

CANBY CITY COUNCIL

REGULAR SESSION

MAY 21, 1986

(NOTE: This meeting was televised live on Channel 5.)

Mayor William F. Pulver presiding. Councilmembers present: David Anderson, Scott Taylor, Gary Sowles, Helen Brennan and Michael Jordan. Absent: Nancy Kopelk.

Also present: Administrator Bud Atwood, City Attorney John Kelley, Police Chief Jerry Giger, Public Works Director Rusty Klem, Aquatics Director Scott Nelson, City Recorder Marilyn Perkett, Bob Root, Hank Schouten, Steve Frederick, Dick and Carol Lee Morse, Stephan Lashbrook, R.L. Hordichock, Cindy Delzer, Becky Delzer and others.

Mayor Pulver called the regular session to order at 7:30 a.m. and welcomed the audience to the meeting.

Roll call of Council showed a quorum present and Councilwoman Kopelk with an excused absence.

\*\*Councilman Sowles moved to approve as distributed the minutes of regular session May 7, 1986. Seconded by Councilman Brennan and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROCLAMATION: At this time Mayor Pulver read a proclamation declaring Thursday, May 22, 1986, as "Just Say No Day" in support of our youth's endeavors for a drug free environment. Becky Delzer, from the local R.E.A.C.H. group, presented Mayor Pulver with a t-shirt which said "Just Say No" on the front.

COMMUNICATIONS: None presented.

ORDINANCES & RESOLUTIONS: \*\*Councilman Sowles moved that Ordinance No. 786, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON TO EXECUTE A CONTRACT FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A JOINTLY OWNED PUBLIC WORKS AND CANBY UTILITY BOARD SHOP FACILITY, AND DECLARING AN EMERGENCY be approved and become part of the laws of the City of Canby. Seconded by Councilman Taylor and approved 5-0 by roll call vote.

Administrator Atwood explained that Ordinance No. 787 was actually a legal procedure to comply for state revenue money.

\*\*Councilman Anderson moved that Ordinance No. 787, AN ORDINANCE DECLARING

THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1986-87 FISCAL YEAR be properly posted and come up for final action on June 4, 1986, after 7:30 p.m. Motion seconded by Councilwoman Brennan and approved 5-0.

Administrator Atwood explained that Ordinance No. 788 was drafted to renew the franchise with Northwest Natural Gas. Mr. Hordichok, representing Northwest Natural Gas, explained that if the City elected to request more than the 3% franchise fee stated in the ordinance, anything over the 3% would have to be returned to the customers. \*\*Councilman Jordan moved that Ordinance No. 788, AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, AND FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE, REPEALING ORDINANCE NO. 496, AND DECLARING AN EMERGENCY be properly posted and come up for second reading after 7:30 p.m. on June 4, 1986. Motion seconded by Councilman Sowles and approved 5-0.

Mayor Pulver noted that Ordinance No. 789 would be presented as a new business item, after the Council reviewed the record of the issue.

NEW BUSINESS: \*\*Councilwoman Brennan moved to approve payment of accounts payable in the amount of \$66,960.10, motion seconded by Councilman Sowles and approved by roll call vote, 5-0.

Administrator Atwood briefly reviewed the request of Richard K. Morse for a zone change of 9.38 acres located at N.E. Territorial Road and N. Locust Street. The property is currently zoned R-1, Low Density Residential and the requested change is for R-1.5, Intermediate Density Residential. Mr. Atwood pointed out that residents in the subject area had responded in opposition to the request. However, Mr. Sitzman, from L.C.D.C., noted that both the Land Use Map and the Comprehensive Plan allowed the requested zone change and a moratorium or change of the Comp Plan would not withstand a court challenge. The Planning Commission made a recommendation for approval with a condition of an offer of dedication of ten feet for street purposes. \*\*Councilman Taylor moved that Ordinance No. 789, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AND DECLARING AN EMERGENCY, for a zone change from R-1, Low Density Residential to R-1.5, Intermediate Density Residential, be properly posted and come up for final action after 7:30 p.m. on June 4, 1986. Motion seconded by Councilman Jordan and approved 5-0.

The Council next considered an Intergovernmental Agreement between the City and the Canby Utility Board to provide for joint ownership of a proposed City/CUB shop facility. \*\*Councilman Taylor moved to approve the INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF CANBY AND THE CANBY UTILITY BOARD and to authorize the proper signatures. Motion seconded by Councilman Jordan and approved unanimously.

UNFINISHED BUSINESS: Mayor Pulver announced that he was not ready to make an appointment to the Canby Utility Board at this

time since he had not contacted all the interested parties concerned and would bring it up at the next regular meeting.

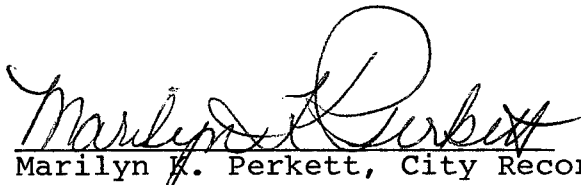
OTHER REPORTS OR ANNOUNCEMENTS: The Council reviewed an option on the live videotaping of Council meetings by the local OCTS group. It was the general consensus of the Council to request that all Council meetings, twelve months a year, be televised live on Channel 5, providing a crew is available.

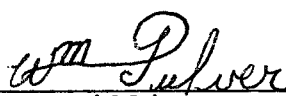
Councilman Jordan informed the Council that he had attend the Canby Rural Fire Board meeting last Wednesday and they had discussed, at length, the consolidation issue. However, the issue was tabled. Mayor Pulver informed the Council that he would contact the chairman of the Rural Fire Board and asked Councilman Jordan to request that the issue be brought up at their next meeting.

Administrator Atwood informed the Council that the economic development tape of Canby has been sent to Expo 86 for viewing and a copy is available in City Hall for anyone who wishes to review the tape.

Councilman Taylor requested a budget workshop session for Wednesday, May 28, 1986, at 7:00 p.m.

Mayor Pulver adjourned the regular session at 8:10 p.m.

  
Marilyn K. Perkett, City Recorder

  
William F. Pulver, Mayor

AFFIDAVIT OF POSTING

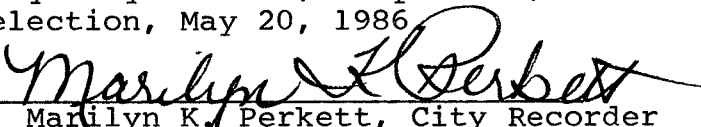
STATE OF OREGON                    )  
                                      )  
County of Clackamas                )       ss.  
                                      )  
CITY OF CANBY                     )

I, Marilyn K. Perkett, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by the virtue of the laws of the State of Oregon.

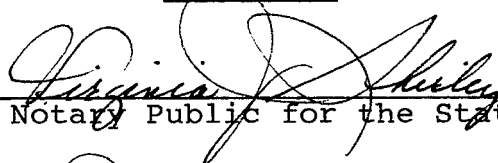
THEREAFTER, and on the 9th day of May, 1985, I, Marilyn K. Perkett, or a designee, personally posted the NOTICE OF ELECTION as per attached copy for the Primary Election to be held on Tuesday, May 20, 1986, in the following polling precinct to be held in the said City of Canby, to wit:

Knight Elementary School	Precinct 121
Canby Council Chambers	Precinct 122
Canby Fire Hall	Precinct 123
Baptist Church	Precinct 124
Lee Elementary School	Precinct 125
United Methodist Church	Precinct 126

That since said postings on the date aforesaid, the said ELECTION NOTICES have remained posted in the said six polling places in accordance with the Canby City Charter, Chapter VI, Section 1, until said day of the election, May 20, 1986.

  
Marilyn K. Perkett, City Recorder

Subscribed and sworn to before me this 27<sup>th</sup> day of May, 1986.

  
Notary Public for the State of Oregon

My Commission Expires

June 5, 1987

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## **CITY OF CANBY**

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### **MEASURE 51**

Referred to the legal voters of Said City.

#### **THREE YEAR SERIAL LEVY FOR LOCAL FIRE DEPARTMENT AMBULANCE 1986-89**

**QUESTION:** Shall the City of Canby levy \$54,750 each year for three years for operating ambulance services, beginning fiscal year 1986-87?

**YES**

**NO**

**EXPLANATION:** It is not possible to run the ambulance with the current volunteer staff and funding. A tax levy will be required for an Advance Life Support Ambulance. The funds are required to assure proper staff and 24 hour operation. The taxes needed for three years total \$164,250. This is to be levied in equal amounts of \$54,750 in each of the three years. The estimated tax rate per \$1,000 is 28 cents.

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### **MEASURE 52**

Referred to the legal voters of Said City.

#### **ONE YEAR SPECIAL LEVY**

**QUESTION:** Shall the City of Canby approve \$744,474 property tax levy outside the tax base?

**YES**

**NO**

**EXPLANATION:** This approves the City of Canby to levy \$744,474 tax outside the tax base stated in Oregon law. The tax will be used to pay for City services. City services include police, fire protection, library, parks and recreation, swim pool, streets and other City services. The City has a tax base of \$212,426 which is not enough to meet the City's needs. Canby is a full service government serving 7750 people. City services are paid by local and state sources but the City services need tax funds. If this measure is approved, \$744,474 of the taxes levied in the 1986-87 fiscal year will be financed partially by the State of Oregon.

MEMO TO:           Honorable Mayor Pulver & City Council  
FROM:             Marilyn Perkett, City Recorder  
SUBJECT:           Hometown Bakery Request for Outside Seating  
DATE:             April 28, 1986

Mrs. Hamilton, owner of Hometowne Bakery, called with her request for outside seating on a continuing basis during nice weather. I requested that she submit her request in writing.

I have talked to staff members regarding her request with the following conclusions:

- Allowing one business to do business on the sidewalk on a continuing basis and not for a special event would be setting a precedent whereby other merchants might request the same.

- Even though the tables measure only 23 3/4 inches, by the time you set a chair with patrons at the table, this could possibly become a pedestrain hazard on the sidewalks. The Police Department suggested that if Council approves this request, that only two (2) tables be allowed and they must be flush against the building with only two (2) chairs at the sides. Also, the bakery staff must be responsible to be sure the tables and chairs are in place and no sidewalk obstruction. Any substantiated complaints would result in immediate loss of the sidewalk eating area.

- Our insurance agent suggested that the Hometowne Bakery get a certificate of insurance for liability and name the City of Canby as an additional insured if we allowed the request.

Remember, even though the City owns the sidewalks, merchants are responsible for the upkeep in front of their established business.