

CANBY CITY COUNCIL

REGULAR SESSION

AUGUST 1, 1990

(Televised live on Channel 5.)

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, Public Works Director Rusty Klem, Library Director Beth Saul, City Planner Hank Skinner, City Recorder Marilyn Perkett, Clackamas County Commissioner Judie Hammerstad, Mike and Janet Rinkes, Dorothy McCormick, Evelyn Meredith, Dinorah Zazueta, Raquel Lambert, Betsy Ross, Earl Oliver, Bob Kacalek and Dave Fisher.

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 July 18, 1990, seconded by Councilor Stiglbauer. Recorder Perkett pointed out a correction on page 4 in the last motion of the regular session, the money amounts listed for the insurance cap did not have decimal points and should read: **"\$2.48 single, \$5.43 married and \$7.08 family."** The motion to approve the minutes as corrected was approved unanimously.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Dinorah Zazueta, Vista Volunteer for Clackamas County Social Services, introduced herself to the Council and passed out information regarding her job and the proposal to locate a Hispanic Center in Canby to serve all of Clackamas County. Ms. Zazueta informed the Council that fund raisers are being planned to assist with this plan.

**PROCLAMATION:** Mayor Kopelk proclaimed the week of August 6-10, 1990, as Canby Adult Center Week in honor of the center's fifth anniversary. Dorothy McCormick, center manager, passed out newsletters inclusive of anniversary week agenda.

**VISITATION:** Commissioner Judie Hammerstad, newest Clackamas County Commissioner, addressed the Council indicating her intention to help develop a good relationship between Canby and the County. Commissioner Hammerstad commented on two important issues that she is currently pursuing: Law Enforcement Tax Equity, in which they hope to have something for the public by next March or May that would be a "fair" tax for City citizens, as well as unincorporated areas; and the second issues was the consolidation of the County offices so there would be one central

office for all business. Commissioner Hammerstad told the Council that at this time she is visiting many of the rural areas and County cities to familiarize herself with the areas and their concerns.

Councilman Taylor informed the Commissioner that he is very interested in the Blue Ribbon Committee studies and suggested that they also examine the probation and parole areas of law enforcement.

Councilor Prince commented on the problems that the City has regarding road upgrading and specifically that our streets are usually wider than what the County often does in their process.

Commissioner Hammerstad promised to take the comments back to the Commission and promised to return to Canby sometime again.

**COMMUNICATIONS:** Administrator Jordan read a letter from Loren Lindsay, Aurora Police Department Lieutenant, commending Canby Police Officer Tim Sommer for assisting during the July 22nd fire that occurred in Aurora.

Administrator Jordan read a memo from Gary Simantel and Earl Swigert of the Canby Utility Board Water Department, thanking and commending Police Chief Jerry Giger for assisting during a broken valve problem at the main storage plant on July 22nd.

Mr. Jordan read a letter from Burt Lindsay, Canby Planning Commission, tendering his resignation. Mayor Kopelk noted that Mr. Lindsay would be missed and a thank you letter will be sent to him for his past City services.

**PUBLIC HEARING:** Mayor Kopelk reviewed the criteria and procedures for the public hearing process. The Mayor questioned the hearing body as to any conflict of interest or ex parte contact and the subject before them this evening, none was voiced.

Mayor Kopelk opened the public hearing at 7:55 p.m. on the Tatone Annexation 90-03.

Staff Report - Hank Skinner, City Planner, briefly reviewed the proposed annexation of Ronald Tatone for 1.6 acres along the east side of N. Locust Street. Mr. Skinner briefly reviewed the eight standards of criteria that the Planning Commission felt was met by the applicant. Mr. Skinner noted that the Planning Commission recommended approval with one condition: prior to development, the applicant shall submit a complete subdivision application to the Planning Commission and the plat shall be recorded. It was also noted that in 1977-78, all street improvements as well as utility services were installed in the subject area. Mr. Skinner also informed the Council that the Planning Commissioner Lindsay, prior to his leaving the Commission, requested that he would like the Council to consider implementing an ordinance that make sidewalks mandatory for all new developments.

Applicant - None presented.

Proponents - None presented.

Opponents - None presented.

Mayor Kopelk closed the public hearing at 8:01 p.m.

**\*\*Councilman Carroll** moved to adopt Resolution No. 456, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF RON TATONE) FOR TAX LOT 1200 OF TAX MAP 3-1E-28DC CONSISTING OF APPROXIMATELY 1.6 ACRES, motion seconded by Councilman Prince and approved 6-0.

**NEW BUSINESS:** Accounts Payable - **\*\*Councilman Carroll** moved to approve payment of accounts payable in the amount of \$119,405.64, seconded by Councilman Stiglbauer and approved 6-0 by roll call vote.

Request to Purchase 3/4 T. Pickup - Administrator Jordan reviewed a memo from Roy Hester, Public Works Supervisor, requesting authorization to purchase a pickup. Mr. Hester requested quotes from eight dealers and received only two. Canby Ford was the low bid of \$11,975, and it was noted that \$13,000 had been budgeted for this vehicle. **\*\*Councilor Daniels** moved to authorize staff to purchase from Canby Ford a 1990 Ford F250 Heavy duty 3/4 Ton 4x2 Pickup for the price of \$11,975.00. Motion seconded by Councilor Smith and approved 6-0.

Contract for Telephone Services from CTA - Administrator Jordan explained that he had been researching the telephone service with Dave Fisher since we needed to expand and upgrade our system to a more efficient usage. Currently we lease our equipment on a month to month basis for \$400.50 per month. The proposal from CTA would be for the same monthly price, however, they requested that we sign a five year contract and they will, at no extra charge, upgrade the system with some new equipment. **\*\*Councilman Carroll** moved to enter into a contract with CTA Communications for a five year period for \$400.50 a month for telephone equipment rental and system upgrading. Motion seconded by Councilman Daniels. Councilor Taylor questioned the termination contract. Mr. Jordan explained that the termination charge is \$6,000, but is reduced by 1/60th for each month that we participate in the contract, which ultimately means that if we terminated the contract after 59 months of use it would cost us \$100. The vote on the motion was for unanimous approval, 6-0.

Request to Purchase Automobile - Administrator Jordan requested authorization to purchase a 1990 Ford Taurus at the "state bid" price of \$11,794 from Canby Ford. Mr. Jordan indicated that the current 1982 Ford Futura, previously a police car, is in poor condition. However, Charles Tooley will use the car in his new position as Code Enforcement Officer. Councilor Taylor questioned if we considered any other vehicles and why we chose the Taurus. Mr. Jordan said it was the cheapest of the mid-size cars on the state bid list and felt it best fit our needs. Chief

Giger reported that the 1990 Ford Taurus also had the best record of any of the cars on the state list. Mr. Klem noted that we do not have a diagnostic chip in our motor pool for some of the Chrysler products that are on the state bid. \*\*Councilman Daniels moved to authorize purchase from Canby Ford for a 1990 Ford Taurus for the price of \$11,794 for use by the City Administrator. Motion seconded by Councilor Prince and approved 6-0.

**ORDINANCE & RESOLUTIONS:** Ordinance No. 847 - Mr. Klem explained that this ordinance was to implement new building and sign codes as set forth in the 1988 Edition of the Uniform Building Code Standards and Uniform Sign Code. Councilor Carroll questioned if this had any affect on the City sign ordinance and was told it differs. The Uniform Sign Code relates to such things as mechanical design, the City code relates to size, placement, etc. \*\*Councilman Prince moved that Ordinance No. 847, AN ORDINANCE ADOPTING THE 1988 EDITION OF THE UNIFORM BUILDING CODE STANDARDS AND THE 1988 EDITION OF THE UNIFORM SIGN CODE, OTHER UPDATE SPECIALTY CODES AND DECLARING AN EMERGENCY be properly posted and come up for final action on August 15, 1990. Motion seconded by Councilor Smith and approved 6-0.

Resolution No. 457 - Attorney Kelley reviewed the criteria for drafting the subject resolution concerning approximately 29.21 acres located at N.W. Third and N. Cedar Streets owned by Mr. and Mrs. Michael Rinkes. Mr. Kelley noted that in 1963 the City had a license with Southern Pacific to maintain and construct a storm sewer outfall system on their property; in August, 1989, Mr. and Mrs. Michael Rinkes bought the property and he terminated our license; and on July 11 and July 13, 1990, the City received letters from Mr. Rinkes requesting we remove the storm pipe or he would remove the pipe. At this time the City looked into an alternative for relocating the pipe with an approximate price of \$350,000. In April, the City had the property appraised by George Miller, Appraiser. That appraisal was \$245,500 which is \$11,005 more than Mr. Rinkes paid for the property and much cheaper than relocating the system. The City then considered condemnation of the property for public use, considering that perhaps in the next five years the City will be required to treat the storm sewer outfall and provide a treatment facility. This would be an ideal area. Also, the lower area could be used as a park and the extension of N. Cedar and N.W. Baker to Highway 99E could be extended through the subject property. Mr. Kelley informed the Council that a certified letter had been sent to Mr. Rinkes on July 27, 1990, offering him \$245,500 for the subject property and he has twenty days, until about August 17, 1990 to respond. Should he decline to respond, that amount of money will be tendered into court and the City would proceed with condemnation procedures. Mr. Kelley also said he had talked to Mr. Rinkes' attorney, Daniel Kearns, today and they will get together and review the matter.

\*\*Councilman Taylor moved to adopt Resolution No. 457, A RESOLUTION DECLARING A PUBLIC NEED TO CONDEMN AND ACQUIRE PROPERTY KNOWN AS TAX LOT 401, SECTION 5, T.4S., R1E OF

APPROXIMATELY 29.21 ACRES LOCATED AT N.W. THIRD AVENUE AND NORTH CEDAR STREET IN CANBY, OREGON. Motion seconded by Councilman Prince and approved 6-0.

**UNFINISHED BUSINESS:** Formation of E.I.D. - Administrator Jordan explained that to begin the formation of an Economic Improvement District to pursue purchasing the Southern Pacific parking lot, the City is required by Municipal Code 4.04.020 to initiate the process by motion and direct the City engineer to make a written report on such a project and set a time line. Prior meetings with concerned citizen and Council resulted in this process with the City paying half of the purchase price and property owners being assessed the other half under the EID system.

**\*\*Councilman Daniels** moved to declare the City's intent to purchase the Southern Pacific railroad property parking lots and to instruct the City engineer to prepare and file a report on the purchase with the City recorder no later than August 31, 1990 as per Municipal Code Section 4.04.020. Motion seconded by Councilman Carroll. Councilman Stiglbauer questioned the cost of the engineer report and was told it would be nominal with the City staff assisting with the Curren & McLeod firm. Motion carried 6-0 for approval.

Planning Commission Appointments - Mayor Kopelk read a memo naming four citizens that expressed interest in serving on the Planning Commission, Henry Fenske, Dan Ewert, Robert Westcott and Roger Harris. Mayor Kopelk recommended Robert Westcott and Henry Fenske be appointed to the two vacant terms.

**\*\*Councilman Carroll** moved to approve the recommendation and appoint Planning Commissioner terms as follows: Robert Westcott to December, 1991 and Henry Fenske to December 1990. Motion seconded by Councilman Stiglbauer and approved 6-0.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan informed the Council that he would like to have the issue of "pedestrian bubbles" on the next agenda and invite the Traffic Safety Committee to comment on the matter of making them permanent or removing them completely. Council approved this for the next agenda.

Also, Mr. Jordan suggested that a workshop on the Design/Review process be on the next agenda. The Council consensus was to bring this project to the Council as an item for action.

Administrator Jordan informed the Council that the August 7th Budget Committee Meeting had been canceled and had been rescheduled to August 22nd.

Beth Saul reminded the Council that it was now time for all library card holders in Canby to check out at least "30 books" each to help prepare for the move to the new facility. The library will be closed from August 20th until after Labor Day. Also, the Friends of the Library earned between \$700 and \$650 and they sold the remaining books to Gretchen Voil for \$5.00 a box.

Councilor Carroll asked if the City was working at the Baker Pioneer Cemetery. Rusty Klem said they had removed the Juniper hedge, that was in bad shape, and put in a sidewalk which ran around the power poles.

Councilor Smith asked when they were going to fix the "tar pit" on the street at 9th and Aspen. Mr. Klem said this was a drywell that was being repaired. He explained how drywells have been in place for some time in our sandy soil, which sink and eventually needs repaired.

Councilor Prince requested that the "stop signs" be placed back in the middle of the street where the new four-way stops are at N.W. Third and Grant and N.W. Third and Holly.

Michael Rinkes had several pictures placed on a large piece of card which he submitted to the Council as his evidence that the City's storm outfall is contaminating the Molalla River. Staff requested to keep the pictures for a while and was told they could.

- ACTION REVIEW:**
1. Attend Adult Center lunch on August 8th.
  2. Letters of thanks to employee personnel files.
  3. Forward annexation resolution to Metro.
  4. Proceed with Pickup and car purchase.
  5. Implement the CTA telephone contract.
  6. Adopt new Uniform Building & Sign Code
  7. Proceed with condemnation of property or negotiate the matter.
  8. Prepare August 31st report for E.I.D.
  9. Re-install stop signs at new 4-way stops.
  10. Inform new planning commissioners of their appointments.

**\*\*Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(d), regarding labor negotiations; (1)(e), to negotiate real property; and (1)(h), regarding litigation or pending litigation. Motion seconded by Councilman Carroll and approved 6-0.**

Mayor Kopelk recessed the regular session at 9:02 p.m. to go into Executive Session in the Police Department Conference Room. The regular meeting was reconvened at 10:34 p.m.

**\*\*Councilman Carroll moved to approve a salary range for the Code Enforcement Officer to be between a low of \$1,539 and a high of \$1,966 per month. Motion seconded by Councilman Daniels and approved 6-0.**

Mayor Kopelk asked what had happened to the "ticker file" and Administrator Jordan said he would activate the file again. Also, he is trying to develop another type of reminder system modeled after one that Councilor Taylor uses.

Mayor Kopelk adjourned the regular session at 10:42 p.m.

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EXECUTIVE SESSION  
AUGUST 1, 1990

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

Mayor Kopelk opened the executive session in the Police Department Conference room at 9:16 p.m.

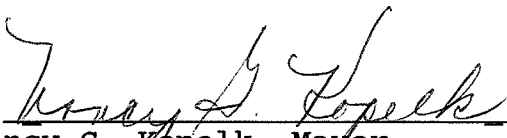
ORS 192.660 (1)(~~p~~), regarding pending litigation of the City vs. Torgeson.

ORS 192.660 (1)(d), the Council discussed a pay salary for a new position.

ORS 192.660 (1)(e), the Council discussed the Rinkes property issue.

Mayor Kopelk adjourned the executive session at 10:34 p.m.

  
Marilyn K. Perkett, City Recorder

  
Nancy G. Kopelk, Mayor