

CANBY CITY COUNCIL

REGULAR SESSION

OCTOBER 19, 1988

(Televised Live on Channel 5.)

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

Also present: Public Works Director Rusty Klem, Swim Center Coordinator Adriene Mills, Library Director Beth Saul, City Attorney John Kelley, City Recorder Marilyn Perkett, Kathy Polly, Helen Puls, John Christenson, Julia Soude, Mr. & Mrs. Don Delzer, Mr. & Mrs. William Weston, Don Godard, Hank Schouten, Bill Bartlett, Tom Tye, Fred Kahut, Carl Soles, Keith Stiglbauer, and others.

Mayor Pulver called the meeting to order at 7: 30 p.m. The following boys from Cub Scout Den No. 7 led the flag salute: Issac Brock, Jared Taylor, Brian Haines, and Jason Carrubious. Silent meditation was observed following the flag salute.

Roll call of the Council showed a quorum to be present.

Councilwoman Kopelk pointed out that the minutes of October 5, 1988, needed corrected on page 2, paragraph 3 to read: **"Councilwoman Kopelk declared a conflict of interest for the issue and did not participate in the discussion or decision process."** \*\*Councilman Taylor moved to approve, as corrected, the minutes of regular session, October 5, 1988. Motion seconded by Councilman Prince and approved unanimously.

Mayor Pulver read a proclamation for Red Ribbon Week, October 23-30, 1988, and urged citizens to pledge, The Choice for Me, Drug Free. Mayor Pulver presented Don Delzer of Canby, and president for the past two years of the National Federation of Parents for Drug Free Youth with the original proclamation, commending Mr. Delzer on his dedication to fighting drug abuse.

CITIZEN INPUT ON NON-AGENDA ITEMS: Recorder Perkett introduced Keith Stiglbauer, candidate for the position of City Councilman.

PUBLIC HEARING: Mayor Pulver reviewed the public hearing process and called the hearing to order at 7:20 p.m.

Recorder Perkett gave a staff report on the public hearing for a Special Animal Permit, applicant Helen Puls, 545 N. Locust Street. Mrs. Puls had requested permission to keep two pygmy goats and four geese. Municipal Code Section 6.040.030, provides for a public hearing process for such applications. The applicant requested the animals to keep down the vegetation in her back yard and eat the insects.

Helen Puls, applicant, addressed the Council stating that she also wanted the animals for her 20 year old grandson, who is recovering from illness and the Doctor felt he needed animals to "love".

PROPONENTS: None presented.

OPPONENTS: John Christenson, 602 N. Knott, addressed the Council and noted he lived behind Mrs. Puls. Mr. Christenson presented a petition to the Council with 16 signatures, requesting that Helen Puls's request be denied for the following reasons: the size of backyard and closeness to other homes was not in the best interest of both animals and neighbors; noise level; offensive odors; and unwanted rodents, such as rats.

Julia Soude, 580 N. Knott, testified that she had signed Mrs. Puls petition in favor of the requested animals. However, after thinking it over she felt Mrs. Puls would not be able to adequately care for the animals and wished to go on record to deny the application.

REBUTTAL: Mrs. Puls informed the Council that she needed the animals for the "bugs and vegetation" since she was unable to keep up her yard. She also noted that she intended to make a duck pond in the back yard.

Councilman Prince questioned what happens when the City gets complaints and was told that the animals owner must get rid of the animal. Councilman Carroll suggested that a community service organization might help Mrs. Puls with maintaining her back yard.

Councilman Taylor questioned if there were other pygmy goats allowed in town. Mrs. Perkett noted that there were two on N.E. Oak, and they are periodically check by City staff, and kept very clean.

Mayor Pulver closed the public hearing at 7:55 p.m.

\*\*Councilman Carroll moved to deny the application of Mrs. Helen Puls for a Special Animal Permit, due to sanitation concerns, pollution, and possible other concerns. Motion seconded by Councilman Prince. Councilman Taylor suggested that the Council modify the request and allow Mrs. Puls one pygmy goat. The Council voted 5-1 (with Councilman Taylor votying nay) in favor of the motion and denied the request.

ORDINANCES & RESOLUTIONS: Rusty Kelm, Public Works Director, briefly reviewed Resolution No. 417, which was drafted in response from a request by the Elementary School District regarding sewer connection fees. Mr. Klem explained the only changes to the resolution was for the elementary school and junior and senior high schools, the rate calculation from design capacity to actual enrollment. \*\*Councilman Carroll moved to adopt Resolution No. 417, 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 5-0, with Councilwoman Kopelk abstaining due to a conflict of interest.

Ordinance No. 825, was to be considered during the zone change request under New Business.

\*\*Councilwoman Kopelk moved to adopt Resolution No. 416, A RESOLUTION APPROVING THE APPLICATION OF THE CANBY UTILITY BOARD FOR MEMBERSHIP IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, motion seconded by Councilman Carroll and approved 6-0.

NEW BUSINESS: \*\*Councilman Daniels moved to approve payment of accounts payable in the amount of \$118,542.62, seconded by Councilman Carroll and approved by roll call vote, 6-0.

Rusty Kelm informed the Council that prior to considering the proposed zone change, the Council should consider a realignment for the S.W. 13th connector. One of the conditions of approval for the zone change was for the applicant to dedicate right-of-way for the proposed connector. Mr. Kelm, using a map on the wall, outlined four alternative routes for the proposed connector: 1. one being the 1983 alignment; 2. one that the County 1-5 Access Study suggested; 3. alignment that would take advantage of the right-of-way acquired from Bill Bartlett and the High School District; and 4. one that would be a variation of No. 3 to avoid buildings. Staff recommendation was to select the alignment with the Bartlett and School District dedications and continue on the edge of the cliff that hugs the bank. Mr. Klem said that his recommended alignment would have the least amount of curves and not cut up existing properties into unusable parcels. Councilman Jordan suggested that a geo-tech study be done on the bank where the alignment has been designated. \*\*Councilman Taylor moved to instruct staff to set a workshop for finalizing the entire S.W. 13th/Berg Parkway connector, and prior to the workshop obtain costs for a geo-tech study. Seconded by Councilman Carroll and approved 6-0.

The Council next considered a zone change application by Bill Bartlett, who is purchasing the subject property from Marv Dack and Bill Stevens. The 19.91 acre parcel is located on the west end of S.W. 13th avenue and currently zoned R-1, with a request to change it to R-1.5. Rusty Kelm briefly reviewed the various documents regarding the application. Tom Tye, agent for the applicant, addressed the Council expressing his concern over the wording of the ordinance, Section 2, number 3. Mr. Tye did not want to commit his client to full improvements on an LID. After considerable discussion, the Council agreed to take the word "full" out of the above mentioned section and noted that this was not committing to improvements, only the formation of an LID. Fred Kahut, Planning Commission Chairman, addressed the Council and informed them that even though he had a conflict of interest on this issue, he was certain that the rest of the Planning Commission had never seen the proposed street alignments as outlined by Mr. Klem. Applicant Bill Bartlett, Vice-president of

Deanza Development, expressed his concerns over the alignment of S.W. 13th Street. Mr. Bartlett noted that if the Council chose the first alignment suggested in 1983, that goes up to the Shopping Center area, then he will "give the City" the small piece of property he owns there so his firm will not have to develop that area. \*\*Councilman Jordan moved that Ordinance No. 825, An Ordinance Amending The Zoning Map Of The City Of Canby, County of Clackamas, as corrected in Section 2, be posted and come up for final reading on November 2, 1988. Seconded by Councilman Daniels. Attorney Kelley reminded the Council that the 13th Street alignment had to be decided before the Ordinance could be adopted. Councilors Jordan and Daniels **withdrew** the motion. The general consensus of the Council was to align only part of the street at this time. \*\*Councilman Jordan moved that Ordinance No. 825, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, as corrected in Section 2, Number 3, to be properly posted and come up for final action on November 2, 1988. Also, the Council will approve part of the S.W. 13th Street alignment as provided in Exhibit 1 (a map of agreed upon alignment, with the area highlighted is attached to the minutes of this meeting). Motion seconded by Councilman Carroll and approved 6-0.

The Council next considered a request from Police Chief Giger to purchase additional 911 communication equipment, due to the increased need in the 911 emergency calls and to keep up with requirements. Chief Giger submitted three quotes for the proposed equipment. \*\*Councilman Daniels moved to approve purchase of 911 communication equipment from Dictaphone in the amount of \$5,960.00, seconded by Councilwoman Kopelk and approved 6-0.

UNFINISHED BUSINESS: Mayor Pulver appointed Russell James to the City Budget Committee, his term expiring in March, 1991. \*\*Councilwoman Kopelk moved to approve the Mayor's appointment of Russell James to the City Budget Committee, seconded by Councilman Daniels and approved unanimously.

Mayor Pulver announced that the City would not be hiring an Interim City Administrator at this time.

OTHER REPORTS OR ANNOUNCEMENTS: Councilman Taylor announced that Council members would be more than willing to address any groups regarding the upcoming tax base election.

Mayor Pulver informed the Council that we would schedule a workshop session on November 30th, at 7:00 p.m., with the LGPI staff on the City Administrator recruitment process and the process of classification/compensation study that Nancy Boyer is doing for the City.

Recorder Perkett reminded Council of the League of Oregon Cities convention, the registration deadline is October 24, Monday.

Councilman Prince informed the Council that he had attended the Elementary School Board meeting regarding the parking lot issue and they had tabled the matter until at least December.

- ACTION REVIEW:
1. Get estimates for geo-tech study.
  2. Letter to Helen Puls on animal permit.
  3. Letter new budget committee member Russell James.
  4. Purchase 911 equipment
  5. Post Ordinance No 825, after making change.

\*\*Councilwoman Kopelk moved to go into Executive Session under ORS 192.660 (1)(i) and (1)(h). Motion seconded by Councilman Carroll and approved 6-0.

Mayor Pulver recessed the regular session at 9:45 p., to go into Executive Session. The regular session was reconvened at 11:08 p.m.

\*\*Councilman Taylor moved to request the City Attorney to contact John Torgeson and request that Mr. Torgeson agree to a voluntary postponement of his appeal hearing scheduled for November 2, and if he does not agree then the City Administrator is directed to advise that the City Council will not hear the appeal until the pending case before the Land Use Board of Appeals and been resolved. Motion seconded by Councilman Daniels and approved 6-0.

Mayor Pulver adjourned the regular session at 11:10 p.m.

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EXECUTIVE SESSION  
OCTOBER 19, 1988

Mayor Pulver presiding. Councilors present: Carroll, Daniels, Kopelk, Taylor, Prince & Jordan.

Also present: Attorney John Kelley and Recorder Marilyn Perkett.

Mayor Pulver called the session to order at 9:55 p.m.

The first order of business was under ORS 192.660 (1)(h), Attorney Kelley discussed pending litigation regarding the John Torgeson non-conforming use. After this discussion, Attorney Kelley left.

The second part of the session was under ORS 192.660 (1)(i), which was an evaluation with City Recorder Marilyn Perkett.

Mayor Pulver adjourned the Executive Session at 11:08 p.m.

  
Marilyn K. Perkett, City Recorder

  
William F. Pulver, Mayor