

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 20, 1990

(Televised live on Channel 5.)

Mayor Nancy Kopelk presiding. Council present: Scott Taylor (arriving late), Shawn Carroll, Keith Stiglbauer, Walt Daniels, Robert Smith and Terry Prince.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Public Works Director Rusty Klem, Police Chief Jerry Giger, City Recorder Marilyn Perket, City Treasurer Virginia Biddle, Fred Kahut, Roger Reif, Estle Harlan, Linda Fehrenbacher, Dave Anderson, Ben Maxwell, James Dodson, Pat Ewert, Frank Fortier, Fred Stefani, Lisa Wilcox, Larry Housen and others.

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.

**Councilman Daniels moved to approve as distributed the minutes of regular session, June 6, 1990. Motion seconded by Councilman Smith and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Ben Maxwell, 561 S.W. 6th Place, addressed the Council regarding the condition of the streets in Township Village. The Council had received a petition, signed by 70% of the home owners in Township Village. Mr. Maxwell explained that the streets were full of rock, mud and debris that are being tracked up and down the streets. He was concerned that someone would get seriously injured on the debris. Mr. Maxwell maintained he was not against the building, however, felt it was up to the City to maintain the streets since the subcontractors refused to clean-up their building sites. He maintained the north side of town does not have this problem in development areas.

Pat Ewert, 596 N.W. Baker, addressed the Council requesting the City Council and Planning Commission to provide the public with a schedule of meetings and agendas. She suggested enclosures with the CUB billings, place schedule and agenda in the weekly Herald or mail directly to citizens. She also requested that Planning items be more specific in the addresses for various issues.

TOWNSHIP VILLAGE STREETS - Mayor Kopelk addressed the first concern of Mr. Maxwell and asked what the City could do to help.

Rusty Klem explained that in lieu of the once a month street sweeping that most areas receive, we are currently sweeping the area every week and even flushed it out about a month ago. Also,

the building official does talk to the contractors in that area. Administrator Jordan said he drove through the area to assess the problem, as well as a development on N. Pine Street. Both areas were about in the same condition. Mr. Jordan said the bad weather conditions have added to the problem and the number of homes being built. We will look into more stringent measures to take with the contractor to correct the condition.

Dave Anderson, 641 N. Baker, said that due to the many trucks involved in the building and the bad weather, it was a problem and felt that the building will be complete in about 30 to 40 days which will solve the problem.

Mr. Maxwell maintained that when he spoke to the City street sweeper, the man told him that the street would not pick up the rock and he would not sweep that area.

Jim Dodson, Mid-State Industrial Service, said he felt the City was not responsible to clean up after contractors and some cities have ordinances for compliance and penalties for the matter. He offered to work with the City to draft an ordinance.

Councilor Daniels requested that the City review such an ordinance.

REQUEST TO PROVIDE COUNCIL AND PLANNING SCHEDULES - Recorder Perkett reviewed the current process of providing citizens information on the Council: noting the schedules for meetings are on a regular basis; posting copies of the agenda in three conspicuous places in the City; the OCTS Channel 5 provides a complete agenda in the video bulletin; and providing the Herald with a full agenda packet.

Rusty Klem explained the Planning Commission agendas noting that law requires the City to advertise using specific criteria as to the tax lots and closest available addresses and posting agendas.

Councilor Daniels suggested we research the prospect of buying space in the newspaper on a weekly basis for the agendas.

Recorder Perkett noted that some of Mrs. Ewert's suggestions were extremely costly, including supplies and manpower and noting that CUB is a separate entity from the City as far as using them as a regular source for information.

Mayor Kopelk said the staff will research methods of providing citizens with more information and return to the Council with that information.

NEW BUSINESS: **Councilman Prince moved to approve payment of accounts payable in the amount of \$159,036.38, seconded by Councilman Smith and approved by roll call vote, 5-0.

CANBY DISPOSAL RATE INCREASE - Administrator Jordan explained that due to the recent decision to deny Fred Kahut's request for

a garbage transfer station and that his present site does not comply as a transfer facility, he will be forced to change his present method of operation. Currently he transfers to McMinnville for \$24.12 a ton and soon Mr. Kahut will have to transfer to Metro for \$55.00 a ton. Canby Disposal is suggesting an increase per can of \$2.00 as a pass-through increase, 10% general increase and a 15 cent per month recycling increase.

Attorney Kelley explained what a "transfer operation" was, the hauling of garbage in small trucks to a site and then separation of the garbage and transferring it to large trucks to be hauled to a specific disposal site. McMinnville will not receive the small trucks and since Mr. Kahut cannot transfer his garbage due to the recent Conditional Use Decision, he is forced to use the smaller trucks and haul to the Metro site.

Current curb-side rates are \$8.20 per can, pass-through increase would be \$10.75 per can and an over-all increase would be \$11.70 per can.

Estle Harlan, Consultant for Mr. Kahut, addressed the Council explaining the 15 cent recycling increase. Ms. Harlan explained since the implementation of using the curb-side yellow recycling containers, the recycling pick-up has increased between 300 and 400 percent. She noted that 1986 was the last increase and Mr. Kahut should have requested a general increase sooner. She pointed out that the increase is equitable for all services. The pass-through is based on weight, the 10% is across the board and the 15 cents for recycling is for everyone, noting that recycling does not pay for itself. Ms. Harlan said Canby was the only City providing curb service until recently the County has implemented the curb-side rate.

Councilor Prince expressed a concern regarding the rate for picking up appliances, feeling it could generate a problem of people trashing used appliance in the countryside. He was informed that the increase is not much more than currently.

Mr. Kahut said he is actively looking for a transfer site and once he has one established he will reduce rates. Also, he felt that August 1, 1990, was a good effective date for the proposed rates so he could notify his customers.

The general consensus of the Council was to establish the rate increase for August 1, 1990.

Roger Reif, Attorney for Mr. Kahut, requested that the Council establish a rate resolution on the June 27th meeting, giving the Mr. Kahut plenty of time to notify customers.

PUBLIC HEARINGS: Mayor Kopelk reviewed the rules of the public hearing process for the audience.

SUPPLEMENTAL BUDGET - Mayor Kopelk opened the hearing on the proposed supplemental budget at 8:31 p.m.

Virginia Biddle, City Treasurer, reviewed the proposed budget and pointed out that the biggest change was to allow for the expenditures of the recently passed bond for the new library facility.

Mayor Kopelk asked if there were any comments, pro or con on the proposed supplemental budget. None were voiced. The Mayor closed the public hearing at 8:34 p.m.

****Councilman Carroll moved to adopt Resolution No. 477, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 1989-90, motion seconded by Councilman Prince and approved 5-0.**

DESIGN REVIEW PROPOSAL - Mayor Kopelk opened the hearing at 8:37 p.m. and requested that Councilor Smith preside since the issue and documents were primarily prepared by him.

Councilor Smith asked for audience input.

Linda Fehrenbacher, realtor at 255 S.W. First Avenue, questioned by the proposal was fashioned after larger cities such as Tualatin, Oregon City, Milwaukie, West Linn, Beaverton, and suggested checking cities closer to Canby's size, such as Dallas, Newberg and McMinnville. She also felt that the first section of the draft ordinance suggested that currently there is abuse in the design process. She questioned number 3 of the procedure regarding architect drawings. Mr. Smith noted that this did not mean the drawings needed an architect stamp, but could be an architectural rendering.. Ms. Fehrenbacher suggested this would be an added burden to the Planning Commission and suggested a three person board of the Building Official, Planner and Public Works Director.

David Anderson, 641 N. Baker, reviewed his areas of concern. He felt that duplexes should be exempt from the proposal. Also, he questioned if the City has a Tree Ordinance, specifically regarding permits.

Mr. Klem noted that we have an ordinance, however, it is primarily for trees in City right-of-way. Mayor Kopelk pointed out that the City intended to make a list of trees that would adapt to certain areas.

Mr. Anderson suggested that "minor changes" be addressed in the draft ordinance and that staff be allowed to review them. He questioned page 14, (b), multi-family parking, he suggested that the 1 space be changed to 2 spaces, in addition to garage. Page 14, (c) is currently 1/2 space and he felt that was adequate in lieu of the suggested 1.50 spaces. Mr. Anderson suggested that other areas in the parking criteria are "light" and suggested they be reviewed. Page 15, (f) for general office, the 3.50 spaces per 1,000 square feet is not adequate. Page 18, number 7, needed a tool to be able to decrease the minimum. Mr. Anderson said we had an "open book" for increasing the minimum and felt it should go both ways, i.e., for decreasing the minimum standards

for access and egress. Page 12, (b) did not address the flag lot situation. Procedure, page 2, number 7, the request for "verified" statement concerned him and he felt number 7 should be eliminated. Procedure, page 4, item 4, he questioned the 60 day time frame.

Attorney Kelley informed Mr. Anderson that it is state law that we must complete the entire planning progress in 120 days, inclusive of the 15 day appeal period scheduling.

Mr. Anderson questioned the "notice" section on page 4 of the procedure.

Mr. Kelley noted that state law requires us to notify by mail the results of a decision as outlined on page 4.

Mr. Anderson felt the 7 member board was inappropriate and felt the suggestion of Ms. Fehrenbacker of a 3 member staff board was appropriate, thus taking the pressure off of the Planning Commission.

Linda Fehrenbacker suggested the City take a look at the Newberg and McMinnville plans for a comparison.

Lisa Wilcox, 684 N.W. Fourth Avenue, requested that she have time to review both documents and be allowed to make comments specific to preserving natural resources.

Don Bear, Planning Commissioner, expressed concern that more builders were not present or concerned about the proposed documents. He noted the intent of the documents were to "help" the developers.

Mayor Kopelk closed the hearing at 9:25 p.m. and informed the audience that their suggestions will be reviewed and requested that Mr. Anderson and Ms. Fehrenbacker leave their copies and comments with staff for future considerations.

ORDINANCES & RESOLUTIONS: ORDINANCE NO. 846 - Rusty Klem reviewed the street sweeping ordinance and pointed out the proposed services are new mechanical sweepers and can do a better job than City air sweepers. Mr. Klem suggested we eliminate the "bond" area of the contract on page 6, since reviewing it with Attorney Kelley, he felt we were adequately covered against default under the 30-day escape clause and it would save the City money.

Jim Dodson, Mid-State Industrial Service, briefly reviewed the proposed contract and his services and felt comfortable about removing the bonding issue.

Councilor Carroll questioned about future contracts and performance bonds. He was informed that we require a performance bond for all construction contracts, however, this particular service contract was covered with the 30-day escape clause.

****Councilman Daniels moved that Ordinance No. 846, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, TO EXECUTE A CONTRACT FOR STREET SWEEPING SERVICES; AND DECLARING AN EMERGENCY,** as amended in the deletion of the bond clause, be posted and come up for final action on June 27, 1990. Motion seconded by Councilman Carroll. Councilor Prince questioned if the regular 12 sweeps a year and optional 12 sweeps would be adequate. He was informed it would be and that the extra sweeps would take place during peak needs, such as in the fall for leaves. Mr. Prince also questioned the debris site and disposal at City expense on page 52. Mr. Klem explained we have a current site we use all the time for debris. The motion was approved 4-1, with Councilor Stiglbauer voting, nay.

RESOLUTION NO. 446 - Virginia Biddle, City Treasurer, review the various line item transfers within various funds to balance the 1919-90 budget. ****Councilman Carroll moved to adopt Resolution No. 446, A RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN BUDGET LINE ITEMS TO BALANCE THE 1989-90 BUDGET,** seconded by Councilman Daniels and approved 5-0.

RESOLUTION NO. 448 - Administrator Jordan explained the need for the document as an acceptance of a State of Oregon Small Energy Loan in the amount of \$16,823.00 for the new library project. ****Councilman Daniels moved to adopt Resolution No. 448, A RESOLUTION AUTHORIZING THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON TO ACCEPT THE SMALL SCALE ENERGY LOAN FOR THE CANBY PUBLIC LIBRARY PROJECT FROM THE STATE OF OREGON DEPARTMENT OF ENERGY,** seconded by Councilman Prince and approved 5-0.

RESOLUTION NO. 449 - Mrs. Biddle explained the concept of the self insurance through the City/County Insurance Services for property coverage, inclusive of a savings even with the added coverage for the new mausoleum and library. Staff recommendation was to entering into a three year contract with CIS for property self insurance based on many years of experience, lower premium and future savings. (NOTE: Councilman Taylor arrived at 9:50 p.m., during this discussion.) ****Councilman Carroll moved to adopt Resolution No. 449, A RESOLUTION REGARDING MEMBERSHIP IN THE CITY/COUNTY INSURANCE SERVICE TRUST PROPERTY SELF-INSURED POOL.** Motion seconded by Councilman Stiglbauer and approved 6-0.

RESOLUTION NO. 450 - Mrs. Biddle explained the proposed resolution with CIS for a similar self-insurance pool regarding the City Workmans' Comp coverage. The three entities contacted quoted the following premiums: CIS-\$53,943 plus \$15,000 deductible; Liberty Northwest-\$71,682; and SAIF-\$79,354. Mrs. Biddle noted that she surveyed several cities and all were comfortable with their service, for both Liberty NW and CIS. Staff recommended accepting CIS coverage based on their low bid.

Frank Fortier, Liberty NW and 965 N.E. 34th resident, addressed the Council and pointed out that CIS is not an actual insured plan. He said the City could pay up to 13% assessment or a worst scenario situation, if all of the CIS pool is exhausted the City

tax payers could end up paying. He pointed out that since he lives in Canby, we have local service and Liberty provide legal services, specifically for Section B coverage regarding liability under the Workmans' Comp Policy. He pointed out that with CIS legal services for Section B are not a "given" at this time; and SAIF will not provide legal services for Section B. Mr. Fortier reviewed the City's past regarding loss: 1988-89, \$22,601; 1987-88, \$58,390; 1986-87, \$14,233; and so far this year a few hundred dollars.

Due to the fact Mr. Fortier was present to represent one of the firms that quoted premiums, staff requested that CIS and SAIF be allowed time for a Council presentation at the Council meeting next Wednesday, noting that we must sign with someone prior to July 1, 1990.

UNFINISHED BUSINESS: SPRR PARKING LOT UPDATE - Administrator Jordan said he has reviewed a 1956 and 1976 ordinance of the City and will pursue looking into an Economic Improvement District with various assessment methods. Staff will continue to pursue this problem and keep the Council informed.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan invited the Council to attend a City employee breakfast on July 10, 7:00 a.m., at Willamette Valley Country Club.

ACTION REVIEW:

1. Return with Canby Disposal rate resolution.
2. Refine Design/Review process.
3. Post Ordinance 846, return it June 27th.
4. Execute all passed resolutions.
5. Return resolution 450 and contact SAIF/CIS.
6. SPRR parking lot continuation.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(d), labor negotiations and (1)(e), real property negotiations. Seconded by Councilman Carroll and approved 6-0.

Mayor Kopelk recessed the regular session at 10:11 p.m. to go into executive session. The regular meeting was reconvened at 11:01 p.m. and immediately adjourned.


EXECUTIVE SESSION
JUNE 20, 1990

Present: Mayor Kopelk, Councilors Carroll, Taylor, Stiglbauer, Prince, Daniels and Smith. Also, Administrator Jordan.

ORS 192.660 (1)(d), the Council discussed labor negotiations.

ORS 192.660 (1)(e), the Council discussed the Danchok property purchase and land for a south side park.

Mayor Kopelk adjourned the session at 11:00 p.m.


Marilyn K. Perkett, City Recorder


Nancy G. Kopelk, Mayor