

CANBY CITY COUNCIL

REGULAR MEETING

NOVEMBER 2, 1988

(Televised Live on Channel 5.)

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

Also present: Police Chief Jerry Giger, Swim Center Facility Operator David Biskar, Librarian Beth Saul, City Attorney John Kelley, City Recorder Marilyn Perkett, Public Works Supervisor Roy Hester, Rusty Klem, and Bob Westcott.

Council President Kopelk called the meeting to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call showed a quorum to be present.

Councilman Carroll moved to approve as distributed the minutes of regular session, October 19, 1988, seconded by Councilman Daniels. Councilor Jordan noted a correction on page 3, regarding the motion for Resolution No. 417, the vote was **"4-1 for approval with Councilman Jordan voting nay." Motion for approval of the minutes as corrected was 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: At this time, President Kopelk called forward the OCTS crew that have been volunteering the services for the production of "Canby City Council Live". The following crew members were presented with a certificate and gift from the City: Jeanne Garre, Ed Buschow, Rob Neuberger, Ken Hagen, and Harry LeeKwai.

President Kopelk read a proclamation, for American Free Enterprise Day, November 15, 1988.

COMMUNICATIONS: Chief Giger read a letter from John Bates, commending the Council of their actions on a Planning Commission denial at the September 7, 1988, meeting.

Chief Giger read a letter from Dick Brown, Canby High School Superintendent, addressed to Roy Hester of the City Shops and thanking him and the crew for the efforts and workmanship on the recently installed flag pole at the school athletic field.

ORDINANCES & RESOLUTIONS: Rusty Klem explained the need for Resolution No. 418. A company called Northwest Machine Works, Inc. has located at 1155 S.E. Second Avenue and they are trying to get an Oregon Business Loan for their project. The Oregon Economic Development Department has requested the proposed resolution to show the City's support of the proposed business.

****Councilman Daniels moved to adopt Resolution No. 418, A RESOLUTION AUTHORIZING APPROVAL OF THE OREGON BUSINESS DEVELOPMENT FUND PROJECT PROPOSAL BY NORTHWEST MACHINE WORKS, INCORPORATED. Motion seconded by Councilman Prince and approved 6-0.**

Chief Giger briefly reviewed the request from Morton Spence, City Councilor of Sandy, for the proposed resolution to endorse changing Article 1, Section 15 of the Oregon Constitution regarding victims of crime. ****Councilman Prince moved to adopt Resolution No. 419, A RESOLUTION SUPPORTING THE CITIZENS FOR JUSTICE AND CRIME VICTIMS UNITED TO AMEND ARTICLE I, SECTION 15 OF THE OREGON CONSTITUTION, seconded by Councilman Daniels.** Councilor Taylor requested that the first two (2) paragraphs of the resolution be eliminated since he felt it did not apply to all citizens, however, he did support the concept of the resolution. The maker of the motion and second agreed to amend the motion by eliminating the first two paragraphs. Motion passed 6-0.

****Councilman Carroll moved that Ordinance No. 822, AN ORDINANCE VACATING THE ALLEY IN THE PLATTED BLOCK BOUNDED BY NORTHWEST FIRST AVENUE, NORTHWEST SECOND AVENUE, NORTH CEDAR STREET, AND NORTH DOUGLAS STREET be adopted and become part of the laws of the City of Canby. Motion seconded by Councilman Prince.** Councilor Jordan asked if the requested easement had been provided and was informed they were ready for signature and recording. Motion carried 6-0 by roll call vote.

****Councilman Prince moved that Ordinance No. 825, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON be adopted and become part of the laws of the City of Canby. Motion seconded by Councilman Carroll and approved by roll call vote, 6-0.**

NEW BUSINESS: **Councilman Carroll moved to approve payment of accounts payable in the amount of \$132,840.03, motion seconded by Councilman Daniels and approved 6-0, by roll call vote.

The next order of business was a request from Dick Brown of Canby High School for a waiver of building permit fees on projects performed by school personnel on campus. Rusty Klem reviewed a report prepared by the building official that listed all building permits for the high school from 1971 to the present. Mr. Klem noted that in some cases the City paid the state tax on these permits and actually only three have been waived. Mr. Kelm reviewed his recommendations for this, pointing out that the most important thing to consider was that, "are we using their tax dollars or the City's tax dollars to pay these permit fees." Mr. Klem noted that the fee schedule is according to the Oregon Uniform Building Code. Staff recommendation was to not allow a "blanket waiver" but keep it on a case-by-case basis. Councilman Jordan questioned if we do inspections on these and was told we did. The general consensus of the Council was to allow the City administration to make the decision on a waiver for a permit fee, providing it is in compliance with our ordinance. President

Kopelk requested that the City Attorney research this issue and report to the next meeting on the compliance with City ordinance.

UNFINISHED BUSINESS: Rusty Klem informed the Council that he had talked to an engineer recommended by Curran-McLeod regarding a Geo-Tech study. The estimate for the following services was \$7,500: overall study of stability of the slope to see if it is adequate and stable; recommend set-backs if necessary; consider erosion control; look into areas that may require fill; prepare a written report; and do various technical testing. Mr. Klem will give the Council a written report on this issue latter. Also, a workshop session will be scheduled, with the Planning Commission, for the S.W. 13th Street alignment project.

Rusty Klem requested authorization for a change order in the S. Fir Street Project resulting in \$450. Councilor Taylor questioned why we can't make contractors "stick to the bid price". Mr. Klem noted that in most construction jobs there is usually always unforeseen change orders necessary. **Councilman Daniels moved to approve the change order in the amount of \$450.00 for the the S. Fir Street Project. Seconded by Councilman Carroll and approved 6-0.

OTHER REPORTS OR ANNOUNCEMENTS: Mr. Klem noted that the City had went out for bids on an asphalt hot box, for which Roy Hester and drawn up the specs and the bid opening is November 15, 1988.

Beth Saul, Librarian announced that the Drama Club from the high school had painted 109 faces on Halloween.

ACTION REVIEW: 1. City Attorney to research the City ordinances regarding building permit fees and waivers.

**Councilman Taylor moved to go into Executive Session under ORS 192.660 (1)(i), to review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. Motion seconded by Councilman Daniels and approved uananimously.

President Kopelk recessed the meeting to go into Executive Session at 8L22 p.m.

The regular meeting was reconvened at 9:58 p.m. and immediately adjourned.

EXECUTIVE SESSION
NOVEMBER 2, 1988

President Kopelk presiding. Councilors present: Carroll, Prince, Taylor, Daniels and Jordan.

Also present for the first section of the meeting was Rusty Klem, Jerry Giger and Marilyn Perkett. Virginia Biddle arrived for the last part of the session.

The Council and staff first discussed employees from the Sewer Treatment Plant.

During the last part of the session, Virginia Biddle was evaluated by the Council.


Marilyn K. Perkett, City Recorder


Nancy G. Kopelk, Acting Mayor