

**CANBY CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 7, 1990**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, Swim Center Director Scott Nelson, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Leona Sandsness, Ben Sandsness, Gene Newton, Dick Weygandt, Stave Gray Bryan Lanz, C.C. Sheppard, Harlwell White, Roger Haverton, Howard Thornton, Dewayne Hansen, Elsie Cutsforth, John & Donna McManaman, Bill Pulver, Dorothy McCormick, Lyle Read, Larry Housen, Catherine Davis, Dorothy McCormick, Jeff Wuorio and Kurt Schrader.

Mayor Kopelk called the regular session to order at 6:00 p.m., and dispensed with the opening ceremonies.

\*\*Councilman Smith moved to go into Executive Session under ORS 192.660 (1)(e), regarding real property. Motion seconded by Councilman Prince and approved 5-0.

Mayor Kopelk recessed the regular session to go into Executive Session in the Police Department Conference room.

Mayor Kopelk 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 Carroll moved to approve as distributed the minutes of regular session, October 17, 1990 and special session, October 27, 1990. Motion seconded by Councilman Daniels and approved 5-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** None presented.

**PROCLAMATIONS:** Mayor Kopelk proclaimed November 15, 1990 as American Free Enterprise Day, and presented members of the Canby High School Future Business Leaders of America the signed proclamation.

Mayor Kopelk read a proclamation giving the unofficial results of the November 6, 1990 general election: Shawn Carroll was elected Mayor; the updated City tax base was approved: and the three incumbent Councilors were elected, Terry Prince, Scott Taylor and Walt Daniels. Mayor Kopelk congratulated all the winners and expressed relief that the City passed a new tax base.

**PUBLIC HEARING:** Remonstrance Hearing on Proposed SPRR-LID - Attorney Kelley read the hearing procedure from Municipal Code section 4.04.05, and pointed out that this hearing was to take only remonstrances from involved property owners and comments were not necessary at this time.

Leona Sandsness, owners of tax lot 1200, asked the Council why she could not express an opinion and said this was the first notice she had of any such hearing procedure. Also, why was first street divided in the alley instead of taking in the whole block.

Administrator Jordan reviewed the history of the proposed LID dating back to the first

meeting in January, 1990. The three tiered zone was implemented at that meeting and businesses were notified from use of the business license file. Mr. Jordan explained that the zones were designed on an arbitrary basis for those that most benefited from using the parking lot.

Mrs. Sandsness implied that it is not true that the closest businesses to the parking lot are not the most benefited.

Mr. Jordan pointed out that the Council approved the cost for each zones as follows; zone one, closest to the parking lot - 45%; zone two next closest would be 35%; and zone three the furthest commercial zone away from the parking lot would pay 15%. He pointed out that the original plan was 60% for zone one, 25% zone two, and 15% for zone three which made the burden very heavy on zone one.

Mrs. Sandsness said she did not object to paying a fair share and that Canby needs the parking lot. She felt that the present pay schedule is not fair and said that other business than First Street are using the lot for employee parking.

Mayor Kopelk asked if anyone else wished to remonstrant at this time.

Todd Kenagy, Kenagy Electric located on the corner of N.W. Third and Ivy in zone two, remonstrated against the LID and said it would do him no good. Mr. Kenagy pointed out that he had six off street parking spaces on his property and the two street spaces in front of his property is usually used by bank patrons. He voted against the proposed LID

Mayor Kopelk again requested remonstrances from the audience, hearing none, the remonstrance hearing was closed at 7:45 p.m.

Administrator Jordan pointed out that the district has been formally formed, however, the Council may still adjust the financial formula and zone adjustments.

Dick Weygandt, renter of property on First Street, felt that many of the businesses in zone two should pay the same as those in zone one since they often do more business then he does. Therefore, he felt the zone one line should be moved back to include Second Street.

Lyle Read, owner of 344 and 348 N.W. First Avenue, addressed the Council stating he was in favor of the LID but felt the Council should consider some past history. Several years ago the parking lot was paved and the First Street business paid for the paving. In 1977 the Catholic Church of Portland owned half of the present Graham Building Parking Lot and the following people purchased it: himself, Larry House, Gene Newton, Bob Cole, Del Shelley, Dewayne Hansen, Wally Graham and Howard Werdinger and each paid \$1,531.18, except Mr. Werdinger paid \$714.58 because his parcel was small. The total purchase price was \$11,432.84. In 1978 they deeded that parking lot to the City of canby at no cost. Also, they voluntarily donated a ten foot sewer easement to the City and helped pay for the paving of that alley.

Councilman Daniels pointed out that other merchants, other than First Street merchants, helped pay for the paving of the Southern Pacific Parking Lot, including himself, who owned a business between Second and Third Avenues.

Ben Sandsness, renter of property on Fir between First and Second Avenues, asked if residential homes were to be assessed.

Administrator Jordan told him no, and that in an Economic Improvement District, which is the guide lines staff is using, residential property is not allowed to be assessed, only commercial. Also, half of the payment of the purchase price will be paid from the City

general fund, which means all of the residents in the City will pay a share.

Ben Sandsness asked why we taxed a vacant lot?

Administrator Jordan noted that in the case of Mr. Sandsness' tax lot, it is all one lot and in mixed use. Because the back part which is vacant is in zone two, the assessment was less and also due to the value of the vacant lot. If we moved zone one back to the suggested area as discussed, that entire lot would be in zone one and the assessment might increase.

Mr. Sandsness asked if the subject property could be split into two tax lots and was told it could. Mr. Sandsness noted that a couple of months ago he requested the criteria for off street parking and he asked if the off street parking credits given in the procedure all complied with the same criteria, specifically drains in the lot, water running off sidewalks, and so on.

Mr. Jordan said he was not sure if they all complied.

Mr. Sandsness noted that he had asked for the parking lot criteria a couple months ago to see if he could make his vacant lot into parking for his business, however, economically it would not have been beneficial if he followed the criteria. Mr. Sandsness noted that tax lots are getting parking credit and they do not meet the off street parking criteria.

Mr. Jordan said he had a staff member go through the downtown area and visibly assess off street parking used by employees or patrons. He also noted that the Council could opt to not even consider a parking credit or make them meet the current code. Also, a number of other tax lots have mixed uses, with a portion vacant that they could consider for parking.

Mayor Kopelk pointed out that we are being as fair as we possibly can in trying to arrive at some way to purchase the parking lot which is vitally important to the City's merchants.

Bill Pulver, representing the American Legion Post 122, asked who would be responsible for the liability and upkeep of the parking lot.

Administrator Jordan said it would be the City's responsibility.

Mr. Pulver said the Legion is not opposed to the LID, however if changes in the zones or financial formula are made would property owners be notified.

Mr. Jordan said if any substantial changes are made, then we would go through the remonstrance hearing process again.

Elsie Cutsforth, Thriftway and Holly Mall owner, said she is not opposed to the LID and noted that both her properties have parking lots and they would not benefit from the project. She did request that the City look into the commuters that are parked all day in the parking lot, she felt the parking lot should be used for the employees of the businesses.

Chief Giger said we have no enforceable law that would would remove the all day commuters parking in the time limits, however, they are encouraging them to park in the park-and-ride area on Holly. Some are parking down near the Power Shop and Ivy Street, which has moved them away from the popular areas. Also, four have moved down to the Holly park-and-ride.

Councilor Daniels commented that the City fund is paying for half of the purchase and citizens have certain rights to parking and that is why we are trying to encourage the alternatives.

Administrator Jordan said the next step in the process is to make the figures firm and then approach Southern Pacific with a purchase offer and establish a financing program.

Mayor Kopelk pointed out that the rental of this property is becoming very burdensome to the City.

Councilman Daniels asked Ben Sandsness if he would pave his vacant lot if zone one was changed to include Second Avenue. Mr. Sandsness said it would make it look a lot more lucrative.

Mayor Kopelk called for a five minute recess at 8:19 p.m. and reconvened the session at 8:23 p.m.

**COMMUNICATIONS:** None presented.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Daniels moved to pay accounts payable in the amount of \$52,898.43, seconded by Councilman Smith and approved by roll call vote, 5-0.

**ORDINANCES & RESOLUTIONS:** Ordinance No. 851 - Attorney Kelley said this ordinance was drafted due a mandate by EPA to increase the penalty clause in the sewer code from \$500 to \$1,000.

\*\*Councilman Carroll moved that Ordinance No. 851, AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 13,24.070 TO BE CONSISTENT WITH MANDATES FROM THE ENVIRONMENTAL PROTECTION AGENCY; AND DECLARING AN EMERGENCY be posted and come up for final action on November 21, 1990. Motion seconded by Councilman Stiglbauer and approved unanimously.

**UNFINISHED BUSINESS:** Appoint Library PAB Member - Administrator Jordan reported that Anne Braun, a longtime board member, had resigned and that the Library Board had recommend Mary Jean Pederson to fulfill that term.

\*\*Councilman Daniels moved to appoint Mary Jean Pederson to the Canby Library Board to fill an unexpired term until July, 1992. Motion seconded by Councilman Carroll and approved 5-0.

Parks Master Plan Update - Kurt Schrader, Chairman of the Parks Committee gave a report to the Council and indicated that the committee has been very active the past few months.

Mr. Schrader reviewed the priorities set by the committee:

1. Develop current inventory of existing parks, public and vacant land in the UGB.
2. Investigate standards for different parks.
3. Investigate Comprehensive Plan requirements.
4. Investigate federal, state and county park mandates, guidelines, rules and regulations.
5. Tentative siting, determination of number, size and kinds of parks and open space.
6. Use of surveys.
7. Establish roles for City, schools, South Clackamas Recreation District and perhaps Canby Utility Board could work together.
8. Propose various funding alternatives.

Mr. Schrader indicated that most of the above objectives have been accomplished. Three

different types of parks have been cited, mini-parks located strategically, neighborhood parks which would be slightly bigger and district park similar to Canby Community Park. The survey showed that bike lanes and bike paths were popular and perhaps greenway type parks along the Molalla River. Mr. Schrader noted that others on the committee are Dorothy McCormick, Rusty Klem, Scott Nelson, Curt McLeod, Dave Dalley, Jon Falkenstien and Paul Doty as the liaison from the South Clackamas Recreation District.

Mayor Kopelk asked that Mr. Schrader extend the Council's appreciation to the committee for their dedicated work on this issue.

**OTHER REPORTS OR ANNOUNCEMENTS:** Scott Nelson displayed a plaque that the Canby Swim Center had been awarded by the Oregon Parks and Recreation Society for Outstanding Aquatic Maintenance on the recent pool renovation project.

Administrator Jordan reminded the Council that in view of the recent election, a new Council person would need to be appointed and he would like to request applications from interested citizens that would be willing to serve.

The workshop scheduled for December 8th, to set goals was reset to January 12, 1991/

Rusty Klem informed the Council that he had received notice from Bob Traverso, Parker Northwest Paving, that the Manzanita Street overlay project may have to be postponed until Spring if we do not get enough good weather days.

Scott Nelson reported that the Swim Center Advisory Board will be review the fee schedule, specifically in view of the passage of the state measure five.

Administrator Jordan noted that all City departments will make an analysis of various fees due to the passage of measure five.

- ACTION REVIEW:**
1. Negotiate on purchase SPRR parking lot and pursue finance options.
  2. Post ordinance 851 for second reading.
  3. Continue to work with the Master Parks Committee.

\*\*Councilman Prince moved to go into Executive Session under ORS 192.660(1)(h), regarding pending litigation. Motion seconded by Councilman Stiglbauer and approved 5-0.

Mayor Kopelk extend best wishes to Harry LeeKawi who is ill in the hospital.

Mayor Kopelk recessed the session at 8:53 p.m., to go into Executive Session in the Police Department conference room.

The regular session was reconvened at 9:35 p.m. and immediately adjourned.

\*\*\*\*\*

**EXECUTIVE SESSIONS  
NOVEMBER 7, 1990**

Mayor Kopelk presiding. Council members present: Carroll, Prince, Stiglbauer, Daniels and Smith.

Also present: Administrator Jordan Attorney Kelley, Oregonian Reporter Jeff Wuorio and

Canby High School Board Members, Cliff Yoder, Wayne Scott, Evelyn Craven and Roger Reif, and CUHS Superintendent Steve Miller.

The session was called to order at 6:05 p.m., in the Police Department conference room.

ORS 192.660 (1)(e), the group discussed the dedication of property for the proposed 13th Avenue alignment.

Mayor Kopelk adjourned this session at 7:10 p.m.

### EXECUTIVE SESSION #2


Mayor Kopelk presiding. Council members present: Carroll, Prince, Stiglbauer, Daniels and Smith.

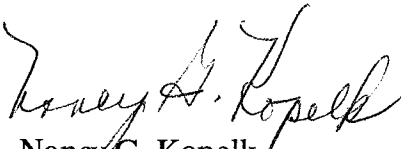
Also present: Administrator Jordan and Attorney Kelley.

The session was called to order at 9:02 p.m., in the Police Department conference room.

ORS 192.660 (1)(h), the Council discussed the pending Torgeson litigation case.

Mayor Kopelk adjourned the session at 9:34 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Nancy G. Kopelk  
Mayor