

**CANBY CITY COUNCIL
REGULAR SESSION
DECEMBER 5, 1990**

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, Swim Center Director Scott Nelson, Chief of Police Jerry Giger, City Planner Bob Hoffman, City Recorder Marilyn Perkett, Lyle Read, Myra Weston, Don Bear, Karen Carroll, Marie Erlandson, Donald Lund and Marsha Scholttmann.

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 be present.

MINUTES OF PREVIOUS SESSION: **Councilman Smith moved to approve as distributed the minutes of regular session November 21, 1990, seconded by Councilman Daniels and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Myra Weston, 343 N.W. Third Avenue, addressed the Council and reminded them that February 15, 1991, the City of Canby will be celebrating its 98th birthday. She also reviewed the past history of Mayors and Council members of the City for the past forty plus years, she recommended that the City consider Nancy Kopelk, due to her eight years City experience, to fulfill the vacant Council position created by Shawn Carroll's new position as Mayor.

PROCLAMATION: Toys for Tots Week - Mayor Kopelk proclaimed the week of December 9-15, 1990, as Toys for Tots Week. Members from the Kiwanians were present to collect toys that the Council had brought for the occasion.

COMMUNICATIONS: Beth Saul, Kiwanis Christmas Basket Chairwoman - Administrator Jordan read a letter from Beth Saul requesting that Mayor Kopelk encourage the community to participate in collecting food for the holiday gift baskets. Food was collected from the Council and placed in the City Hall "food barrel".

Mary Addison - Mayor Kopelk read a letter from Mary Addison, 7960 S. Vale Garden Road, Canby, which detailed some of the past donations she has made to the City, specifically the gazebo weather vane and rock drinking fountain, that were both vandalized in Wait Park. Mrs. Addison felt that the City is trying very hard to discourage the vandalism and donated a check in the amount of \$1,745.30, to pay for the entire repair of the gazebo, as suggested by Roy Hester at the last meeting. Mrs. Addison also suggested that the Council look into creating some boys and girls clubs, such as they have in Sellwood. Mayor Kopelk thanked Mrs. Addison and commented on the past generosity that she has given this community in many donations in the name of her late husband, Tom Addison.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$22,972.71. Motion seconded by Councilman Smith and approved by roll call vote, 6-0.

Abstract of Votes for November 6, 1990 - **Councilman Taylor moved to accept the

abstract of votes from Clackamas County Elections for the General Election of November 6, 1990. Motion seconded by Councilman Stiglbauer and approved 6-0.

ORDINANCES & RESOLUTIONS: Ordinance No. 853 - Bob Hoffman, City Planner, reviewed the proposed ordinance noting that due to 1989 state legislative law, manufactured homes were now to be permitted on individual lots by January 1, 1991, and the state law does allow for some local conditions. Mr. Hoffman noted that the Planning Commission held a public hearing on the issue on Monday, December 3rd, and recommended that the ordinance be changed to an outright use rather than a conditional use as outlined in the proposed ordinance. Also, staff further recommended that a new section be added to the ordinance to allow the City Planner to approve or deny an application after providing notice to those persons who would have had a right to notice if a hearing had been scheduled.

Mr. Hoffman pointed out the three options the Council had to consider on this issue: 1. approve the original ordinance to allow manufactured homes as a conditional use, with some conditions; 2. approve the Planning Commission recommendation of allowing manufactured homes as an outright use, and prepare an ordinance after the commission holds another hearing on the issue in January; or 3. approve the original ordinance with an additional section to allow the City Planner to approve or deny and send notice to concerned citizens.

Attorney Kelley presented another option, that in order to comply with the January, 1991 deadline and if someone came in with an application we would have an ordinance in place, pass the ordinance as presented tonight and request that staff prepare an amendment to ordinance 853, to allow manufactured homes as an outright use.

Councilman Taylor felt that an outright use was appropriate, giving manufactured home owners the same rights as conventional home owners.

Councilman Prince felt the conditional use permit was appropriate which would then allow for a public hearing on the placement of the manufactured homes.

****Councilman Taylor moved to approve Ordinance No. 853, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING MANUFACTURED HOMES ON INDIVIDUAL LOTS PLANNED AND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE TO BE PERMITTED AS CONDITIONAL USE; AND DECLARING AN EMERGENCY, and that the ordinance come up for final action on December 19, 1990; and that staff begin to prepare an amending ordinance after the Planning Commission hearing for manufactured homes to exist as an outright use. Motion seconded by Councilman Carroll. Roll call vote was as follows: YEAS - Carroll, Taylor, Daniels; and NAYS - Smith, Prince, Stiglbauer. Due to the tie vote, Mayor Kopelk cast the tie breaking vote, she voted YEA, the ordinance passed on first reading.**

Councilman Daniels asked if after January 1, 1991, foundations would be needed for manufactured homes and was told they would not under the new state laws.

Resolution No. 464 - Councilman Prince was concerned that at the last meeting it was suggested that Mr. Read has spent \$1,400 in the past for sewer rates and staff research indicated it was approximately \$1,046. Councilman Daniels pointed out that he also would have to pay additional costs at this time to extend the sewer connection across the back of his property to S. Knott Street.

Mayor Kopelk requested that staff add language to the proposed resolution which would be

more definite regarding the extraordinary circumstances for waiving the fee. The suggested additions included that in 1959 the City changed the original level of the sewer line making the basement house unable to connect; in 1976 the City Engineer informed Mr. Read he could not connect after he was requested to do so; and the Read's have paid \$1,046 in sewer rates and not been able to use the service.

City staff was directed to return to the December 19th meeting with a new resolution.

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Scott Nelson informed the Council that on Wednesday, December 12th, the Swim Center would allow free admission with a can of food. Also, that evening, Santa Clause would be at the recreational swim.

Mayor Kopelk commented on the new lighting at the pool and felt it was much improved.

ACTION REVIEW: 1. Post Ordinance 853 for second reading and prepare an amendment as directed.

2. Revise Resolution 464, as directed.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(h), regarding pending litigation. Motion seconded by Councilman Stiglbauer and approved 6-0.

Mayor Kopelk recessed the regular session at 8:32 p.m. to go into Executive Session in the Police Department conference room.

The regular meeting was reconvened at 9:11 p.m.

Administrator Jordan reminded the council that there would be a Council position vacancy in January, 1991, and asked how the Council wanted to proceed with filling that position. Also, he noted this was to be Council action, not Mayor action.

The Council discussed interview processes and finally agreed to appoint a subcommittee to review the candidates and return with a recommendation. The subcommittee volunteers were Scott Taylor, Shawn Carroll and Keith Stiglbauer.

Mayor Kopelk adjourned the regular session at 9:19 p.m.

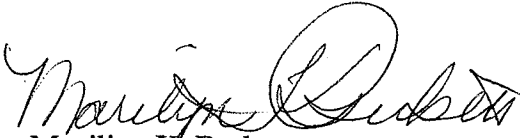
EXECUTIVE SESSION DECEMBER 5, 1990

Present: Mayor Kopelk, Council members, Carroll, Prince, Taylor, Stiglbauer, Smith and Daniels, Administrator Jordan and Attorney Kelley.

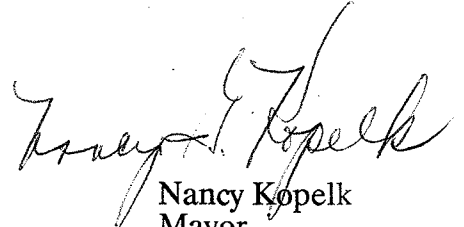
Mayor Kopelk opened the executive session at 9:11 p.m. in the Police Department conference room.

ORS 192.660 (1)(h) - The Council discussed the pending litigation Torgeson case. Also, they discussed possible litigation regarding the City's responsibility for paying medical bills of prisoners.

Mayor Kopelk adjourned the executive session at 9:10 p.m.



Marilyn K. Perkett
City Recorder



Nancy Kopelk
Mayor

SUMMARY OF VOTES CAST

11/20/90

14:38

CLACKAMAS COUNTY, OREGON

GENERAL ELECTION

NOVEMBER 6, 1990

JOHN F. KAUF

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :

* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

John F. Kaufman

CITY OF CANBY

MEASURE 3-7

UPDATE THE TAX BASE

CANDIDATE KEYS:

CAND-01 = YES

CAND-02 = NO

CAND-97 = OVERVOTES

CAND-98 = UNDERVOTES

CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
122	189	193	1	51	434
123	217	194	1	70	482
124	371	287	1	56	715
125	376	328	1	59	764
126	531	515	1	90	1,137
TOTALS	1,684	1,517	5	326	3,532

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NOVEMBER 6, 1990

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John F. Kauffman

CITY OF CANBY
COUNCIL POSITIONS
FOUR YEAR TERM (VOTE FOR THREE)

CANDIDATE KEYS:

CAND-01 = DANIELS WALTER R.
CAND-02 = PRINCE TERRY
CAND-03 = TAYLOR SCOTT
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-03	CAND-97	CAND-98	CAND-99
122	253	210	226	0	613	1,302
123	302	260	264	0	620	1,446
124	427	380	403	0	935	2,145
125	451	380	396	0	1,065	2,292
126	698	604	633	0	1,476	3,411
TOTALS	2,131	1,834	1,922	0	4,709	10,596

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NOVEMBER 6, 1990

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John F. Kaufman

CITY OF CANBY
MAYOR
TWO YEAR TERM

CANDIDATE KEYS:

CAND-01 = CARROLL SHAWN P
CAND-02 = KOPELK NANCY G
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
122	209	172	0	53	434
123	243	191	2	46	482
124	354	300	2	59	715
125	383	308	0	73	764
126	598	459	0	80	1,137
TOTALS	1,787	1,430	4	311	3,532