

**CANBY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 19, 1990**

(Televised Live on channel 5.)

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, Librarian Beth Saul, Swim Center Director Scott Nelson, Public Works Director Rusty Klem, City Treasurer Virginia Biddle, City Recorder Marilyn Perkett, Mitch Lies, Lori Sprague and Jeff Wuorio.

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 Carroll moved to approve as distributed the minutes of regular session, September 5, 1990. Seconded by Councilman Daniels and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Kopelk wished a speedy recovery to Councilor Smith who was home ill.

Mayor Kopelk also extend Congratulations to Chief Jerry Giger who was this year's recipient of the Chamber of Commerce "Hall of Honor" Award.

PROCLAMATION: Mayor Kopelk proclaimed September 17 through 23, 1990, as Constitution Week. The Mayor noted that the DAR organization had a constitution display at the library.

PUBLIC HEARINGS: Mayor Kopelk explained the procedure for the hearing process.

Supplemental Budget 1990=91 - Mayor Kopelk opened the hearing at 7:35 p.m. and requested conflict of interest or exparte' contact to be disclosed. None was voiced.

Staff Report: Virginia Biddle, City Treasurer, explained that the supplemental budget was needed to spend unanticipated revenue and briefly reviewed the following funds for expenditures: General Fund, Library Trust, Emergency Services and Sewer Reserve Fund.

Proponents: None voiced.

Opponents: None voiced.

Mayor Kopelk closed the hearing at 7:38 p.m.

**Councilman Carroll moved to adopt Resolution No. 460, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR 1990-91, seconded by Councilman Prince and approved 5-0.

Annexation 90-04, Doug Sprague - Mayor Kopelk opened the hearing at 7:39 p.m. and requested the Council to declare conflict of interest on this hearing or exparte' contact. None was voiced.

Staff Report: Mr. Klem briefly reviewed the process from the point of application to the Planning Commission level, Council and then to the Metropolitan Boundary Commission for final approval. The subject project is approximately .64 acres east of 597 N.E. 22nd Avenue. Mr. Klem noted that the Planning Commission had prepared findings, conclusions and order. The Planning Commission recommended approval with two conditions: 1. applicant shall obtain annexation approval from PMALGBC prior to extending City services or obtaining a building permit; and 2. applicant shall extend water lines to the property as per CUB requirements.

Applicant: Lori Sprague, wife of the applicant was in the audience but had nothing to add to the staff report.

Proponents: None.

Opponents: None.

Mayor Kopelk closed the public hearing at 7:55 p.m.

****Councilman Carroll moved to adopt Resolution No. 461, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF DOUG SPRAGUE) FOR TAX LOT 200 OF TAX MAP 3-1E-28DB CONSISTING OF APPROXIMATELY 0.64 ACRES. Motion seconded by Councilman Stiglbauer and approved 5-0.**

COMMUNICATIONS: Administrator Jordan read a thank you card signed by many patrons of the Canby Adult Center for the additional paved parking and the recent plantings around the building.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$108,655.92, seconded by Councilman Prince and approved 5-0, by roll call vote.

Appointment to Swim Center Board - Recorder Perkett explained that Mark Triebwasser's term on the Swim Center Advisory Board had expired in July, and due to an oversight the Council failed to confirm his reappointment at that time for which he is willing to serve. **Councilman Stiglbauer moved to reappoint Mark Triebwasser to another three year term, expiring in July, 1993, on the Swim Center Advisory Board. Motion seconded by Councilman Daniels and approved 5-0.

ORDINANCES & RESOLUTIONS: Ordinance No. 848, Design Review - **Councilman Carroll moved to that Ordinance No. 848, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, SETTING STANDARDS FOR SITE AND DESIGN REVIEW AND AMENDING CHAPTER 16.10 OF THE CANBY MUNICIPAL CODE TO PROVIDE A PROCESS AND DEFINABLE STANDARDS TO IMPROVE THE AESTHETIC QUALITY OF THE CITY'S PHYSICAL DEVELOPMENT, AND THEREBY DECLARING AN EMERGENCY, be adopted and become part of the laws of the City of Canby. Motion seconded by Councilman Daniels and approved by roll call vote, 5-0.

UNFINISHED BUSINESS: LID for SPRR Parking Lot - Administrator Jordan briefly reviewed the past history of this issue, including the previous meetings held in January and May. The current estimates, including legal and administrative fees, for the subject property is \$132,200, for which the City would pay half and the remaining half would become an LID with approximately 67 tax lots being assessed. The C-1 and C-2 zones would be divided into three assessment zones: zone 1 being closes and benefiting most from the parking lot; zone 2 the next closest; and zone 3 being the farthest. The zones

would be assessed 45%, 35% and 20% respectively. The three attributes for basing the assessment were: assessed valuation, square footage of tax lot and front footage or street footage of the lot. If a lot provides its own off-street parking, an arbitrary \$40.00 per parking space would be credited against the annual assessment. Administrator Jordan explained that the scenario he used in establishing the formula for assessments was to be equitable and sensitive to ability to pay and not overburden anyone.

Councilman Taylor requested that some of the figures be checked because in the three different schedules presented, some of the figures did not change. Mr. Jordan said these were only estimates and the figures would all be rechecked.

Councilor Prince was concerned about the parking credit and felt nobody should be totally exempt due to parking credits.

Administrator Jordan explained that the next step would be a Public Hearing with all tax lot owners notified and given a chance to remonstrate. He noted that he had spoke to two of the owners that would be assessed the most and they had no problem with the proposal.

Attorney Kelley explained that if we make an offer to Southern Pacific, based on our appraisal, and if we are rejected then we should have another appraisal and go from there regarding what the procedure would entail.

Administrator Jordan explained that the Code has specific requirements for publishing prior to the hearing and sending notices.

****Councilman Daniels moved to approve the report and staff recommendation to pursue purchase of the SPRR parking lot by establishing an LID, instructing the City Recorder to publish a notice of a hearing as per Municipal Code 4.04.040, Subsection (A) and mail notices as per Municipal Code 4.04.040, Subsection (B). Motion seconded by Councilman Carroll.**

Councilman Taylor questioned if this would be the 45-35-20 percentage plan and was informed it was because the motion was for staff recommendation.

Motion was approved 5-0.

Mayor Kopelk acknowledged Mitch Lies, Canby Herald Editor, who will be leaving the community. She thanked Mr. Lies for his good reporting and relationship with the City and wished him "good luck".

OTHER REPORTS OR ANNOUNCEMENTS: Scott Nelson, Swim Center Director, reported that the new lighting is completed and fully operational, as well as being a great system and energy saver. Also, the lights were made possible by a donation from Canby Telephone Association.

Mr. Nelson reviewed the annual activities of the Advisory Board: planned and organized the 20th anniversary celebration; month to month special recognition of various patrons; plan special events liked the canned food drive; and plan parties for the swim team. Mr. Nelson said that the board plans to review a restructure of the fee schedule and thanked Councilman Stiglbauer for his active participation and support as Council liaison.

ACTION REVIEW: 1. Implement Supplemental Budget.
2. Send annexation resolution to Metro.
3. Implement Ordinance 848.
4. Prepare to publish notice for SPRR LID.

**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 meeting at 8:20 p.m. to go into Executive session at the Police Department. The regular session was reconvened at 9:27 p.m. and immediately adjourned.

EXECUTIVE SESSION
SEPTEMBER 19, 1990

Mayor Kopelk presiding. Councilors present: Carroll, Prince, Taylor, Stiglbauer and Daniels. Absent: Smith.

Also present: Administrator Jordan and Attorney Kelley.

Mayor Kopelk opened the session at 8:40 p.m. in the Police Department conference room.

ORS 192.660 (1)(h), the Council discussed pending litigation the former Rinkes property and Torgeson cases.

The session was adjourned at 9:27 p.m.



Marilyn K. Perkett
City Recorder



Nancy G. Kopelk
Mayor