

CANBY CITY COUNCIL

REGULAR MEETING

MAY 17, 1989

(Televised live on Channel 5.)

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

Also present: Administrator Michael Jordan, City Attorney John Kelley, Library Director Beth Saul, Swim Center Director Scott Nelson, Public Works Director Rusty Klem, Public Works Supervisor Roy Hester, Police Chief Jerry Giger, City Recorder Marilyn Perkett, Jaunetta Gunder, Karen Sasse, Pat McCarty, Mitch Lies, Dave Dalley Earl Oliver, Dorothy McCormick, Marv Dack, Don Nielsen, C.C. Sheppard, Butch Olsen, Fred Stefani and Pamela Brinkley.

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 Carroll moved to approve as distributed the minutes of regular session, May 3, 1989, seconded by Councilman Daniels and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROCLAMATION: Mayor Kopelk was presented with a corsage of poppy's by the Legion Auxiliary President, Jaunetta Gunder and Poppy Chairman, Karen Sasse, prior to the reading of the proclamation. The month of May was proclaimed as Poppy Month.

COMMUNICATIONS: Chief Giger read a letter from the Board of Police Standards and Training informing us that Tim Sommer, Canby Police Officer, was the recipient of the Academic Achievement Award for Basic Police Class No. 148 that recently held graduation ceremonies. Mayor Kopelk asked that Council congratulations be extended to Officer Sommer.

NEW BUSINESS: **Councilman Prince moved to authorize payment of accounts payable in the amount of \$56,421.09, seconded by Councilman Carroll and approved 6-0, by roll call vote.

Rusty Klem reviewed the request to call for bids for a mausoleum at Zion Memorial Cemetery. Milne Construction has completed the initial plans and specifications. Roy Hester showed the Council a picture of the proposed mausoleum and noted that there would be 132 crypts and 480 niches. **Councilman Daniels moved to instruct staff to issue an invitation to bid for the Zion

Memorial Cemetery Mausoleum, with bids closing at 3:00 p.m. on June 14, 1989; document viewing to be after May 23, 1989; and publication dates to be May 23 and 30, 1989. Motion seconded by Councilman Carroll and approved 6-0.

The next order of business was a request by Marv Dack for a zone change for 15.8 acres at the end of S.W. 13th Avenue from R-1, Low Density Residential to R-1.5, Intermediate Density Residential/Planned Unit Development. Mr. Klem said that both the Planning Commission and staff recommended approval of the request with the following conditions: 1. Utility easements are to be provided to the satisfaction of CUB, N. Willamette Telecom, and the Canby Telephone Association; 2. A water line is to be looped through the development in the manner specified by CUB, hydrant locations to be as specified by the Fire Marshal; 3. Covenants and by-laws of the homeowner's association are to meet the requirements of the City Attorney to assure that private improvements within the development will not become the responsibility of the City for maintenance; 4. All recommendations of other agencies to be regarded as conditions of approval; 5. Curbs and sidewalks to City standards are to be constructed along S.W. 13th Avenue frontage; 6. An engineering study is to be completed for the area along the bluff, prior to the approval of any building permits for dwelling units. Slope stability and the possible impact of using drywells for storm drainage are to be addressed; 7. The applicant is to provide the City with a dedication of property to allow for the extension of S.W. 13th Avenue. The form of the dedication is to meet the requirements of the City Attorney; 8. The applicant is to provide the City with a recorded waiver of the right to remonstrate against the formation of a LID for the full improvements of S.W. 13th Avenue. The form of the waiver is to meet the requirements of the City Attorney (the City may require the immediate improvement of the road to City standards as condition of approving any subsequent development of the site); and 9. The cost of all facility or utility improvements to the site are to be borne by the developer.

Councilman Carroll asked if this project would hinder the proposed extension of S.W. 13th Avenue and was told no. Also, Mr. Klem noted that with the provision of the PUD, nothing happens without a conditional use permit. **Councilman Carroll moved that Ordinance No. 833, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON; AND DECLARING AN EMERGENCY- APPLICANT OF MARV DACK, be approved on first reading and come up for final action on June 7, 1989. Motion seconded by Councilman Daniels and approved 6-0.

ORDINANCES & RESOLUTIONS: **Councilman Carroll moved to adopt on final reading Ordinance No. 831, AN ORDINANCE FIXING COMPENSATION FOR THE SERVICES OF CITY COUNCILPERSONS AND MAYOR AND REPEALING ORDINANCE NO.S 594 AND 693. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.

The Council next considered a resolution setting sewer connection

fees. Mr. Klem reviewed the research that he had done regarding this issue, which had been a result of setting a connection fee for the Country Cupboard Restaurant. The final result was a recommendation by staff to accept the resolution which would set a fee for the Country Cupboard Restaurant of \$14,400, based on a seating arrangement of 120 seats and using the formula of 8 seats equal to an Equivalent Residential Unit (ERU).

Councilman Carroll questioned how this fee compared to what the fee would have been under the old resolution for the Country Cupboard. Mr. Klem noted that it would have been based on water usage for one month, and with the proposed resolution it will be about \$2,500 to \$3,000 higher than with the old resolution. Attorney Kelley noted that the wording "effective September 1, 1988, nunc pro tunc" was to make the fee retroactive since a fee had not been established for the new restaurant and today he had spoke with the Country Cupboard's legal counsel and he had no problem with that wording. Mr. Klem did point out that a letter had been sent in February, 1989, with a proposed formula using six seats and the connection fee would have been about \$24,000, however, with the new formula of using 8 seats, the fee would be \$14,400.

****Councilman Taylor moved to adopt Resolution No. 424, A RESOLUTION INCREASING SANITARY SEWER CONNECTION CHARGES, ESTABLISHING A FEE FOR INDUSTRIAL WASTE PERMITS, AND DEFINING THE METHOD FOR COMPUTING EQUIVALENT RESIDENTIAL UNITS (ERU'S).**
Motion seconded by Councilman Prince and approved 6-0.

UNFINISHED BUSINESS: Administrator Jordan informed the Council that he had been working with the Elementary School District regarding a expansion of parking at the Canby Adult and Swim Centers. The school board approved the physical orientation of the lot and the amount of parking spaces, which will be an approximate additional 80 spaces, and now he was seeking a consensus from the Council. The City Council gave unanimous approval of the concept and congratulated Mr. Jordan on the presentation he had made to the school board. Mr. Jordan noted there was a lot of details to be resolved and they will seek technical advise. Mayor Kopelk suggested that Mr. Klem contact Portland City Forester, Alex Winstra, regarding saving as many trees as possible and how to top them. Administrator Jordan noted that he will again appear before the school board on June 12.

Administrator Jordan updated the Council on the screening process for the position of City Planner. Councilor Smith and Planning Commissioner Schrader were screening the applicants, they hoped to interview on June 1 and 2, and have someone hired by July 1.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan reminded the Council of the May 25th Clackamas County/Cities meeting at Willamette Valley Country Club.

Mr. Klem informed the Council that Clackamas County signed the contracts last Thursday with the architect, Vosmek, for the Swim

Center design and they want to get started by September 1, if at all possible.

Mr. Klem also informed the Council that the Public Works crew has been working on N. Elm Street crack sealing the road.

Mayor Kopelk congratulated Chief Giger for his part in the torch run for the Special Olympics.

Administrator Jordan briefly reviewed a memo that the Council had received this night from Karen Rider, Court Clerk, requesting Council authorization to approve one more day a month for traffic infraction trails due to the heavy case load. This would not be implemented until July, and the Council will receive more information.

ACTION REVIEW: 1. The City will prepare to call for bids for the proposed Zion Memorial Cemetery Mausoleum.
2. Continue with Adult/Swim Center parking lot.
3. Post Ordinance No. 833, for second reading.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(e), to negotiate real property. Motion seconded by Councilman Prince and approved unanimously.

Mayor Kopelk recessed the regular session at 8:17 p.m. to go into Executive Session in the Administrator's office.

The regular session was reconvened at 9:20 p.m. and immediately adjourned by Mayor Kopelk.

EXECUTIVE SESSION
MAY 17, 1989


Mayor Kopelk called the Executive Session to order at 8:30 p.m. Councilors present: Carroll, Stiglbauer, Taylor, Prince and Smith. Absent: Daniels.

Also present: Administrator Jordan, Attorney Kelley and Oregonian Reporter Pamela Brinkley.

The Council discussed possible purchase of property for a future library facility under ORS 192.660 (1)(e).

Mayor Kopelk adjourned the session at 9:08 p.m.


Marilyn K. Perkett, City Recorder


Nancy G. Kopelk, Mayor