

CANBY CITY COUNCIL

REGULAR MEETING

FEBRUARY 17, 1988

(This meeting televised live on Channel 5.)

Mayor William F. Pulver presiding. Council members present: Nancy Kopelk, Scott Taylor, Terry Prince, Michael Jordan, Shawn Carroll, and Walt Daniels.

Also present: Stephan Lashbrook City Administrator, John Kelley City Attorney, Beth Saul Library Director, Scott Nelson Aquatics Director, Rusty Klem Public Works Director, Marilyn Perkett City Recorder, Betty Morris, Don Bear, Bob Kacalek, Earl Oliver, Don Klur, Tracie Floyd, Helen Brennan, Ray Radtke, Butch Olsen, Jean Warren, Mike Hodges, Eric VonZondo, Ray & Herman Hellhake, Mr. & Mrs. Charles Hagel, and Dale Carter.

Mayor Pulver 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 present.

Mayor Pulver welcomed former Councilwoman Helen Brennan to the meeting.

**Councilman Carroll moved to approve as distributed the minutes of regular meeting February 3, 1988, seconded by Councilman Prince and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS - None presented.

PUBLIC HEARING - Mayor Pulver informed the audience of the proceedings of the public hearing.

Staff Report: Administrator Lashbrook reviewed the application of Mohasco Company, with Bob Kacalek of Canby Realty as their representative. The application was to amend the City's Comprehensive Plan that included the extension of N.E. 2nd Avenue east to N.E. 4th Avenue, the application is for deletion of that extension. The proposal a legislative amendment since it affects a large area of the City and not a specific land development proposal. The Planning Commission recommend that the request be approved with a modification of a cul-de-sac to be required at the end of N.E. Second Avenue.

Applicant: Bob Kacalek informed the Council that the proposed street extension would eliminate 1/3 acre and limit the usage. Mr. Kacalek noted that the property has a couple prospective buyers, but has not been purchased at this time.

Proponents: None.

Opponents: None.

The Council discussed the cul-de-sack, and were informed that the owners would not be required to put one in at this time, however, if the area was designated for a cul-de-sack then building permits would not be issued for that area.

Mayor Pulver closed the public hearing at 7:50 p.m. and reconvened the regular session.

****Councilman Jordan** moved to instruct staff to draw up a resolution to amend the Comprehensive Plan to eliminate the street extension of N.E. Second Avenue to N.E. Fourth Avenue, and to specify that a standard cul-de-sac be required at the end of N.E. Second Avenue; also the Council adopts the findings of fact of the Planning Commission on this application. Motion seconded by Councilman Daniels and approved 6-0.

PROCLAMATION - Mayor Pulver proclaimed the month of February as American History Month and recognized the services performed by the Belle Passi Chapter of the Daughters of the American Revolution.

COMMUNICATIONS - None presented.

ORDINANCES & RESOLUTIONS - None presented.

NEW BUSINESS - ****Councilwoman Kopelk** moved to approve payment of accounts payable in the amount of \$110,594.26, seconded by Councilman Carroll and approved by roll call vote, 6-0.

The Council next considered annual renewal of the liquor licenses in the City. ****Councilman Carroll** moved to approve the liquor license renewals for: Vagabond Saloon, 7-11 Store, County Cupboard Restaurant, TNT Market, Fultano's Family Pizza, Cutsforth's Thriftway, Roth's IGA Foodliner, Giuseppe's Pizza, Willamette Valley Country Club, Gold Dragon, American Legion Post \$122, and Hiway Market. Motion seconded by Councilman Jordan and approved unanimously.

The Council next considered a zone change request. Attorney Kelley informed the Council that they were to make their decision on the record of the Planning Commission proceedings and recommendations, no new testimony could be considered.

Ray Radtke, applicant, informed the Council that he requested the zone change so he could remodel the service station and put in a mini-market.

Administrator Lashbrook reviewed the record noting that the subject area is approximately a little over four acres located on the southwest corner of S. Pine and 99E and is currently zoned R-1, Low Density Residential with the requested change to C-2, Highway Commercial. The service station is on the front of the property and a residence is located behind it. Mr. Lashbrook noted that the Planning Commission considered changing only a portion of the

property. Recommendation was to approve the zone change for the entire property subject to two conditions: dedication of 20 feet along S. Pine for future street purposes; and waiver of right to remonstrate against future improvement.

Charles Hagel, son-in-law of Herman Hellhake who is the property owner, informed the Council that the property owners would not consider the 20 foot dedication or waiver of remonstrance. Mr. Hagel said they were only interested in changing the zoning of the front portion of the property, 100 to 125 feet from frontage, and they would dedicate the requested 20 feet on that front portion only.

****Councilman Jordan moved that the City Council approve the zone change request for property located on the south side of Highway 99 E immediately west of S. Pine Street on the front portion of the tax lot back to approximately ten (10) feet behind existing service station, from R-1, to C-2. The Council will adopt the findings of fact of the Planning Commission and two conditions of approval: 1) dedication of twenty feet of property along S. Pine Street for future street widening and utility purposes. Further condition that S. Pine Street improvements will be constructed at such time that more substantial development or redevelopment of the property takes place; and 2) a properly signed waiver of the right to remonstrate against future street, sidewalk, or utility improvements is to be recorded for S. Pine Street. The wording for both the dedication and waiver of the right to remonstrate are to meet the requirements of the City Attorney. Motion seconded by Councilman Carroll and approved 6-0.**

UNFINISHED BUSINESS - The Council briefly reviewed the results of the CIP meeting of February 9th, which included a priority list of both staff and people attending the February 9th meeting of the proposed projects. Administrator Lashbrook suggested that a formal public hearing be advertised and scheduled for March 2, 1988, Council agreed.

In regards to the request from the high school to petition the PUC to reduce the Amtrak speeds, Mr. Lashbrook spoke to PUC staff who indicated we would be wasting our time unless the City could repute the findings of the existing order. Mr. Lashbrook will provide the Council with the original PUC order and more information from the school district at the next meeting.

OTHER REPORTS OR ANNOUNCEMENTS - Administrator Lashbrook informed the Council that Mr. Prince, Mr. Jordan, Mr. Klem, and himself, attended the annexation hearing at Portland Metro Commission last Thursday. The annexation of the City to the Rural Fire District was approved, with final approval on March 27 and effective date, July 1, 1988.

**ACTION REVIEW - 1) Additional follow-up on Amtrak issue.
2) Prepare Zone Change Ordinance.
3) Prepare Comp Plan Amendment Resolution.**

****Councilwoman Kopelk moved to go into Executive Session under**

ORS 192.660 (1)(c), to discuss negotiations on real property transactions. Seconded by Councilman Carroll and approved 6-0.

Mayor Pulver recessed the regular session at 8:35 p.m. to go into Executive Session. The regular session was reconvened at 9:13 p.m.

Mayor Pulver asked for any further business to come before the Council. **Councilwoman Kopelk moved to instruct the City Attorney to enter into real estate negotiations with parties for the purpose of purchasing property for a library. Motion seconded by Councilman Carroll and approved 6-0.

Administrator Lashbrook reminded Mayor Pulver and Councilman Taylor that they must meet to review the City "logo" entries. They will meet at 5:30 p.m. on February 23.

Councilman Jordan requested that the first Budget Committee meeting be advertised for 7:00 p.m., Thursday, March 10th. Mayor Pulver adjourned the regular meeting at 9:18 p.m.

EXECUTIVE SESSION

Mayor Pulver presiding. Council members present: Nancy Kopelk, Walt Daniels, Shawn Carroll, Terry Prince, Scott Taylor, and Michael Jordan.

Also present: Administrator Stephan Lashbrook, City Attorney John Kelley, Librarian Beth Saul, Library Board Members Jean Warren and Dale Carter.

Mayor Pulver called the Executive Session to order at 8:50 p.m. under ORS. 192.660 (1)(e), to discuss real property transactions. The Council discussed purchasing property for a future library site.

The Executive Session was adjourned at 9:12 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor