

CANBY CITY COUNCIL

REGULAR MEETING

AUGUST 3, 1988

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

Also present: Administrator Stephan Lashbrook, City Attorney John Kelley, City Recorder Marilyn Perrett, Librarian Beth Saul, Swim Center Director Scott Nelson, Public Works Director Rusty Klem, Public Works Supervisor Roy Hester, Marv Dack, Earl Oliver, John Beck, Bill Stevens, and Dr. E.E. Davies.

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 all members present.

**Councilman Carroll moved to approve as distributed the minutes of regular session July 20, 1988, seconded by Councilman Daniels and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: None presented.

ORDINANCES & RESOLUTIONS: Attorney Kelley noted that Resolution No. 414 was drafted to endorse the City insurance coverage through League of Oregon Cities. Dennis Nolder, our local representing agent, addressed the Council and noted that this was no different than it has been the past 5 to 6 years, except that the pool has grown from \$50,000 to \$200,000. Also, the program now is being documented, with this resolution, and there will be dividends, however, there could be assessments of up to one-half of our premium if there is not enough participation. Mr. Nolder said that municipal insurance coverage of the same quality and quantity is virtually non-existent, except through the League insurance. **Councilwoman Kopelk moved to adopt Resolution No. 414, A RESOLUTION AUTHORIZING MEMBERSHIP IN THE CITY/COUNTY INSURANCE SERVICE TRUST, seconded by Councilman Daniels and approved 6-0.

NEW BUSINESS: **Councilwoman Kopelk moved to approve accounts payable in the amount of \$37,585.55, seconded by Councilman Daniels and approved by roll call vote, 6-0.

At this time the Council was to consider the appeal of the Planning Commission decision to deny the appeal filed by Marv Dack regarding the Torgeson Nonconforming Use, Attorney Kelley reviewed the issues: On July 26, 1988, Marv Dack filed the appeal with the Planning Commission on the decision made in 1986

by the City Administrator to approve a non-conforming use for the Torgeson gravel operation, at which time no notices were sent to property owners; James Pienovi appealed the same decision to LUBA and the City was told we were in error for not giving notice to property owners, based on a Douglas County court case which happened after the City of Canby administrative decision; LUBA did deny Mr. Pienovi's appeal based on the fact he had actual knowledge of the issue and did not file in a timely manner; the Planning Commission felt that Mr. Dack's case was applicable to the LUBA-Pienovi case since Mr. Dack had actual knowledge and therefore denied his appeal; and Mr. Dack is now appealing the Planning Commission decision to the City Council.

Marv Dack, 715 S.W. 13th Avenue, read the first part of his letter of appeal dated July 25, 1988, to the Council.

Attorney Kelley presented a written argument submitted by John and Sande Torgeson regarding the issue.

Marv Dack objected to allowing the written testimony since it was not a part of the record and had not been submitted at the Planning Commission level.

Attorney Kelley said that in his opinion it was argument only.

Administrator Lashbrook noted that the Council should make their decision upon the Planning Commission's record regarding the issue of whether the appeal was filed in a timely manner and nothing else should be considered.

The Council was polled and it was unanimous consensus that the written letter from John and Sande Torgeson not be allowed in this appeal process. All copies, including those in the audience, were returned to Attorney Kelley.

Dr. E.E. Davies, 179 N.E. 11th Avenue, asked if an environmental impact study had been made and if he could get a copy. Mayor Pulver asked that Dr. Davies contact staff about the study.

**Councilwoman Kopelk moved to uphold the decision of the Planning Commission on their decision to deny Mr. Dack's appeal on the based upon the fact that he had not filed in a timely manner. Motion was seconded by Councilman Carroll. Councilwoman Kopelk noted that Mr. Dack had actual knowledge of the decision and that was why it was not considered to be a timely filing. The entire Council was polled and they all felt Mr. Dack had plenty of time due to the actual knowledge. Motion passed unanimously, 6-0.

At 8:00 p.m., Mayor Pulver called for a short recess. Mayor Pulver reconvened the meeting at 8:01 p.m., excusing himself due to physical reasons and turned the session over to Council President Nancy Kopelk.

The Council next considered a request from Rusty Klem to purchase a crane. Mr. Kelm said this was "to good of a deal to pass up".

Mr. Klem submitted pictures of our 1957 Lorraine Crane that is on it's last legs, and unsafe. Pictures were submitted of the 1957 Bantam Crane that had previously belong to the City of Portland, the asking price was \$22,000, however, they would allow us \$3,500 for our crane, leaving a balance of \$18,500. Roy Hester, Public Works Supervisor, said he operated the subject crane and felt it was a good buy and it was a definite priority as our current one is unsafe. Also, we could rent the crane to the Canby Utility Board for revenue. Mr. Hester also noted that we still needed the hot box, which was a budgeted item. The crane had been a decision package in the last budgeting process, however, it was eliminated. Mr. Klem proposed the following funding for the crane: Motor Pool Reserve; equal portions from the street, park, sewer and motor pool budget; or street budget and not buy the hot box. Councilman Prince asked how much a hot box would be used and when would they purchase it. Mr. Hester noted that without the hot box, it takes four people and 2 vehicles to patch, with the hot box it would be only one vehicle and two people and he could write the specs tomorrow if he knew they could pursue the purchase. Administrator Lashbrook pointed out that due to the cost, we would need three other quotes providing this was a unique purchase, this would eliminate the bid process.

**Councilman Jordan moved to request quotes for a crane and if no better offer, to purchase the City of Portland Bantam Crane from funding in the current budget from equal parts of the street, park, sewer and motor pool budgets in an amount not to exceed \$22,000. Motion seconded by Councilman Carroll and approved 5-0.

UNFINISHED BUSINESS: Administrator Lashbrook informed the Council that about a year ago we received a letter from the American Legion requesting a handicapped parking site. Since that time we did a survey of the downtown businesses, which came back about 50-50 for the need of handicapped parking. Councilman Taylor felt since we only have two designated spaces in town we need to pursue the issue. Councilman Daniels pointed out that those that we do have do not get a great deal of use. Administrator Lashbrook suggested that a public hearing be held to allow for input on the handicapped parking and the Council concurred.

Councilman Taylor thanked Beth Saul, Librarian, who helped to set up a Canby display at the Oregon Trail Pageant on Canby night.

Administrator Lashbrook informed the Council that he and Councilman Jordan had attended the Timothy Lake Conference which was a good session this year. Topics covered were the County-wide levies on the Libraries and Senior Citizen Services.

Administrator Lashbrook informed the Council that he had appeared before the Elementary School District board meeting to make a presentation regarding the parking issue. He proposed exchanging property that Lee School is sited on for parking area.

ACTION REVIEW: 1. Request quotes for a crane and prepare an ordinance.
2. Officially notify Mr. Dack of appeal decision.

3. Send the approval document for the City/
Counties Insurance Trust.
4. Prepare for a public hearing on handicapped
parking.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(d), to discuss labor negotiations. Motion seconded by Councilman Carroll and approved 5-0.

Council President Kopelk adjourned the regular session at 8:48 p.m., to go into Executive Session.

Council President Kopelk reconvened the regular session at 10:23 p.m. and immediately adjourned.

EXECUTIVE SESSION

AUGUST 3, 1988

Council President Kopelk presiding. Councilors present: Scott Taylor, Terry Prince, Michael Jordan, Walt Daniels and Shawn Carroll. Mayor Pulver was absent.


Administrator Lashbrook was also present.

The executive session was called under ORS 192.660 (1)(d), to discuss labor negotiations.

Council President Kopelk adjourned the executive session at 10:27 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor


Nancy G. Kopelk, Council President

CANBY CITY COUNCIL

SPECIAL MEETING

AUGUST 3, 1988

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

Also present: Administrator Lashbrook, City Recorder Perkett, City Attorney Kelley, and others.

Mayor Pulver called the special session to order at 7:02 p.m.

The opening ceremonies were eliminated for the session.

**Councilwoman Kopelk moved to go into Executive Session under ORS 192.660 (1)(h), to consult with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed. Motion seconded by Councilman Carroll and approved 6-0.

Mayor Pulver recessed the special session at 7:03 p.m., to go into Executive Session.

The special session was reconvened at 7:28 p.m., and immediately adjourned.

EXECUTIVE SESSION

AUGUST 3, 1988

Mayor Pulver called the Executive Session to order at 7:05, p.m., in the office of the City Administrator in City Hall.

Present: Mayor Pulver, Councilors Kopelk, Taylor, Jordan, Prince, Daniels, and Carroll, and Attorney Kelley.

The purpose of the session was to discuss pending litigation as a result of the Torgeson Non-Conforming Use, under ORS 192.660 (1)(h).

Mayor Pulver adjourned the session at 7:27 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor