

**CANBY CITY COUNCIL  
REGULAR SESSION  
APRIL 17, 1991**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Planner Bob Hoffman, Swim Center Director Scott Nelson, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Evelyn Meredith, Larry Castle, Kurt & Martha Schrader, Paul Doty, Hank Fenske, Cam Sivesind, Rosa Hemphill, Linda Mihata, Dorothy McCormick, Ace Wehus, Ken Perinchief, Dave Dalley, John Falkenstein, Lisa Wilcox, Ronald Tatone, Kathy Shinn, Mrs. Holmberg, Cam Sivesind and Pete Holmberg.

President Scott Taylor 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 Daniels moved to approve as distributed the minutes of regular session dated April 3, 1991. Motion seconded by Councilwoman Miltenberger and approved unanimously.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Administrator Jordan passed around some newspapers from Canby, Minnesota, which had been doing some articles on our City, their "sister city" to the west, Canby, Oregon. Tom Lawrence, Canby Herald Editor, will be going to Canby, Minnesota in May and we will be sending greetings from our community.

**PUBLIC HEARING:** Parks Master Plan - President Taylor informed the audience of the hearing procedure.

President Taylor opened the public hearing on the proposed Parks Master Plan at 7:37 p.m.

**Staff Report - Robert Hoffman** informed the Council that the Mayor had appointed the parks committee in 1990 and they had been a year in the process of formulating their plan. Their major tasks included: inventory of existing parks; investigation of standards for various parks; investigating requirements of Comp Plan; investigating State, County and Federal mandates; looking at various sites; survey of populous; investigating roles of the City, schools and Recreation District; and proposed funding sources.

Mr. Hoffman used a City map to show the proposed mini parks, trails and bike paths. The committee indicated that the south side of the City is the most deficient in parks.

The plan calls for a total of 100 acres in parks. The committee recommended the plan be implemented in phases. The first phase would be done over the next twelve years and would include about 75 acres at an estimated cost of approximately \$4,000,000. The first 3-4 years we would acquire 2 acres, one park, start on the greenway and path system and develop a small part of acreage we currently own. Phase two would include acquiring 19 acres, 4 small park sites, continue development of greenway and lands we own at that point. Phase three, the third four year period, induces an additional 25 acres, 5 small parks and develop all acreage that we own.

The Planning Commission is recommending the plan be adopted and at a later type

specific policies will be added to the Comp Plan to assist in achieving this plan, also funding sources will be discussed at a later time.

Kurt Schrader, Planning Commission Chairman and Chairman of the Parks Committee, acknowledged the rest of the committee, noting they had met every two weeks for over a year and many did a great deal of research on their own with other agencies and communities: Paul Doty, representing the South Recreation District; Dorothy McCormick, manager of the Adult Center; John Falkenstein from the Canby Community School; Curt McLeod a local engineer; Scott Nelson the Swim Center Director; Dave Dalley who is involved with Canby Kids; and two City staff members, Rusty Klem and Bob Hoffman. Mr. Schrader also recognized Joyce Faltus, Planning Secretary, who provided all of the typing for the document.

Mr. Schrader indicated that the "heart of the plan" was from data received from the community survey.

Lisa Wilcox, 685 N.W. 4th, first read a letter from Pat Ewert, 596 N.W. Baker, which indicated Mrs. Ewert's support of the Parks Master Plan and commended the committee on the project. Mrs. Wilcox also noted her personal support for the proposed plan.

Ken Perinchief, 563 N.E. 10th, questioned why the committee did not wish to include the fairgrounds as a committed use area. Planner Hoffman said that the fairgrounds gets a great deal of use throughout the year and would not be appropriate for a City park. Kurt Schrader noted that the committee felt we should keep the proposal within the UGB for lands that the City has jurisdiction over, however, they plan on working with the County, State and other jurisdictions for other recreational opportunities in the future.

Henry Fenske, 110 N. Aspen, a Planning Commission member urged the adoption of the proposed plan. He felt the document was very accurate and useful.

Planner Hoffman read a letter from Debbie Barber, President of the Eccles PTA, supporting the Parks Master Plan.

President Taylor closed the public hearing at 8:00 p.m.

President Taylor asked if we would have any problems working with the County and Councilman Daniels directed a similar question regarding the State. They were informed that the Master Plan addressed this issue and intends to work with both agencies.

**\*\*Councilman Daniels moved to approve, as a guide to the development of Canby in regards to park plans and facilities, the Parks Master Plan dated March 27, 1991. Motion seconded by Councilman Prince and approved 5-0.**

**COMMUNICATIONS:** Letter from Ace Wehus - Mr. Wehus, addressed the Council regarding his intent to hold a celebration for returning Desert Storm Veterans and their families at the Clackamas County Fairgrounds, September 27 through 29, 1991. Mr. Wehus said the Fair Board Manager is assisting in organizing the event which will feature "The Old Time Fiddlers". Mr. Wehus just asked for Council support and attendance at the event.

The Council gave their enthusiastic support of the event and Councilman Keith Stiglbauer volunteered to attend the meetings regarding the planning of the event.

**NEW BUSINESS:** Accounts Payable - **\*\*Councilman Prince moved to approve payment of the accounts payable in the amount of \$73,788.23. Motion seconded by Councilman Daniels and approved by roll call vote, 5-0.**

Offer of Dedication and Waiver of Remonstrance - The Council next considered, for recording, an offer of dedication of a strip of land 50 feet in width on N. Ash, north of N.W. 10th Avenue for street purposed for N.W. 11th Avenue; and a waiver of remonstrance from Ron Tatone for the Lillian Meadows development. \*\*Councilman Daniels moved to accept for recording the offer for dedication of land for street purposes, located on N. Ash, north of NW 10th; and the waiver of remonstrance for any future LID's. Motion seconded by Councilman Stiglbauer and approved 5-0.

Quitclaim Deed - Rusty Klem next requested that the Council approve a vacation of 6 feet of an existing easement in Harvest Oak Estates. Mr. Klem explained that the City had 6 feet that adjoins the subject area which is located on the boundary of the Morse addition, therefore it totals the needed 12 foot easement.

Councilman Prince asked why this matter was coming before the Council at this time. Mr. Klem noted that it had been an oversight on the original plat plan and we had the necessary easement by combining the Morse Addition easement to this one.

\*\*Councilman Daniels moved to accept for recording the Quitclaim Deed to vacate six (6) feet of a twelve (12) foot easement contiguous to the north boundary of lot 1, 4, 5, 6, and 7 of Harvest Oak Estates No. 2. Motion seconded by Councilman Stiglbauer and approved 5-0.

**ORDINANCES & RESOLUTIONS:** Resolution No. 470 - Administrator Jordan explained that the proposed resolution was for housekeeping purposes to qualify for state revenues. \*\*Councilman Prince moved to adopt Resolution No. 470, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion seconded by Councilman Daniels and approved unanimously.

**UNFINISHED BUSINESS:** Committee to Review Planning Commission Candidates -

\*\*Councilman Daniels moved to appoint a three member committee to review the three candidates for the Planning Commission position. Seconded by Councilman Prince and approved 5-0. President Taylor appointed Councilman Smith and Councilman Prince to the committee. Kurt Schrader said that the commission would appoint the third member from their commission on their meeting of Monday, April 22nd.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan reminded the Council of the Clackamas Cities Association dinner on Thursday, April 25th at the Clackamas Community College Environmental Learning Center.

Mr. Jordan also informed the Council of a meeting on May 9th in Lake Oswego regarding the Regional Urban Growth Goals and Objectives.

Public Works - Director Klem reviewed his various departments for this months Departmental Update.

- \* Mr. Klem reviewed the completed sewer line project on S. Township which our crew worked on and saved the City at least \$9,000. He noted that they did an "extremely" nice job and the entire crew was treated to lunch for this project.

- \* The City is continuing to have drainage problems and the crew is installing various drywells around the City.

- \* The bid opening for the Birch Street project will be done by the State of Oregon on April 25th.

- \* Staff met with our engineers and an independent consultant regarding the odors at the sewer plant and hopefully have come up with some solutions.

- \* The cemetery is now being groomed for the Memorial Day services and Mr. Klem urges everyone to attend to see how nice the cemetery looks.

President Taylor asked about how soon some of the "giant" holes in Birch Street could be repaired since the final project is still some time away. Mr. Klem said they will repair them as soon as our crew finishes installing the sewer line, then the patch work will be completed prior to the actual street project.

Mr. Taylor also questioned about repair work on Maple and N.E. 22nd Avenue. Mr. Klem said they were being repaired today and tomorrow.

Mr. Klem also informed the Council that the Council will soon review a request to seek approval from Clackamas County to take over all County roads that are within the City limits or very near the City.

Councilman Prince asked what had happened to the planned widening of the intersection of 99E and Ivy. Mr. Klem said that due to an underground gas tank in the area, the state and county did not want to pursue the project due to liability problems.

- Action Review:
1. Providing support to Mr. Wehus and his project.
  2. Record dedication and waiver of remonstrance; and record vacating of part of an easement.
  3. Verify to the state by Resolution our requirements to receive state revenue taxes.
  4. Subcommittee action to appoint a new Planning Commission member.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property; (10)(h), to consult counsel regarding litigation; and (10)(i), regarding evaluate City employees. Motion seconded by Councilman Stiglbauer and approved 5-0.**

President Taylor recessed the regular meeting at 8:46 p.m., to go into Executive Session in the Police Department. The regular meeting was reconvened at 10:33 p.m.

President Taylor asked for any other business to come before the Council.

**\*\*Councilman Stiglbauer moved to accept the salaries recommended for department heads as outlined on a March 1, 1991, memo; and a 4 plus 1 per cent increase for the City Administrator with educational benefits to be applied towards a Master's Degree and the amount will be negotiated with the Council prior to each term. Also, the Administrator will maintain a "B" or higher grade average in the graduate program he attends, not to exceed six (6) hours per term. Motion seconded Councilman Daniels and the motion passed 5-0.**

Administrator Jordan requested that the Council set a final meeting for the goal setting session. The Council set Wednesday, May 8th, 7:00 p.m. for the goal setting session.

Administrator Jordan suggested that the Council, at the next meeting, approve a proposal to appoint a committee to form a Master Transportation Plan, similar to the Parks Master Plan. Mr. Jordan noted this may be a more technical process than the parks project, specifically in traffic counts, gradings of roads, etc.

President Taylor adjourned the regular session at 10:40 p.m.

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EXECUTIVE SESSION  
APRIL 17, 1991

Present: Council President Taylor, Councilor's Prince, Daniels, Stiglbauer and Miltenberger, Administrator Jordan, Attorney Kelley and Herald reporter Cam Sivesind.  
Absent: Mayor Carroll and Councilman Smith.

President Taylor called the session to order at 9:00 P.M.


ORS 192.660 (1)(h) - The Council first discussed the pending litigation case of Rinkes vs. City of Canby.

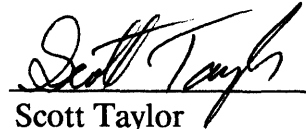
A possible court appeal case with Attorney Tony Pizzuti and his client, Mike Dietz was discussed.

ORS 192.660 (1)(e) - The Council discussed the property negotiations between the City and the Elementary School District.

ORS 192.660 (1)(i) - The Council did an evaluation of the City Administrator.

President Taylor adjourned the session at 10:30 P.M.

  
Marilyn K. Perrett  
City Recorder

  
Scott Taylor  
Acting Mayor