

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
July 16, 2008**

Presiding: Mayor Melody Thompson.

Council Present: Teresa Blackwell, Wayne Oliver, Walt Daniels, Randy Carson, and Tony Helbling. Councilor Paul Carlson was absent.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Dwayne Barnes, Public Works Director; Melissa Hardy, Associate Planner; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Bob Cornelius, Mike Lee, Pat Sisul, Bev Doolittle, and Jason Padden.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:33 p.m. followed by the opening ceremonies.

Canby Fire District #62 “Fill-the-Boot” Day Proclamation – Mayor Thompson presented Mike Lee with a proclamation proclaiming July 26 as “Fill-the-Boot” Day for the City of Canby.

COMMUNICATIONS: Mark Adcock, City Administrator, said staff was requesting a work session on August 6 to discuss building permit fees. They had not been adjusted in 30 years.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR’S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Blackwell said she wanted to attend the 4-C’s Retreat in September.

Mayor Thompson said she would be attending the Metro Neighboring Cities meeting in Sandy to discuss urban and rural reserves.

Councilor Daniels said the numbers for CAT were up 11.5% over June 2007 and all the routes had increased ridership. The buses to the Fair would stop running at 8 p.m. and would not be running on Sunday, August 17th. On August 25th the new routes would go into effect.

Councilor Carson said he would be attending the next Urban and Rural Reserves Policy Advisory Committee meeting on July 22.

Councilor Helbling thanked all the volunteers that helped with General Canby Day. They had one opening left on the Planning Commission.

CONSENT AGENDA: ****Councilor Daniels moved to approve the minutes of the July 2, 2008 City Council Regular Meeting Minutes. Motion was seconded by Councilor Carson and passed 5-0.**

PUBLIC HEARINGS: Annexation 08-03 Jarboe –

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Blackwell – No conflict, plan to participate.

Councilor Oliver – No conflict, plan to participate.

Councilor Daniels – No conflict, plan to participate.

Councilor Carson – No conflict, plan to participate.

Councilor Helbling – No conflict, plan to participate.

Mayor Thompson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Blackwell – Driven by the site, drew no conclusions.

Councilor Oliver – Driven by the site, drew no conclusions.

Councilor Daniels – Driven by the site, drew no conclusions.

Councilor Carson – Driven by the site, drew no conclusions.

Councilor Helbling – Driven by the site, drew no conclusions.

Mayor Thompson – Driven by the site, drew no conclusions.

STAFF REPORT: Melissa Hardy, Associate Planner, said this was an application to annex approximately 2 acres located at 1335 NE Territorial Rd, east of Molalla Forest Road. The property was currently developed with a single family dwelling, a garage, trailer, and well house. The land was designated for high density residential development in the Comprehensive Plan. The Planning Commission held a public hearing on June 9 and they found that the proposal met all of the approval criteria. They received public comments from the Bike and Pedestrian Advisory Committee who were concerned about street improvements which were not required at the time of annexation, but would be required upon development. There were two comments from citizens who expressed opposition to additional development and traffic on Territorial Road and Redwood Street, and concern about whether the property owner was going to remove trees from this property. The Traffic Impact Study that was prepared for this annexation concluded that additional traffic generated by future development of this property would not exceed the public street capacity. The Municipal Code did not require the property owner to retain the trees on their property. They did have Site and Design Review approval criteria that encouraged tree retention. If Council approved the application, staff would come back with a ballot title to forward the annexation to the voters for the November election.

Mayor Thompson opened the public hearing at 7:55 p.m.

PUBLIC TESTIMONY

APPLICANT: None.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 7:56 p.m.

DISCUSSION: Councilor Carson said it was zoned R2 in the Comprehensive Plan and the City needed to continue to add R2 land to meet the State requirements. There were no specially designated open spaces, but they had other park lands in the vicinity. The City would not buy the property to keep the trees. He thought it met all of the criteria.

****Councilor Helbling moved to approve ANN 08-03 and set for an election ANN 08-03 based upon the Planning Commission's findings. Motion was seconded by Councilor Blackwell and passed 5-0.**

Annexation 08-04 Willow Creek Estates –

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Blackwell – No conflict, plan to participate.

Councilor Oliver – No conflict, plan to participate.

Councilor Daniels – No conflict, plan to participate.

Councilor Carson – No conflict, plan to participate.

Councilor Helbling – No conflict, plan to participate.

Mayor Thompson – No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Blackwell – Driven by the site, drew no conclusions.

Councilor Oliver – Driven by the site, drew no conclusions.

Councilor Daniels – Driven by the site, drew no conclusions.

Councilor Carson – Driven by the site, drew no conclusions.

Councilor Helbling – Driven by the site, drew no conclusions.

Mayor Thompson – Driven by the site, drew no conclusions.

STAFF REPORT: Ms. Hardy said this was an application to annex approximately 14.88 acres located south of SE 13th Avenue and east of S. Ivy Street. The easterly 9.5 acres was undeveloped and the westerly 5.32 acres was developed with three single family dwellings. The easterly 9.5 acres was designated for low density residential development in the Comprehensive Plan and the westerly 5.32 acres was designated for medium density residential development. The Planning Commission held a public hearing on June 23 and they found the proposal met all of the approval criteria. Public comments were received from the Bike and Pedestrian Committee, Tofte Farms Homeowners Association, and two nearby residents. The Bike and Pedestrian Committee was concerned with street improvements which were required when the property was developed. The Homeowners Association said they liked the future development plans. One citizen expressed concern about existing overgrown weeds on the property. Another citizen said she was opposed to the annexation because of the additional traffic that would be generated. If the property was annexed, it would come under the noxious vegetation regulations of the City and weeds would have to be kept under reasonable control. The Traffic Impact Study concluded that additional traffic generated by the development would result in the intersection of S. Ivy Street and SE 13th Avenue and accesses on S. Ivy Street and SE 13th Avenue operating with acceptable delays. If approved, staff would come back with a ballot title to forward the annexation to the voters for the November election.

Mayor Thompson opened the public hearing at 8:07 p.m.

PUBLIC TESTIMONY

APPLICANT: Pat Sisul of Sisul Engineering said he was speaking for the applicant who was ill. The application was similar to annexation applications that were submitted in 2003, 2004, and 2005. The City Council referred those to the voters for approval. The major difference was the inclusion of three properties along Ivy Street. Including the four properties together in one application allowed them to master plan the area for roadways and utilities. They prepared a land use plan for this application that had received favorable comments. Three of the four properties had access from Ivy Street, and when redeveloped they would not gain any additional access to Ivy. According to the traffic study, there were no traffic related problems associated with development of the site. Public sanitary sewer and water were available to the site from the adjoining streets and master planning this site would allow them to create logical utility extensions. The three lots located along Ivy Street were presently occupied by single family residences. The large 9.5 acre parcel had been farmed in the past, but it now lacked water by being cut off by the development of the Dinsmore Estates subdivision. The small size of the parcel, lack of water, and lack of a structure on site to house equipment and supplies created the scenario that the property would not be farmed again. The City land supply was well below the three year level. It was likely the homes would not be built until 2010. There were currently 10 lots of R1.5 land in the City, and approving this annexation would increase that supply. He asked that they send it to the voters.

Councilor Helbling said the lot on the corner of 13th and Ivy was zoned commercial/residential. He wanted to know if there was a potential development idea for that parcel.

Mr. Sisul said it was not owned by any of the property owners on the application. He told them what he thought might be put there, and access needed to be allowed into the area.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:20 p.m.

DISCUSSION: Councilor Helbling said he thought it was time to annex this property into the community. They had the balance now, with a new middle and elementary school. A 100 person employer had just been brought into the Industrial Park. They were below six months in buildable land supply, and they needed to bring land in. This was also a locally owned family business that would build the homes.

Councilor Carson said it met all the approval criteria and he thought it was needed.

Councilor Daniels said the application had received good comments from neighbors and there was a need for more land.

Councilor Blackwell said she had concern about the accesses but thought the Planning Commission would make sure they were adequate. It made sense on the boundaries.

****Councilor Blackwell moved to approve ANN 08-04 and set for an election ANN 08-04. Motion was seconded by Councilor Daniels and passed 5-0.**

RESOLUTIONS & ORDINANCES:

Ordinance 1284 – ****Councilor Daniels moved to adopt Ordinance 1284, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF ONE (1) 2008 HONDA ODYSSEY LX VAN FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 5-0 by roll call vote.**

Ordinance 1285 – ****Councilor Helbling moved to adopt Ordinance 1285, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MOWRY REBAR INC. OF CANBY OREGON TO CONSTRUCT A PICNIC SHELTER AND RELATED IMPROVEMENTS AT LEGACY PARK FOR THE CANBY PARKS DEPARTMENT; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 5-0 by roll call vote.**

Ordinance 1286 – ****Councilor Carson moved to approve Ordinance 1286, AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 16.40.014 CONCERNING FLOOD HAZARD PROTECTION to come up for second reading on August 6, 2008. Motion was seconded by Councilor Daniels.**

Councilor Helbling said there had been cities that did not participate in this and were no longer eligible for FEMA relief money.

Motion passed 5-0 on first reading.

Ordinance 1288 – ****Councilor Daniels moved to approve Ordinance 1288, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT EXTENSION WITH CYNTHIA THOMPSON OF BCB CONSULTING FOR PROFESSIONAL SERVICES FOR MANAGEMENT OF CANBY AREA TRANSIT SERVICE; AND DECLARING AN EMERGENCY to come up for second reading on August 6, 2008. Motion was seconded by Councilor Blackwell.**

Mayor Thompson said she wanted to clarify that she was not related to Cynthia Thompson.

Motion passed 5-0 on first reading.

Ordinance 1289 – ****Councilor Carson moved to approve Ordinance 1289, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WINSTEAD AND ASSOCIATES TO PROVIDE BUILDING CODE SERVICES; AND DECLARING AN EMERGENCY to come up for second reading on August 6, 2008. Motion was seconded by Councilor Daniels and passed 4-0 on first reading with Councilor Helbling abstaining.**

Ordinance 1290 – Dwayne Barnes, Public Works Director, said that in 2007 DEQ issued a directive that all major wastewater treatment plant facilities re-evaluate their mixing zones prior to the renewal of their next permit. They received two bids, and awarded it to Mixzon, Inc. for \$30,000.

****Councilor Helbling moved to approve Ordinance 1290, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MIXZON, INC. OF PORTLAND, OREGON TO COMPLETE A MIXING ZONE STUDY AND REASONABLE POTENTIAL ANALYSIS FOR THE CITY OF CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on August 6, 2008. Motion was seconded by Councilor Carson and passed 5-0 on first reading.**

Ordinance 1291 – Mr. Barnes said this project would take care of the traffic calming as well as improvement of 6,000 feet of street on SE and SW 13th, beginning at Berg Parkway and going to S. Redwood Street. They had seven bidders, and awarded it to Eagle-Elsner, Inc. for \$614,247.

Councilor Carson said there would also be bike lanes and parking on one side only.

****Councilor Carson moved to approve Ordinance 1291, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE-ELSNER, INC. FOR THE SOUTH 13TH AVENUE STREET RECONSTRUCTION AND TRAFFIC CALMING PLAN; AND DECLARING AN EMERGENCY to come up for second reading on August 6, 2008. Motion was seconded by Councilor Blackwell.**

Mayor Thompson asked where the funding for this project came from.

Mr. Barnes said the main share would be paid from the Federal Fund Exchange and the rest would be paid from the Street Reserve Fund out of SDC's.

Motion passed 5-0 on first reading.

NEW BUSINESS: None.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

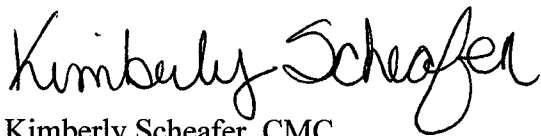
1. Approved the consent agenda.
2. Approved ANN 08-03, and staff would return with a resolution and ballot title.
3. Approved ANN 08-04, and staff would return with a resolution and ballot title.
4. Adopted Ordinance 1284 on second reading.
5. Adopted Ordinance 1285 on second reading.
6. Approved Ordinance 1286 to come up for second reading on August 6, 2008.
7. Approved Ordinance 1288 to come up for second reading on August 6, 2008.
8. Approved Ordinance 1289 to come up for second reading on August 6, 2008.

9. Approved Ordinance 1290 to come up for second reading on August 6, 2008.
10. Approved Ordinance 1291 to come up for second reading on August 6, 2008.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Blackwell and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 8:44 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:07 p.m. and immediately adjourned.



Kimberly Scheafer, CMC
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with preparation of minutes – Susan Wood