

CANBY CITY COUNCIL

REGULAR MEETING

JUNE 4, 1986

(The meeting filmed live for Channel 5.)

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

Also present: City Administrator Bud Atwood, City Attorney John Kelley, Police Chief Jerry Giger, Public Works Director Rusty Klem, Aquatic Director Scott Nelson, City Recorder Marilyn Perckett, former Mayor's Robert Swayze, Fred Stafani, and Earl Oliver, Sue Cox, Myra Weston, Dorothy Knight, Dick Morse, Bob Root, Elsie Cutsforth, Steve Frederick, Red Fry, Alex Wynstra and others.

Mayor Pulver called the regular session to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum present and two members absent.

**Councilman Taylor moved to approve as distributed the minutes of regular meeting May 21, 1986, seconded by Councilman Jordan and approved 4-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: Elsie Cutsforth, of Cutsforth's Thriftway, addressed the Council and noted that their entity had received some lottery money based on a percentage to the retailer from winners. Mrs. Cutsforth had previously gave \$250 to the Canby Kids, Inc. and at this time she presented a \$250 check to the City for the "parks" and \$250 to the City Library. Mayor Pulver expressed the City's thanks to Mrs. Cutsforth for her generous donations.

Bob Root, of N. Maple, presented a parking citation and a check for payment of the citation to the Council and then expressed his concern over speeding vehicles, specifically on N. Maple. Mr. Root explained that he felt the City should not have Officers spending time writing parking violations if they didn't have time to cover speeding vehicles. Chief Giger explained that only Reserves and Explorers work the parking issues. Attorney Kelley noted that the citations issued have doubled in the last few years, he offered the following average's per month : 90-1984, 135-1985, and 186-1986.

COMMUNICATIONS: Administrator Atwood read a letter from the Canby Adult Center Advisory Board requesting permission to meet with Tri-Met to discuss expanded routes or alternatives to

current service. Mr. Atwood noted that several Clackamas County cities, including Canby, had recently sent a letter to Tri-Met suggesting possible cuts in lieu of proposed taxes and felt that we should only approach them regarding alternatives to current routes and not expanded routes. The Council consensus was for approval of Mr. Atwood's suggestion, allowing the Adult Center PAB to only approach Tri-Met for alternatives at this time. Dick Morse, suggested if extra expenses were necessary due to alternative bus routes, the City should pay. Mayor Pulver noted that we didn't expect extra expenses.

ORDINANCES & RESOLUTIONS: **Councilman Sowles moved that Ordinance No. 787, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1986-87 FISCAL YEAR be adopted and become part of the laws of Canby. Seconded by Councilman Jordan and approved 4-0 by roll call vote.

**Councilman Taylor 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 adopted on final reading and become City of Canby law. Seconded by Councilman Sowles and approved by roll call vote, 4-0.

**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 be adopted and become part of the laws of the City of Canby. Motion seconded by Councilman Jordan and approved 4-0 by roll call ballot.

Ordinance No. 790 was implemented to adopt the 1985 Building Code. **Councilman Sowles moved that Ordinance No. 790, AN ORDINANCE ADOPTING THE 1985 BUILDING CODE, PROVIDING FOR LOCAL ADMINISTRATION OF THE CODE, ADOPTION OF CERTAIN OTHER CODES, PRESCRIBING PENALTIES AND REMEDIES, REPEALER AND DECLARING AN EMERGENCY be properly posted and come up for final action on June 18, 1986 after 7:30 p.m. Seconded by Councilwoman Kopelk and approved 4-0.

Ordinance No. 791 was drafted to amend the current Fire Code. **Councilman Sowles moved that Ordinance No. 791, AN ORDINANCE AMENDING THE FIRE PREVENTION CODE AND DECLARING AN EMERGENCY be properly posted and come up for final action on June 18, 1986, after 7:30 p.m. Motion seconded by Councilman Jordan and approved 4-0.

Administrator Atwood informed the Council that Ordinance No. 792 was drafted to provide the City with a better ordinance and enforceable for building nuisances and abatement procedures. **Councilwoman Kopelk moved that Ordinance No. 792, AN ORDINANCE PROVIDING FOR THE ABATEMENT OF BUILDING NUISANCES, PROVIDING NOTICE, HEARING AND ASSESSMENT PROCEDURES, PROVIDING FOR SUMMARY ABATEMENT, PRESCRIBING PENALTIES AND DECLARING AN EMERGENCY be properly posted and come up for final action after 7:30 p.m. on June 18, 1986. Seconded by Councilman Sowles. Councilman

Jordan expressed some concern over some of the wording under definitions and was informed that these were directly out of the State Uniform Building Code. Motion carried 4-0.

The Council next considered Ordinance No. 793, to update our current sanitary collection franchise and adopt procedures for recycling. Fred Kahut, Canby Disposal, addressed the Council and pointed out some changes: the new ordinance was for a five year renewable franchise; the firm would pay \$1.00 per customer as a fee to establish a fund for either park beautification or recycling education; and state mandated recycling enforcement.

**Councilman Sowles moved that Ordinance No. 793, AN ORDINANCE GRANTING TO CANBY DISPOSAL COMPANY AN EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE, SUBJECT TO CERTAIN EXCEPTIONS, FOR A PERIOD OF FIVE YEARS TO ESTABLISH, OPERATE AND MAINTAIN A BUSINESS OF GATHERING, COLLECTING AND DISPOSING OF ALL SOLID WASTE, WASTE, AND RECYCLABLE MATERIAL AND REPEALING ORDINANCE NO. 401 AND ALL OTHER ORDINANCES AND AGREEMENTS IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY to be properly posted and come up for final action on June 18, 1986,; also, to accept the current resolution setting a rate schedule. Motion seconded by Councilman Taylor and approved 4-0.

**Councilman Jordan moved to adopt Resolution No. 379, A RESOLUTION SETTING FORTH DIRECTIONS TO THE CITY RECORDER FOR THE JUNE 24, 1986, SPECIAL ELECTION. Motion seconded by Councilwoman Kopelk and approved 4-0.

**Councilman Sowles moved to adopt Resolution No. 386, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES, seconded by Councilwoman Kopelk and approved 4-0.

NEW BUSINESS: **Councilwoman Kopelk moved to approve payment of accounts payable in the amount of \$39,291.05, seconded by Councilman Taylor and approved by roll call vote 4-0.

Mayor Pulver explained that Richard Moiser, Canby Utility Board Member, had recently moved out of state, therefore, at this time George Hudson was appointed to complete his term, expiring in February, 1989. **Councilman Sowles moved to approve the appointment of George Hudson to the Canby Utility Board for a term expiring in February, 1989. Seconded by Councilman Taylor and approved 3-1, with Councilman Jordan voting nay.

The additional following committee appointments were made by Mayor Pulver: Canby Swim Center Advisory Board, Hazel Adams to a four year term; Adult Center Advisory Board, Dayna Grandmason to a four year term and this being a second term for her; and Dale Carter to a four year term on the Canby Library Board. Councilman Taylor requested that the City Budget Committee appointment be delayed at this time.

Administrator Atwood requested the Council to appoint the existing Building Board of Appeals to also have the authority to be the Municipal Board of Appeals for Handicap issues in

accordance with Oregon Statute. **Councilwoman Kopelk moved that the current Building Board of Appeals be authorized to act as the Municipal Appeals Board for Handicapped issues as need. Attorney Kelley expressed a concern of establishing the new board by ordinance. The motion on the floor died for a lack of a second. **Councilman Taylor moved that the City Council provisionally appoint the existing Building Board of Appeals to assume the duties of the Municipal Handicap Board of Appeals, to provisionally allow for decision making and direct the City Attorney to draft an implementing ordinance if needed. Motion seconded by Councilwoman Kopelk. Dick Morse, Building Board of Appeals Member, requested that this issue be expedited since it involved construction, which becomes a financial burden. Motion passed 4-0. Attorney Kelley further explained that an enabling ordinance would be necessary first before that board could act upon the appeal. Also, Kelley suggested that Ordinance No. 790 could be amended to include the appropriate ORS regarding the handicap appeals board. **Councilman Sowles moved to amend Ordinance No. 790, Section 4, Board of Appeals, to include the wording **"including ORS Chapter 447."** Motion seconded by Councilman Taylor and approved 4-0. **Councilman Taylor (maker of the previous motion) moved to withdraw his motion "to provisionally appoint the existing Building Board of Appeals to assume the duties of the Municipal Handicap Board of Appeals and to direct the City Attorney to draft an ordinance". Motion seconded by Councilwoman Kopelk (who seconded the previous motion), motion to remove was approved 4-0. To expedite the procedure in the issue the Council considered a special meeting. **Councilman Sowles amended his original motion for ORDINANCE NO. 790, that second and final reading be on Monday, June 9, 1986, at 7:00 p.m. at a Special Meeting. Seconded by Councilwoman Kopelk and approved 4-0.

UNFINISHED BUSINESS: Administrator Atwood requested permission to advertise the City Shop property at 325 N.E. Second for sale, pending a new facility. **Councilman Sowles moved to authorize the City Administrator to advertise the City Shop property at 325 N.E. Second Avenue for sale with the following conditions: \$90,000 be the minimum bid considered; sale be final upon approval of construction contract for a new Public Works/CUB Facility, August 1, 1986, as target date; and possession to be granted upon completion of contracted work for the proposed new facility, December 31, 1986 target date, late contract start and adverse weather could delay completion date to June, 1987. Motion seconded by Councilwoman Kopelk and approved 4-0.

The Council next considered the issue of removing asphalt around the Maple trees on N.W. First Avenue. Public Works Director Klem explained that he had obtained opinions from two outside experts and one of them, Alex Wynstra, City of Portland Forester, was present to answer questions. The general consensus of the Council was to save both the trees and as much parking as possible. Mr. Wynstra addressed the Council and expressed a concern over root rot in the trees and a potential liability hazard regarding their support system. He also suggested that when and if replacements were made, a different variety of tree

be considered, Mr. Wynstra suggested that we request estimates for an inspection of the root system of the trees and to do this, possibly four feet of asphalt would need to be removed. Several members of the audience expressed a concern to save the trees and also save parking. Mayor Pulver instructed staff the request a cost estimate for inspection of the trees and also an estimate of the area of asphalt that needed to be removed.

Administrator Atwood informed the Council that he had approved a request to land a small aircraft on N.W. Third Avenue near Johnson Controls, that will be towed in the General Canby Day Parade and a used as a booth that day. The approval was upon proof of liability.


**Councilman Sowles moved to go into Executive Session under ORS 192.660 (1)(h), for consultation with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed. Motion seconded by Councilman Taylor carried 4-0.

Mayor Pulver recessed the regular session at 9:50 p.m. to go into Executive Session. The regular session was reconvened at 9:59 p.m.

Attorney Kelley explained that he had researched the ORS Chapter 447 regarding the Handicap Board of Appeals and that the present Builders Board of Appeals could act as the same without any ordinance, however, they would leave the inclusion of the ORS in Ordinance No. 790 but a special meeting would not be necessary.

**Councilman Sowles moved to amend the amendment to Ordinance No.790 and set the final reading for the ordinance as originally set on June 18, 1986, after 7:30 p.m. Councilwoman Kopelk seconded the amendment to amendment. Motion passed 4-0.

Mayor Pulver adjourned the regular session at 10:01 p.m.


Marilyn K. Perkett, City Recorder


William F. Pulver, Mayor

STATEMENT OF VOTES CAST

5/27/86

12:21

CLACKAMAS COUNTY, OREGON

PRIMARY ELECTION

MAY 20, 1986

ISSUE 31

JUANITA N. ORR, 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. *

* JUN 5 1986 *

CITY OF CANBY
MEASURE 51
THREE YEAR SERIAL LEVY

YES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL

121 205 122 205 123 181 124 311 125 219 126 240

VOTES CAST = 1,361

NO

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL

121 89 122 70 123 70 124 123 125 83 126 118

VOTES CAST = 553

OVERVOTES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL

121 1 122 1 123 0 124 2 125 0 126 0

VOTES CAST = 4

UNDERVOTES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL

121 26 122 20 123 9 124 14 125 28 126 17

VOTES CAST = 114

TOTALVOTES

PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL PRE TOTAL

121 321 122 296 123 260 124 450 125 330 126 375

VOTES CAST = 2,032

12:21

MAY 20, 1986 ELECTION

JUANITA N. ORR, 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. *



JUN 5 1986

CITY OF CANBY
 MEASURE 52

~~TAX BASE~~ - ONE year Levy

YES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL
121	142	122	134	123	110	124	223	125	123	126	158
VOTES CAST =		890									

NO

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL
121	141	122	133	123	131	124	209	125	172	126	197
VOTES CAST =		983									

OVERVOTES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL
121	0	122	0	123	1	124	1	125	0	126	0
VOTES CAST =		2									

UNDERVOTES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL
121	38	122	29	123	18	124	17	125	35	126	20
VOTES CAST =		157									

TOTALVOTES

PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL	PRE	TOTAL
121	321	122	296	123	260	124	450	125	330	126	375
VOTES CAST =		2,032									