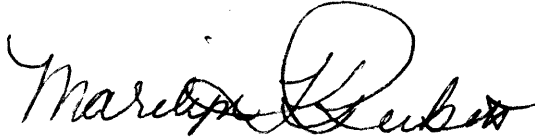
Present: Mayor Carroll, Councilor's Prince, Taylor, Daniels, Smith and Miltenberger, Administrator Jordan and Attorney Kelley.

ORS 192.660 (1)(h)0 - The Council first discussed the Torgeson litigation case. Willamette Green vs. City of Canby was discussed. The on-going Rinkes litigation case was discussed.


ORS 192.660 (10)(e) - The school district property exchange was reviewed. Possible purchase of the Southern Pacific property was discussed.

ORS 192.660 (10(i) - Employee performance appraisals were discussed.

Mayor Carroll adjourned the Executive Session at 10:57 p.m.



Marilyn K. Perkett
City Recorder



Shawn P. Carroll
Mayor