

CANBY CITY COUNCIL

REGULAR MEETING

JULY 5, 1989

(Televised live on channel 5.)

Mayor Nancy 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, City Clerk Kathy Keyser, Public Works Supervisor Roy Hester, Earl and Sabina Oliver, Dorothy McCormick, Lloyd Walsch and Carol Berggren.

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 June 21, 1989, seconded by Councilman Prince and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Mayor Kopelk thanked the Art Association for the great General Canby Day and specifically, Joan Spaulding, Betsy Ross, Diane Anderson and Ramona Fraizer for their assistance. Also, Rex Sample the driver of the Mayor's parade car was acknowledged.

Councilman Carroll noted that the City crews had the park in excellent shape for General Canby Day.

PUBLIC HEARING: Mayor Kopelk opened the public hearing at 7:38 p.m., and instructed the audience in the procedure for the hearing on the Oliver annexation.

STAFF REPORT- Administrator Jordan noted that the subject property of 43.29 acres is located on the south side of N.E. Territorial between N. Redwood and Highway 99-E and has three different zoning designations, Light Industrial, Multi-residential and R-1, Single Family Residential. Mr. Jordan pointed out the area on the map of the flood plane overlay. The Planning Commission recommended approval of the annexation based on three conditions: 1. all development and recording costs are to be borne by the developer when the property is developed; 2. all City service provider regulations are to be adhered to at the time of development; and 3. any subsequent development must be proceeded by a subdivision plat to ensure that all of the public facility improvements will be made.

Councilor Stiglbauer questioned how much of the property would be

covered in the event of a flood. Applicant, Earl Oliver, said about four acres was involved. The creek runs through the center of the property and it all drains toward the creek where there will be no construction and possibly it will become a park or just open area. This is the back waters from the Willamette and probably will never flood. Councilor Prince questioned if the flood plane was a natural hazard and was told no. Mr. Oliver said that in 1964, approximately four feet of water was over Territorial and in the 30 years he has had the property is has flooded three times, with 1964 being the "big flood".

APPLICANT- Mr. Oliver had nothing more to add.

PROPOSERS- Carol Berggren, 1868 N. Redwood, addressed the Council with some of her concerns. Mrs. Berggren said she was a proponent of the annexation since she felt Mr. Oliver would develop the property with integrity, however, she was concerned as to what type of development would happen in the area. Mrs. Berggren questioned if the City had any policy for protecting the wetland area, and was told none at this time. She also asked if the City would force annexation to the "pocketed" area that is not involved. Mayor Kopelk noted that the City did not force annexation. Mrs. Berggren questioned if the City was prepared to handle the growth, specifically, sewer, water, police and fire protection, schools, parks, and traffic flow. Administrator Jordan noted that these questions would be addressed during the development stage at the Planning Commission level. Also, it will take 45 to 90 days before the Boundary Commission finalizes the annexation. Finally, Mrs. Berggren stated she was a proponent of the annexation with the understanding that Mr. Oliver has good intentions with the development and that the next step before the Planning Commission before development will be open to citizen input.

OPPOSERS- None.

REBUTTAL- None.

Mayor Kopelk closed the public hearing at 7:50 p.m.

\*\*Councilman Taylor moved to adopt Resolution No. 430, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICANT OF EARL AND SABINA OLIVER) OF 43.29 ACRES. Motion seconded by Councilman Carroll and approved, 6-0.

NEW BUSINESS: \*\*Councilman Carroll moved to approve payment of accounts payable in the amount of \$34,438.43. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.

ORDINANCES & RESOLUTIONS: Administrator Jordan briefly reviewed the ordinance for the contract with Milne for construction of a mausoleum. \*\*Councilman Daniels moved that Ordinance No. 834, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH MILNE CONSTRUCTION COMPANY, INC., FOR THE CONSTRUCTION OF A MAUSOLEUM FOR THE ZION MEMORIAL CEMETERY; AND

DECLARING AN EMERGENCY be posted and come up for final action on July 19, 1989. Motion seconded by Councilman Carroll and approved 6-0.

Administrator Jordan informed the Council that Resolution No. 431 was necessary to obtain interim financing for the bond levy. Walt Daniels declared a conflict of interest on this issue.

\*\*Councilman Carroll moved to adopt Resolution No. 431, A RESOLUTION OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AMOUNT NOT TO EXCEED \$600,000 TO PROVIDE INTERIM FINANCING OF A LIBRARY FACILITIES SITE, THE ACCEPTANCE AND APPROVAL OF A PURCHASE CONTRACT, AND RELATED MATTERS. Motion seconded by Councilman Stiglbauer and approved 5-0, with Councilman Daniels declaring a conflict of interest.

UNFINISHED BUSINESS: Four terms on the Canby Adult Center Advisory Board had expired and two current members were willing to serve again. Also, five names were submitted as interested: Evelyn Meredith, Dianne Brown, Barbara Guild, Mildred Stevenson and Shirley Strong. \*\*Councilman Carroll moved to appoint the following people to four year terms on the Adult Center Advisory Board, Sue Cox and Tim Davis as reappointments and new appointments, Barbara Guild and Evelyn Meredith. Motion seconded by Councilman Daniels and approved 6-0. Thank you letters will be mailed to Iola Bowers and Cindy Delzer for their past service.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan noted that a Proclamation had been posted regarding the library levy ballot, the official abstract will be arriving from the County.

Later this month, Mayor Kopelk, Councilor Stiglbauer and Administrator Jordan will be attending the County conference at Timothy Lake.

Library Director Saul thanked the voters for approving the Library Bond Levy.

Mayor Kopelk commented on City Hall's new recycling program for paper and urged all departments to do the same.

ACTION REVIEW: 1. Post Ordinance No 834 for second reading.  
2. Send letters of thanks to past Adult Center PAB members and appointment letters to four new appointments.

Mayor Kopelk noted that at the July 19th meeting we will have 21 delegates from Kurisawa, Japan, in anticipation of signing the Sister City document. This meeting will not be televised live, however, will be recorded for tape telecast.

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

Mayor Kopelk recessed the regular meeting at 8:15 p.m., to go into executive session. The regular meeting was reconvened at 10:04 p.m. and immediately adjourned.

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EXECUTIVE SESSION  
JULY 5, 1989

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


Also present: Administrator Jordan, Attorney Kelley and Don Schaefer.


The Council first discussed possible pending litigation under ORS 192.660 (1)(h).

Next the Council discussed negotiations under ORS 192.660 (1)(d). Don Schaefer left the meeting after this discussion.

Finally, the Council discussed possible real estate sale under ORS 192.660(1)(e).

The executive session was adjourned at 10:03 p.m.

  
Marilyn K. Perkett, City Recorder

  
Nancy G. Kopelk, Mayor

## SUMMARY OF VOTES CAST

6/30/89  
10:28CLACKAMAS COUNTY, OREGON  
SPECIAL ELECTION  
JUNE 27, 1989

ISSUE 3

JOHN F. KAUFFMAN, COUNTY CLERK

\*\*\*\*\*  
\* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY \* BY :  
\* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. \*\*\*\*\*\*  
\* DATE OF ABSTRACT : \*  
\* JUN 30 1989 \*

CITY OF CANBY

MEASURE 3-7

GENERAL OBLIGATION BOND FOR CITY LIBRARY

## 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
124	316	166	0	25	507
125	228	121	0	24	373
126	280	152	1	24	457
TOTALS	824	439	1	73	1,337

## NOTICE OF BOND MEASURE ELECTION

Notice is hereby given that on Tuesday, June 27, 1989, an election will be held in the City of Canby, Clackamas County, Oregon. The polls will be open from 7:00 a.m. to 8:00 p.m. The following shall be the Ballot title for the measure submitted to the electors thereof:

### GENERAL OBLIGATION BOND FOR CITY LIBRARY

Shall the City issue \$600,000 in General Obligation Bonds for the purchase of a new Library site.

The purpose of this measure is to acquire a new site for the Canby Public Library. If approved this measure would authorize the issuance of General Obligation Bonds. The amount would be \$600,000. The term not to exceed (20) twenty years. This would provide funds to acquire, reconstruct, equip and furnish the 11,000 square feet. The new location would be the Ace Hardware Building at 292 N. Holly, Canby.

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