

CANBY CITY COUNCIL

REGULAR SESSION

DECEMBER 7, 1988

(Televised live on Channel 5.)

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

Also present: Police Chief Jerry Giger, Public Works Director Rusty Klem, City Attorney John Kelley, City Recorder Marilyn Perkett, Swim Center Director Scott Nelson, Roy Hester, Steve Hanson, Jake Taasevigen, Mike George, Steve Rice, Bill Slaughter, Shawn Cross, Jacob Taasavegin, Cynthia Hallmark, Bob Evans, Vicki Adamson, Duane Smith, Tom Busch, Karen Carroll, Jim Younger, Keith Stilgbauer, Robert Smith, Mitch Lies, Delbert Hemphill and Ruthann Mullins.

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

**Councilman Taylor 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 5-0.

Mayor Pulver recessed the regular session at 7:02 P.M., to go into Executive Session. The Council retired to the City Administrator's office in City Hall for their session. The regular session was reconvened at 7:33 P.M.

Mayor Pulver called the meeting to order again, followed by the flag salute and during the meditation the Mayor asked the public to pay a remembrance to those who lost their lives 47 years ago today.

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

**Councilman Carroll moved to approve as distributed the minutes of regular session, November 16, 1988, and special session, November 30, 1988. Seconded by Councilman Daniels and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Recorder Perkett introduced Pamela Brinkley the new reporter for the Oregonian that will be covering the Canby area.

PROCLAMATION: Mayor Pulver proclaimed the week of December 11-17, 1988, as Toys for Tots Week and to kick-off the event each Councilor gave the Kiwanians present a toy.

PUBLIC HEARING: Mayor Pulver opened the public hearing on the request of Duane Smith, regarding a waiver of the City's employee residency requirement. City Attorney John Kelley informed the

Council that the Mr. Smith is represented by Mr. Tom Bush, his attorney. Mr. Kelley noted that the Council had met in executive session with the attorney for the City's employer's personnel issues, Cascade Employer's Association, and that attorney advised the Council that the residency requirement, as it pertains to union members, needs to be an issue for collective bargaining and recommended that no action be taken at this time on Mr. Smith's request until the issue is discussed with the unions. Mr. Kelley concurred with the recommendation and suggested no action be taken on Mr. Smith's residency at this time and he be allowed to continue to be employed with the City and be allowed to reside where he currently does until the City and the union can address the issue. Mr. Bush was asked if he had any input and he said he was in full agreement with the proposal. **Councilman Jordan moved to make no decision on Mr. Duane Smith's required residency within the City, no decision or enforcement to be made at this time until the City has an opportunity to meet collectively with the union to bargain the issue. Motion seconded by Councilman Carroll and approved 5-0. Mayor Pulver closed the public hearing at 7:43 P.M.

COMMUNICATIONS: The Council next considered a letter from Metro regarding the yard debris. Mr. Klem noted that we could go with Metro on this issue or develop our own plan with K & B Recycling, this is a requirement through the State of Oregon Administrative Rule 340. Mayor Pulver said he had been to some meetings on this issue and felt it would be very costly for the City to enter into a Metro plan and felt we should keep this on a local level and work with Fred Kahut on developing a plan. Councilman Jordan asked Mr. Klem if a cost analysis could be worked out with Mr. Kahut by the next meeting and the City then be able to comply with the February 15, 1989 deadline. Mr. Klem said yes it was possible. The general consensus of the Council was to do as Councilor Jordan suggested.

ORDINANCES & RESOLUTIONS: Ordinance No. 826 will be discussed under New Business, item B.

NEW BUSINESS: **Councilman Daniels moved to approve payment of accounts payable in the amount of \$48,462.10, seconded by Councilman Prince and approved by roll call vote 5-0.

Rusty Klem informed the Council that the City advertised for bids on October 25, 1988, for bids for a hot box to be used in patching streets. Three responses were filed, one with no bid because they could not meet the specs, and one at \$21,900, the other at \$19,940. Mr. Klem noted that \$20,000 had been budgeted in the 88-89 budget for this equipment. **Councilman Carroll moved that Ordinance No. 826, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PROCESS HEATING COMPANY FOR THE PURCHASE OF A DUMP BED HOT BOX; AND DECLARING AN EMERGENCY be posted and come up for final action on December 21, 1988. Motion seconded by Councilman Daniels and approved 5-0.

Chief Giger reviewed the abstract of votes submitted by Clackamas County Elections for the November 8, 1988, Election: New Tax

Base, Yes-1,562 and No-1,723; Mayor, Nancy Kopelk-1,937 and Robert Westcott-1,228; and Council candidates, Shawn Carroll-2,225, Robert Smith-1,781. Keith Stiglbauer-1,397, and Darwin Zuern-1,270. **Councilman Daniels moved

Jacob Taasevegin, Life Scout Troop 258, addressed the Council seeking support for a Eagle Scout Project of refurbishing a half-pipe equipment for skateboarders to use in their sport. The half-pipe was donated by Jean Hanson, however, the group of young people do not have a site to put the equipment. Also, the project will include refurbishing it after it is sited. A maintenance plan has not been finalized as yet. Chief Giger said that the group of skateboards are seeing support for this project and looking for a site at this time. Mayor Pulver commended Jake and his friends on the proposed project and felt it would benefit the community and encouraged them to work with City staff on the project. Councilor Taylor requested that Jake return to the Council with a maintenance plan and a proper site for the proposed skateboard equipment.

UNFINISHED BUSINESS: The Council next considered a report from Rusty Klem regarding an offer of dedication from Canby Union High School for the S.W.13th/Berg Parkway connector street. The high school set forth the following conditions for the dedication: 1. offer will remain open for ten years and exercised when all the land is acquired to extend the proposed street; 2. no requirement that CUHS dedicate any property along its westerly boundary lines; 3. CUHS shall not be required to participate in a waiver of remonstrance in the cost of developing S.W. 13th; 4. CUHS shall not be required to dedicate additional property or participate in the development cost of S.W. 13th or future land use applications; and 5. this offer to be memorialized in writing for CUHS board approval. Councilman Taylor said he was happy that the high school was willing to work with us, however, he felt we should first have a workshop to site the road before agreeing to certain conditions. The general consensus of the Council was to set a workshop on this issue with the Planning Commission and CUHS board.

The Council reviewed a report from Bob Godon regarding a dangerous building at 380 S. Fir Street. The owners of the property were notified and did come and discuss the issue with Mr. Godon, however, nothing has been done to remedy the issue. Bob Godon, City Building Official, determined that the building at 380 S. fir Street is a dangerous building as defined by Municipal Code and recommended a hearing process at the Council's convenience. **Councilman Taylor moved to schedule a public hearing on a dangerous building, located at 380 S. Fir Street, on January 18, 1988. Motion seconded by Councilman Carroll approved 5-0.

The Council was reminded that two appointment to the Canby Utility Board needed to be made in January. Also, at the next meeting, the Council should be prepared to make two appointments to the Planning Commission. Mayor Pulver noted that Burt Lindsay is willing to serve another term.

Councilman Jordan questioned the decision to terminated the

contract with LGPI for department head classification compensation study. Mayor Pulver apologized for acting hastily without the full input from the Council on the issue, even though several staff members and some Councilors were felt the service was inadequate. **Councilman Jordan moved to notify LGPI to have a representative at the next meeting to discuss their services in the department head classification/compensation study. Motion seconded by Councilman Daniels, motion carried 4-1, with Councilman Carroll voting nay.

OTHER REPORTS OR ANNOUNCEMENTS: Recorder Perkett informed the Council, due to Beth Saul's absence, that the Library will sponsor a "Food for Fine's" campaign during the holiday season.

Also, the Council was informed of the annual Christmas caroling on horseback on December 17,

Chief Giger told the Council that Christmas lights had been put up in the trees and around the gazebo at Wait Park, this was a community effort.

- ACTION REVIEW:
1. Contact Fred Kahut regarding yard debris plan.
 2. Schedule workshop on S.W. 13th/Berg Parkway alignment.
 3. Schedule public hearing on dangerous building at 380 S. Fir.
 4. Notify LGPI to attend next meeting.
 5. Offer fund raising ideas to Jake Taasevegin for his Eagle Scout project.

Mayor Pulver adjourned the regular session at 8:55 P.M.

EXECUTIVE SESSION
DECEMBER 7, 1988

Mayor Pulver presiding. Councilors present: Carroll, Daniels (arriving about 5 minutes late), Prince, Jordan, and Taylor. Absent: Kopelk.

Also present: City Attorney John Kelley, Cascade Employer's Attorney Trent Whitford, Chief Giger, Recorder Perkett, and Rusty Klem arrived at 7:20 P.M.

Mayor Pulver called the executive session to order at 7:05 P.M., under ORS 192.660 (1)(h), regarding litigation or pending litigation. The Council discussed pending litigation regarding Duane Smith's request for a waiver of the City residency requirement.

Mayor Pulver adjourned the Executive Session at 7:30 P.M.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor