

CANBY CITY COUNCIL

REGULAR SESSION

JULY 20, 1988

(Televised Live on Channel 5.)

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

Also present: Administrator Stephan Lashbrook, City Attorney John Kelley, Police Chief Jerry Giger, Public Works Director Rusty Klem, Librarian Beth Saul, Swim Center Director Scott Nelson, City Recorder Marilyn Perrett, Dan Mickelsen, Dale and Claudine Yoder, Milt Dennison, Jon Eyman, and Donna Henderson.

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.

**Councilman Taylor moved to approve as distributed the minutes of regular session, July 6, 1988. Motion seconded by Councilman Carroll and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

At this time, Mayor Pulver addressed an Unfinished Business Item, Safety Awards presentation. Beth Saul, Chairman of the City Safety Committee introduced Dan Mickelsen, from the City Public Works crew, and noted that he was the "father of the program" and devoted a lot of time to implement the program. Mr. Mickelsen presented the first City Safety Awards as a "kick-off" of the program based on safety achievement prior to July, 1988. Ken Pagano, Police Department Sergeant, and Dale Yoder, City Mechanic, accepted the safety awards, consisting of a certificate and a travel bag.

COMMUNICATIONS: Administrator Lashbrook reviewed a letter from LCDC, granting the City's request for an extension for our periodic review of the Comprehensive Plan, until December 31, 1988.

Administrator Lashbrook read a letter from Senator Bob Kintigh informing the City that he will support the City's position regarding the consolidation of the Metropolitan Service District and the Boundary Commission. Mayor Pulver noted that he and Representative Shiprack have discussed this issue and he also supports the City's position.

ORDINANCES & RESOLUTIONS: **Councilman Daniels moved to adopt Ordinance No. 819, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH THE ALLIANCE CORPORATION FOR

THE CONSTRUCTION OF THE REDWOOD STREET INTERCEPTOR SEWER LINE; AND DECLARING AN EMERGENCY. Seconded by Councilman Prince and approved by roll call vote, 5-0.

**Councilman Carroll moved to adopt Ordinance No. 820, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY FOR AN ASPHALTIC OVERLAY ON N. HOLLY STREET BETWEEN KNIGHTS BRIDGE ROAD AND TERRITORIAL ROAD; AND DECLARING AN EMERGENCY, seconded by Councilman Taylor and approve 5 to 0 by roll call vote.

**Councilman Jordan moved to adopt Ordinance No. 821, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A SANITARY SEWER MAIN TO SERVICE THE SOUTH SIDE OF THE CITY OF CANBY, OREGON; AND DECLARING AN EMERGENCY, seconded by Councilman Daniels and approved by roll call vote, 5-0.

NEW BUSINESS: **Councilman Prince moved to authorize payment of accounts payable in the amount of \$24,847.20, seconded by Councilman Carroll and approved 5-0, by roll call vote.

The next order of business was the appeal of the Planning Commission decision on a conditional use permit to the Elementary School District for a condition of approval to be sidewalks and curbs in front of Lee School. Administrator Lashbrook reminded the Council that they must make their decision upon the record and if they overturn the Planning Commission decision, specific findings must meet requirements of the code. Mr. Lashbrook briefly reviewed the items of the records.

Milt Dennison, Elementary School District Superintendent, addressed the Council and pointed out that the primary reasons for the appeal was: money for sidewalks and curbs was not in the 1988-89 budget, no sidewalks on contiguous properties are present; and other businesses and residents in the area were not faced with a similar requirement. Mr. Dennison also noted that time is essential since school will be starting in September, they felt they couldn't complete the sidewalks by that time in order to occupy the modular classrooms. Mr. Dennison requested that the Council remove the sidewalk condition or extend the time for the project until the next budget year.

Councilman Carroll informed the Council that he worked for a "sister corporation" of the firm that has submitted a bid for the lease of the modular building, however, he did not feel it would affect his judgment and therefore no conflict of interest was necessary.

Mayor Pulver suggested that if an extension of time was granted that the City could put in their budget a line item for sidewalks in front of the Adult Center to adjoin the school district sidewalks.

Several Council members felt the time extension was appropriate,

some wanted two years. Councilman Prince felt that one year was sufficient and noted that sidewalks are important.

****Councilman Taylor** moved to accept the Planning Commissions findings on the conditional use permit with the exception of the condition for curbs and sidewalks, and that condition is to be modified to be a temporary permit with sidewalks to be installed by June 30, 1990, based on the findings that the Planning Commission did not adequately consider all of the information, specifically the budget criteria and the time frames. Motion seconded by Councilman Carroll and approved 4-1, with Councilman Prince voting nay. Councilman Daniels mentioned that in the future he would like to see the district plan ahead so we would not be faced with such matters and not have to bend the rules.

Administrator Lashbrook informed the Council that a request for vacation of an alley on the future Post Office site will require a public hearing. ****Councilman Taylor** move to schedule a public hearing for September 7, 1988, on the alley vacation request. Seconded by Councilman Jordan and approved 5-0.

UNFINISHED BUSINESS: The Council next considered appointment to the City Budget Committee. Councilman Taylor submitted the name of Don Omark who serves on the school district budget committee. Mayor Pulver submitted the name of Ed Miller former Elementary School District Superintendent. Councilman Taylor withdrew the name Mr. Omark. Mayor Pulver appointed Ed Miller to a three year term on the City Budget Committee. ****Councilman Daniels** moved to approve the appointment by the Mayor of Ed Miller to the Budget Committee for a term expiring in March, 1991, motion seconded by Councilman Carroll and approved 5-0.

OTHER REPORTS OR ANNOUNCEMENTS: Councilman Taylor reminded the Council of Canby Day at the Oregon Pageant on July 23rd.

Administrator Lashbrook informed the Council that the Adult Center has had an anonymous donor offer to purchase a van for the one that was recently removed from service, if the City would accept the maintenance and insurance. Also, the donor will provide some of the funding for a driver. Today word was received that another donation has been made to the Adult Center to provide the necessary funding for the driver for the additional van. ****Councilman Daniels** moved that the City accept the van into our fleet and provide the necessary insurance and maintenance. Motion seconded by Councilman Prince and approved, 5-0.

Rusty Klem, Public Works Director, informed the Council that Cavenham would like the City to accept the logging road by August 1st or they will start dismantling the overpass. The State inspector said the bridge was sound and could have two lanes of traffic, 10 feet, 6 inches each. When we take over the logging road we will close the road at Territorial and S.E. 13th Avenue. Mr. Lashbrook said that Southern Pacific had assured him that our agreement with them to have the right-of-way would be here by the end of the week. Councilman Daniels requested that we put

pressure on S.P. for the agreement so we don't take the chance of having to remove the bridge if we can't obtain a right-of-way agreement. Mayor Pulver also pointed out that Ted Deaton, with Cavenham has been extremely helpful with this matter.

- ACTION REVIEW:
1. Contact S.P. about agreement.
 2. Notify Adult Center of acceptance of van.
 3. Notify Ed Miller of appointment to City Budget Committee.
 4. Schedule public hearing for September 7, on alley vacation.
 5. Notify school district of action on appeal.
 6. Contact Cavenham about logging road.

Mayor Pulver adjourned the regular session at 8:37 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor