

CANBY CITY COUNCIL]
REGULAR SESSION
NOVEMBER 21, 1990

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, City Recorder Marilyn Perkett, Lyle Read, Henry Fenske and Chris Curren.

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 present.

MINUTES OF PREVIOUS SESSION: **Councilman Carroll moved to approve and distributed the minutes of regular session November 7, 1990, seconded by Councilman Prince and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Kopelk made a presentation to Rob Neuberger, for his several years of managing the audio portion of the Council meetings on Channel 5. Mr. Neuberger will be taking off several months in anticipation of the arrival of his first child.

Harry LeeKwai, Director of OCTS, also commended Rob Neuberger, not only for his volunteer work with the City, but also the two school district's, where he also does audio work. Mr. LeeKwai also commended the City for their show of appreciation to the OCTS volunteer crew.

COMMUNICATIONS: Request form Lyle Read for Waiver of Sewer Connection Fees - Rusty Klem, Public Works Director, reviewed the letter from Lyle Read requesting a waiver of sewer connection charges to his home at 588 N. Juniper. Mr. Klem said the present ordinance requires a \$1,200 connection fee and if the Council waives the fee a resolution would be needed.

Lyle Read addressed the Council and briefly reviewed the history and rationale for his request. In 1959 when the house was built the present sewer was installed by the City but due to the basement and the level of the sewer line, the house could not be connected. In 1976 he was requested to hook up to the sewer, however Ken Ferguson, City Engineer, inspected the property and told the Read's that it was not possible to hook up to the system because of the lack of depth of the main sewer line. However, the Read's were required to start paying the monthly sewer fee at that time even though they could not use the system. Mr. Read said that he has paid approximately \$1,400 throughout the years for a sewer line that he could not use.

Councilman Taylor asked if it was a common practice to assess the monthly sewer fee if they could not connect.

Mr. Klem said that if a house is within 100 feet of the sewer line they have to pay the rate.

Councilman Carroll asked how many houses were left in the City that are not connected.

Mr. Klem said there were some around, however, he had no idea how many there actually were at this time.

Councilman Prince requested that the staff research how much has been paid by Mr. Read for the monthly sewer rate. Also, he felt this would be setting a precedent and noted that part of the connection fee was for maintenance of the sewer.

Councilor's Carroll and Taylor both felt there was merit to the fact that Mr. Read has tried to hook up to the system in prior years and could not.

It was also noted that Mr. Read would incur additional expenses because he had to hook up to the sewer from the back of his property to S. Knott which would include a minimum of 200 feet; and he would need to remove the septic system that he is currently using.

****Councilman Carroll** moved to direct staff to draft a resolution to waive the sewer connection fee for Lyle Read of 588 N. Juniper Street and return to Council with the draft on December 5, 1990. Motion seconded by Councilman Daniels and approved 5-0.

Administrator Jordan suggested that the resolution be inclusive of a record establishing extraordinary circumstances for the waiver of the requested sewer connection fee.

NEW BUSINESS: Accounts Payable - ****Councilman Carroll** moved to approve payment of accounts payable in the amount of \$51,726.58. Motion seconded by Councilman Smith and approved by roll call vote, 5-0.

Planning Commission Appointments - Two positions were due for appointment on the Planning Commission. ****Councilman Daniels** moved to reappoint Kurt Schrader and Henry Fenske to the Canby Planning Commission for another term, expiring in December, 1993. Motion seconded by Councilman Smith and approved 5-0.

ORDINANCES & RESOLUTIONS: Ordinance No. 851 - ****Councilman Carroll** moved to adopt on final reading Ordinance No. 851, AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 13.24.070 TO BE CONSISTENT WITH MANDATES FROM THE ENVIRONMENTAL PROTECTION AGENCY; AND DECLARING ANY EMERGENCY. Seconded by Councilman Daniels and approved by roll call vote, 5-0.

UNFINISHED BUSINESS: Mayor Kopelk extend Congratulations to the Canby High School Soccer Team that recently won the Co-Championship of the State in soccer.

Administrator Jordan reviewed a memo from Roy Hester, Public Works Supervisor requesting permission to repair damages at the Wait Park Gazebo. The Gazebo has had a constant, almost weekly, large amount of vandalism. Mr. Hester suggested replacing the wooden railing and slats with steel and hoping to solve the problem. The estimated cost, including labor, would be approximately \$1,745. The general consensus of the Council was for unanimous approval of Mr. Hester's request.

Councilman Taylor reminded the audience that the City has a reward fund that leads to apprehension of vandals.

- ACTION REVIEW:**
1. Prepare resolution to waive Lyle Read's sewer connection fees.
 2. Inform Mr. Schrader and Mr. Fenske of their re-appointment to the Planning Commission.
 3. Proceed with Gazebo repairs.

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

Mayor Kopelk recessed the regular session at 8:05 p.m. to go into Executive Session in the Police Department conference room. The regular meeting was reconvened at 8:32 p.m. and immediately adjourned.

EXECUTIVE SESSION
NOVEMBER 21, 1990

Mayor Kopelk opened the session at 8:14 p.m. in the Police Department conference room.

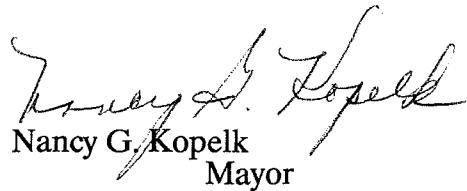
Councilor's present: Carroll, Taylor, Prince, Daniels and Smith. Also present: Administrator Jordan and Attorney Kelley.

ORS 192.660 (1)(h) - The Council discussed pending litigation regarding the Rinkes and Torgeson cases.

Mayor Kopelk adjourned the session at 8:31 p.m.

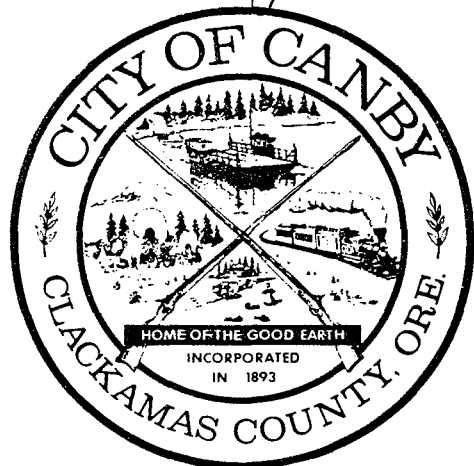


Marilyn K. Perkett
City Recorder



Nancy G. Kopelk
Mayor

> Scott Taylor



PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held an election on NOVEMBER 6, 1990, to consider the positions of Mayor Councilors and a measure for a new tax base.

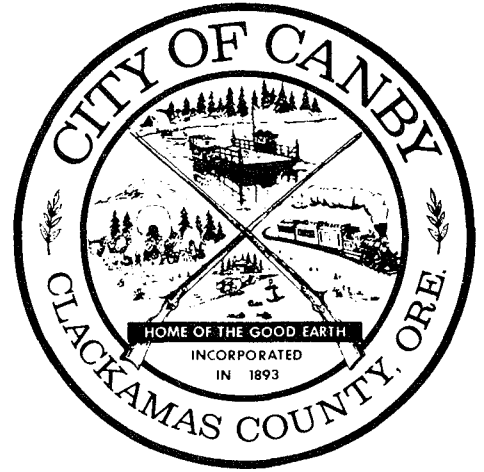
WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes as of 8:30 A.M., November 8, 1990:

MAYOR	Shawn Carroll	1,623
	Nancy Kopelk	1,308
COUNCILORS	Walter R. Daniels	1,945
	Terry Prince	1,673
	Scott Taylor	1,749
Measure 3-7	UPDATE THE TAX BASE FOR THE CITY OF CANBY	
	YES	1,515
	NO	1,391

NOW, THEREFORE, I, Nancy G. Kopelk, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented.

Dates this 7th day of November, 1990.

Nancy G. Kopelk
Nancy G. Kopelk, Mayor *mf*



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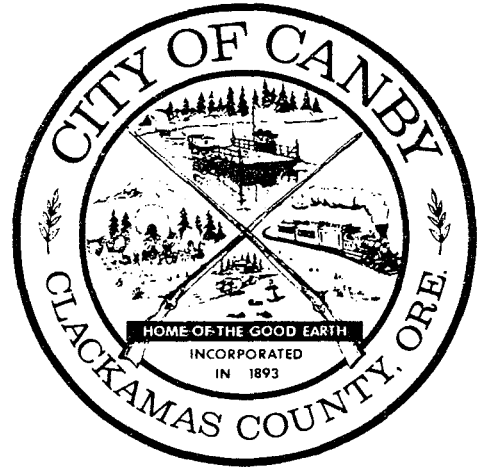
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