

CANBY CITY COUNCIL

REGULAR MEETING

NOVEMBER 16, 1988

(Televised Live on Channel 5.)

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

Also present: Police Chief Jerry Giger, City Recorder Marilyn Perkett, City Attorney John Kelley, Public Works Director Rusty Klem, Public Works Supervisor Roy Hester, Librarian Beth Saul, Kris McIsaac, Don Bear, Robert, Sharon, & Stephan Westcott, Richard Garvey, David Dalley, Tony Crawford, Jim & Kathi Myron, Earl Oliver, Fred Kahut, Jim McKibbin, Hank Schouten, John, Dianne & B.J. Addelblue.

Mayor Pulver called the regular session to order at 7:00 P.M., and dispensed with opening ceremonies.

**Councilwoman Kopelk 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. Motion seconded by Councilman Carroll and approved 6-0.

Mayor Pulver recessed the regular session at 7:03 p.m., to go into Executive Session in the Administration Office in City Hall.

The regular session was reconvened at 7:30 p.m., followed by the flag salute and meditation.

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

**Councilman Taylor moved to approve as distributed the minutes of regular session November 2, 1988, seconded by Councilman Prince and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROCLAMATIONS: Mayor Pulver proclaimed the week of November 13-19, 1988, as American Education Week. At this time, Mayor Pulver presented Tony Crawford with a picture of himself that was taken when he served as a "jailbird" for the March of Dimes, Stars Behind Bars. Tony Crawford introduced three of his students that helped to author the previous proclamation.

A proclamation was read by the Mayor, proclaiming the week of November 20-26, as National Family Week.

Mayor Pulver read a proclamation indicating the unofficial count of votes for the November 8, 1988 election and congratulated the winning candidates and thanked those who did not win but showed the interest in the City by running for office.

COMMUNICATIONS: None presented.

ORDINANCES & RESOLUTIONS: None presented.

NEW BUSINESS: **Councilman Daniels moved to approve payment of accounts payable in the amount of \$143,775.76, seconded by Councilman Carroll. Motion carried 6-0, by roll call vote.

Chief Giger reviewed a memo from Duane Smith, Wastewater Treatment Plant Operator, requesting that the City Council waive the residency requirement for him. It was noted that the City Ordinance allows you one year from the time of permanent employment to obtain permanent residency. **Councilman Jordan moved to deny the request to waive the residency requirement for Duane Smith, seconded by Councilman Carroll and approved 6-0.

The next order of business was a request by Jim McKibbin to appeal the Planning Commission's decision of the City Administrator's determination that Robert Westcott's solvent reclaiming operation at 1160 N.W. 5th Place, in a M-1, Light Industrial Zone was a permitted outright use. Chief Giger reviewed the record: August 23, 1988, Robert Westcott requested approval for a petroleum solvent storage and reclaiming still at the above mentioned address; August 31, 1988, Administrator Stephan Lashbrook approved the request and determined it to be a permitted use; September 6, 1988, Jim McKibbin appealed staffs compliance determination to the Planning Commission; September 26, 1988, the commission voted 3-2 to deny the appeal and approve the City Administrator's decision; and October 14, 1988, Mr. McKibbin appealed the Planning Commission decision.

Attorney Kelley reviewed the process for the appeal, noting that no new evidence could be entered, only argument based upon the record.

Robert Westcott, 1075 N. Grant Street, addressed the Council and handed out a written document that contained his argument. Mr. Westcott addressed three primary concerns: 1. environmental - the facility will be above ground with a secondary spill containment and will exceed EPA, DEQ, and Fire Marshal requirements. 2. if reclamation is an outright permitted use in a M-1 zone - he compared his solvent to be the same as, and some cases safer than, a dry cleaning establishment. 3. if the petroleum solvent is an outright use in a M-1 Zone - he compared his petroleum solvent storage to be the same as a mineral spirit which is the same as fuel oil distributors.

Jim Myron, 158 S.W. 11th Avenue, addressed the Council as an opponent and handed out copies of his argument. Mr. Myron claimed the proposed operation to be "the only operation of its type in Oregon and felt the it would result in dissemination of

dusts, gas, smoke, fumes, odors, atmospheric pollutant which exceed DEQ standards; and danger by reason of fire, explosion or other physical hazards. He also pointed out the City responsibility to maintain and protect surface water and groundwater resources. Also, the fact that DEQ had not yet made a determination to classify the solid waste. Mr Myron questioned how the City would monitor the sewer system discharges; monitor leaks or possible spills; and if the Fire Department can deal with exposure to fire and/or fumes.

Bob Westcott explained that he had been working with DEQ regarding their concerns about classifying the waste and it is only a matter of which paper work will be done for which classification, other than that the waste will be handle the same way regardless of which classification is made. Also, he reiterated that his solvents were exactly like a dry cleaner solvents.

Jim Myron noted that he had been in Salem today at a Water Policy meeting, and had discussed the Canby issue and did not want to see it become one such as Milwaukie had.

Mr. Westcott felt this was new evidence, the Milwaukie issue, and asked to address this. He noted that his solvents were chlorinated solvents and not carcinogenic like Milwaukie's, therefore they differ.

Councilor Jordan questioned the secondary containment and was told the tanks were on a concrete area and spills would be confined to that area.

Councilor Carroll questioned the gases or smoke and was told there was none the system was a vacuum system. Also, on the trucks there was a containment system and any spill would be minimal, less than an average gas tank.

Councilor Prince questioned if he handled carcinogenics and was told they didn't reclaim those type of solvents.

Councilor Taylor questioned if the solvents go to the sewer system and was told no they are to valuable to them that's their product.

Mr. Westcott explained that the flash point for his solvents was 105 degrees, whereas gas is minus 30 degrees, therefore his solvent is considered combustible not inflammable.

Councilman Carroll questioned the still bottoms. Mr. Westcott noted that EPA was going to consider it a hazardous waste, however, there is still confusion over this. At this point, he noted it is still not determined and explained it was only a matter of which paper work to perform because the actual product would still be disposed of the same way.

Councilwoman Kopelk questioned why he didn't ask for a conditional use permit. Mr. Westcott explained that he started

the project in "good faith" and had expended a lot of money to this point. In 1979 when he built the Industrial Park, it was his plan to put his operation there and that it was safe and complied with M-1 zoning.

Attorney Kelley informed the Council he spoke with the DEQ regarding the hazardous waste issue, and was told it depended on the ignitablility of the product and no decision of classification has been made yet. However, he was told the same thing about the two areas of paper work as being the pertinent outcome. Mr. Kelley cautioned the Council that, legally, any DEQ questiona need not be addressed, the Council was only to determine if the Planning Commission decision of the operation as a permitted outright use in this zoning.

Councilor Jordan asked Mr. Klem if Mr. Westcott would need a pretreatment permit. Mr. Klem said he would have a discharge permit and it would be monitored, also, an actual contract between the City and Mr. Westcott would be implemented.

Councilor Taylor noted that if this were a conditional use permit then there would be certain rules which must be followed, however, he questioned if DEQ would "watch dog" the operation and was told, yes they would.

Jim Myron felt that the City should be locally responsible for monitoring the operation not DEQ.

****Councilman Jordan moved to uphold the decision of the Planning Commission for permitted an outright use for the Westcott solvent operation in the M-1 Zone, and deny the appeal by Mr. McKibbin. Motion seconded by Councilman Daniels. (Each Councilor was asked to vote and state their reason.)** Jordan-I can't find anything in the ordinance, other than my own judgment, and therefore must deny the appeal. Prince-felt the fuel distributorship and dry cleaners were a similar operation and denied appeal. Taylor-much the same as Jordan must follow ordinance and deny appeal, we do allow other operations much more dangerous. Kopelk-voted against the motion to uphold the appeal since this was such a unique operation. Daniels-deny appeal since this was similar to a dry cleaner. Carroll-voted against the motion and to approve the appeal for environmental concerns and due to the unique operation of the proposed business. Motion carried 4-2, with Kopelk and Carroll voting nay.

The Council next considered recommendations regarding downtown parking from the Traffic Safety Committee. They recommended the following: limit parking in a specific core area to one hour and sign it; provide parking enforcement on a random schedule for approximately 20 hours per week; and direct the Traffic Safety Committee to review the parking situation six months after implementation. Councilman Daniels first commented that we ask our citizens to "shop in Canby" and hinder the parking. Mr. Giger was asked if we had enough staff to enforce this, and was told "not really". It was noted that most of the violations of the current two hour parking is employees and business owners.

The general consensus of the Council was to better enforce the two hour parking. **Councilman Taylor moved to implement No. 2 and No. 3 recommendations of the Traffic Safety Committee, to the best of our ability (a copy of the recommendations will become a part of the minutes of this meeting). Motion seconded by Councilman Daniels and approved 6-0.

Chief Giger read a letter from the Cemetery Committee requesting that the City Council withdraw the following motion made in December, 1987: "to authorize the City to advertise for request for proposals for private operation or purchase of the Zion Memorial Park." **Councilman Daniels moved to withdraw the motion made in December, 1987, specifically since nothing had been done to date. Motion seconded by Councilwoman Kopelk and approved unanimously.

UNFINISHED BUSINESS: The Council considered a request from the Cemetery Committee to proceed with design and cost study for a mausoleum. The committee recommended Milne Construction to do the design, they are in the local area and one of the top five in the nation. The cost would cost \$4,800 and we could use Cemetery Perpetual Care funds for this project. Mr. Hester noted that it would take 6 to 8 week to complete the study and we have five years to make a firm decision, if we use the same construction firm then the \$4,800 would be applied to the contract. **Councilman Carroll moved to grant the request of the Cemetery Committee to proceed with design and cost study for a mausoleum with Milne Construction, not to exceed \$4,800.00. Motion seconded by Councilman Daniels and approved 6-0.

OTHER REPORTS OR ANNOUNCEMENTS: Beth Saul, Librarian, noted that the next Library Board meeting will be Saturday, 7:00 A.M., at the Cottage Kitchen.

Rusty Klem informed the Council that Monday, the high school board agreed to deed the City a right-of-way for Berg Parkway/13th Street near the Bartlett property, certain conditions will apply. A written notation is pending and will be forwarded to the Council when it arrives.

Mayor Pulver reminded the Council of the Special Meeting on November 30, with the LGPI staff regarding the City Administrator recruitment process and the department head classification and compensation study.

Mrs. Perkett informed the Council that the American Legion Auxiliary and Sons of the American Legion had held a March of Dimes benefit in our chambers and raised over \$6,000.

Chief Giger read a letter dated November 13, 1988, tendering the resignation of Brad Baker, Police Dispatcher, who has been an employee for ten years. Mr. Baker's last day will be November 25. Mayor Pulver requested that a thank you letter be sent to Brad.

Roy Hester informed the Council that not only has there been a great deal of vandalism in Wait Park, but the eagle on top of the

newly installed 50 foot flag pole at the high school has been stolen.

Councilor Jordan noted that staff is working on the proposed budget and the first budget meeting will be scheduled for December. Also, the entire process must be ready for publication by January 20, 1989.

ACTION REVIEW: 1. Letter to Duane Smith regarding residency.
2. Letter to Jim McKibbin on appeal.
3. Letter to Traffic Safety Committee regarding adopted recommendations.
4. Proceed with Milne mausoleum study.

Mayor Pulver adjourned the regular meeting at 9:26 p.m.

EXECUTIVE SESSION
NOVEMBER 16, 1988

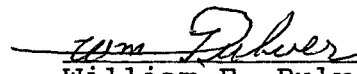
Present: Mayor Pulver, Councilors Kopelk, Jordan, Prince, Taylor, Daniels, and Carroll. Also present: Rusty Klem, Jerry Giger, John Kelley, and Marilyn Perkett.

Mayor Pulver opened the session at 7:04 p.m., in the Administration Office in City Hall.

The purpose of the session was to discuss the evaluation of a City employee under ORS 192.660 (1) (i).

Mayor Pulver adjourned the executive session at 7:25 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor

MEMO TO: Mayor Pulver & City Council
FROM: Traffic Safety Committee
SUBJECT: Downtown Parking
DATE: November 1, 1988

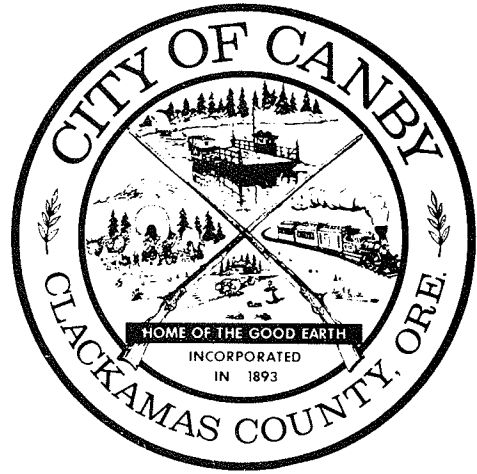
The Traffic Safety Review Committee has spent considerable time discussing the problem of parking in downtown Canby. At our October meeting, the committee unanimously agreed to the following proposal.

We recommend:

1. In the area bounded by the center lines on N. Ivy, N. Elm, N.W. First and N.W. Third, all two (2) hour parking signs be changed to one (1) hour parking signs. This would include the public parking behind the Graham Building.
2. Provide parking enforcement for no less than 1/2 time (20 hours per week) on a random schedule.
3. Direction the Traffic Safety Committee to review the parking situation six (6) months after implementation to assess the need for further changes.

We believe that if this proposal is implemented it will help discourage downtown employees from parking in prime parking spots.

cc: Traffic Safety Committee



PROCLAMATION



WHEREAS, the City of Canby, County of Clackamas, Oregon, held an election on NOVEMBER 8, 1988, to consider the positions of Mayor, Councilors and a measure for a new tax base.

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes as of 8:30 A.M., November 9, 1988:

MAYOR	Nancy Kopelk	1,711
	Robert Westcott	1,066
COUNCILORS	Shawn Carroll	2,056
	Robert Smith	1,567
	Keith Stiglbauer	1,237
	Darwin Zuern	1,229
New Tax Base	Yes	1,332
	No	1,541

NOW, THEREFORE, I, William F. Pulver, Mayor of the City of Canby, County of Clackamas, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented.

Dated this 9th day of November, 1988.


William F. Pulver, Mayor 

SUMMARY OF VOTES CAST
11/17/88
15:48

CLACKAMAS COUNTY, OREGON
GENERAL ELECTION
NOVEMBER 8, 1988

ISSUE 30

JOHN F. KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :
* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* DATE OF ABSTRACT : *
* NOV 23 1988 *

CITY OF CANBY
MAYOR
TWO YEAR TERM

CANDIDATE KEYS:

CAND-01 = KOPELK NANCY G
CAND-02 = WESTCOTT ROBERT D
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE CAND-01 CAND-02 CAND-97 CAND-98 CAND-99

124	651	451	1	144	1,247
125	597	358	0	150	1,105
126	689	419	1	117	1,226

MAYOR - CITY OF CANBY

TOTALS 1,537 1,228 2 411 3,578

MISCELLANEOUS WRITE-INS 3

15:48

GENERAL ELECTION
NOVEMBER 8, 1988

JOHN F. KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY :

* DATE OF ABSTRACT : *

* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

* NOV 23 1988 *

CITY OF CANBY
COUNCIL POSITIONS - FOUR YEAR TERMS
VOTE FOR THREE

CANDIDATE KEYS:

CAND-01 = CARROLL SHAWN
CAND-02 = SMITH ROBERT J
CAND-03 = STIGLBAUER KEITH
CAND-04 = ZUERN DARWIN F
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-03	CAND-04	CAND-97	CAND-98	CAND-99
124	844	620	492	480	9	1,296	3,741
125	691	573	434	437	6	1,174	3,315
126	800	588	471	453	18	1,348	3,678
TOTALS	2,335	1,781	1,397	1,370	33	3,818	10,734

COUNCIL - CITY OF CANBY

MISCELLANEOUS WRITE-INS 1

SUMMARY OF VOTES CAST
11/17/88
15:48

CLACKAMAS COUNTY, OREGON
GENERAL ELECTION
NOVEMBER 8, 1988

ISSUE 70

JOHN F. KAUFFMAN, COUNTY CLERK

* I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY * BY : *John F. Kauffman* * DATE OF ABSTRACT : *
* SUMMARIZE THE RESULT OF VOTES CAST AT THE ELECTION INDICATED. * NOV 23 1988 *

CITY OF CANBY
MEASURE 3-4
TO ESTABLISH A TAX BASE

CANDIDATE KEYS:

CAND-01 = YES
CAND-02 = NO
CAND-97 = OVERVOTES
CAND-98 = UNDERVOTES
CAND-99 = TOTAL VOTES

POLL PRE	CAND-01	CAND-02	CAND-97	CAND-98	CAND-99
124	547	587	2	111	1,247
125	492	522	0	91	1,105
126	523	614	1	88	1,226
TOTALS	1,562	1,723	3	290	3,578