

**CANBY CITY COUNCIL
WORK SESSION MINUTES
April 18, 2007**

Presiding: Mayor Melody Thompson

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

Staff Present: John Kelley, City Attorney; Melissa York, Office Specialist; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: None.

Mayor Thompson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room. A light dinner was served. The Council met to receive training on public meeting and record laws.

John Kelley, City Attorney, reviewed public meeting laws with the Council. Public meetings were meant to be open. Boards and committees that were appointed by the Council and made recommendations to the Council were required to comply with public meeting law.

Mr. Kelley said in the instances when they met to appoint someone; it was unclear if it required citizen notification. He thought it had to do with the purpose of the meeting and whether or not they were making policy decisions.

The consensus of the Council was to continue to appoint members of City boards and committees as they were currently doing.

A meeting was a quorum of a governing body that made a decision or deliberated toward a decision. Tours, social gatherings, training, or joint meetings with other governing bodies were exempt. Conference calls were acceptable. The location must be within the City limits.

The right of citizens to attend a meeting did not include the right to participate. Mayor Thompson said she had spoken with another Mayor and that City did not allow public testimony during work sessions. A discussion was held regarding citizen participation in work sessions.

The City Recorder would make a notation on future work session notices that stated citizen input might not be taken during some work sessions, but was allowed during regular meetings. Mayor Thompson said they could also announce it at the beginning of every work session.

Mr. Kelley said executive sessions were closed to the public to discuss specific exemptions and he discussed those exemptions. There were only two exceptions where the media could not attend executive sessions and those were ORS 192.660(2)(d) labor negotiation strategy and student expulsion discussions under ORS 332.061.

The consensus of the Council was to not allow media to attend labor negotiation executive sessions held pursuant to ORS 192.660(2)(d).

The Council could not make any decisions in executive session, and would have to come back to the regular session to do so. Since this happened so infrequently, there was discussion about changing the executive session format to say they might return to the Council Chambers.

The Council consensus was to tape record executive sessions and continue with the current minute format.

Mayor Thompson adjourned the Work Session at 7:26 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
April 18, 2007**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Beth Saul, General Services Director; Kevin Cook, Associate Planner; and Kim Scheafer, City Recorder Pro-Tem.

Others Present: Bev Doolittle, Bob Cavanaugh, Pat Sisul, and Steve St. Amand.

CALL TO ORDER: Mayor Thompson called the Regular Meeting to order at 7:36 p.m. followed by the opening ceremonies.

Barbershop Singing Week Proclamation - Mayor Thompson presented Bob Cavanaugh with a proclamation proclaiming April 29 – May 5, 2007 as Barbershop Singing Week. There would be two concerts on May 4 and 5. The Quartet sang songs for the Council.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Councilor Daniels said the last community concert would be held on April 19 at 7:30 p.m. at the Fine Arts Building.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Blackwell encouraged citizens to become members of the Friends of the Library and donate to that organization through their bookstore.

Councilor Oliver congratulated the Vietnam Memorial Committee as the helicopter was now up.

Councilor Daniels said the Transit Advisory Board was working on the transportation plan.

Councilor Carson said the Vietnam Memorial Committee would be taking donations for a helipad for the helicopter.

Councilor Helbling said that CBD and the Planning Commission were hosting a design charrette for the downtown/highway 99E design standards on Thursday. He also met with School Superintendent Deborah Sommer about the two house bills. The Homebuilders Association was supporting 1086 and it was requested they support it also. He had discussed the issue of removing money from the State budget for economic development with Representative Scott and Senator Schrader. Representative Scott was not in favor of removal and Senator Schrader would talk with him further.

CONSENT AGENDA: **Councilor Daniels moved to approve the Accounts Payable of \$765,016.34; Minutes of the April 4, 2007 City Council Work Session and Regular Meeting; Appointment of Scott Gustafson to the City Budget Committee for a term to expire on June 30, 2010 and appointment of Gary Potter to the City Budget Committee for a term to expire on June 30, 2009. Motion was seconded by Councilor Carson and passed 6-0.

PUBLIC HEARINGS: ZC 07-02 STJ LLC – Kevin Cook, Associate Planner, said this was a request to change the zoning designation for two parcels on NE Territorial, totaling 0.89 acres, from low density, R1, to reflect the comprehensive plan designation of high density, R2. The Planning Commission recommended approval. The properties were adjacent to other parcels that were in the comprehensive plan as R2 and parcels to the west were recently annexed and would also be R2.

Councilor Daniels wondered if they could do the zone changes all at once if they followed the comprehensive plan designation.

Mr. Cook said they typically waited for an application, but they did encourage people to come in together.

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Carlson – No conflict, plan to participate.
Councilor Blackwell – No conflict, plan to participate.
Councilor Oliver – No conflict, plan to participate.
Mayor Thompson – 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.

EX PARTE CONTACT:

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

Councilor Oliver – No contact.

Mayor Thompson – 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 – No contact.

Mayor Thompson opened the public hearing at 8:02 p.m.

Mr. Cook said all the utilities were available to the site.

PUBLIC TESTIMONY

APPLICANT: Pat Sisul of Sisul Engineering said that he was speaking on behalf of STJ LLC. The site was located in an area south of Territorial, west of Maple Street to Willow Creek, and all that area was zoned R2 in the comprehensive plan. In addition to the notice the City sent out, there had been a neighborhood association meeting. Public services were available. The timing was right as the property recently changed ownership and intended to develop with the area that was recently annexed. He explained the access, which included one parcel that had not been rezoned yet. They would develop 35 townhomes. They were trying to save a grouping of trees on the property.

Councilor Carson said the Molalla Forest Road was adjacent to that property. He asked if there were any setback issues.

Mr. Sisul said it would mainly be driveway access next to that road. He discussed the access in case that the one parcel decided to be rezoned.

Councilor Carlson asked if there would be green spaces.

Mr. Sisul said there would be a green area around the fir trees.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:13 p.m.

DISCUSSION:

****Councilor Carson moved to approve Ordinance 1239, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOTS 1500 AND 1501 OF TAX MAP 3-1E-27CB to come up for second reading on May 2, 2007. Motion was seconded by Councilor Blackwell.**

Councilor Carson said they needed more R2 land and the traffic study showed no traffic issues. It met all the criteria.

Motion passed 6-0.

ROW 07-01 Corder –

STAFF REPORT: Mr. Cook said this was a proposed partial vacation of right-of-way on 1770 N Maple Street. This involved a 2.5 foot wide strip of land for the expansion of the garage on the property. This section was a County road; however, the County maintained that the land belonged to the City outside of the pavement. If approved it would go to the County for plat approval. The street was built out and would not likely expand, however the City Engineer indicated that the City might need additional right of way at the corner for redesign curve return. As a condition of approval, they would require some additional right-of-way at the corner.

Councilor Carson asked if the 2.5 feet stayed behind the sidewalk.

Mr. Cook said it did take in a few inches of it. They would require a pedestrian easement for that space.

Councilor Carlson asked if there was a bonus room above the garage.

Mr. Cook thought it was only a garage, but Council saw some windows above. In terms of second story additions, there were infill standards they had to meet.

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

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 8:21 p.m.

****Councilor Blackwell moved to approve Ordinance 1235, AN ORDINANCE VACATING TWO AND ONE HALF FEET OF THE PUBLIC RIGHT-OF-WAY ON THE EAST SIDE OF NORTH MAPLE STREET FRONTING TAX LOT 2503 OF MAP 3-1E-28DD with the conditions proposed to come up for second reading on May 2, 2007. Motion was seconded by Councilor Carson.**

Councilor Helbling said the deed of right-of-way for the sidewalk was not in the ordinance.

Mr. Kelley said it would be a condition of approval.

Councilor Helbling thought there would be ramifications if they decided to redevelop the road. He wondered if they could condition it to say that at an unspecified time in the future, the City should want to widen the street, they would be granted right of way on this piece of property.

Mr. Kelley said it would have to be a license agreement to use the City property rather than a street vacation.

Councilor Helbling said if they deemed it necessary to widen Maple, they would have to condemn or offer to purchase back the property. They would have to pay the fair market value and any severance damage to the property as a result of making them comply or they could apply for a variance.

Councilor Carlson was concerned about setting a precedence.

****Councilor Helbling moved to table the motion to approve Ordinance 1235 and refer the matter back to staff for an alternative method. Motion was seconded by Councilor Daniels.**

Councilor Carson said there was 7.5 feet left, and they probably would never move the sidewalk. They would only round off the corner if anything would be redesigned.

Councilor Blackwell said she would not withdraw her motion because she did not think it made sense to change it.

Mayor Thompson said there would be multiple property owners on Maple they would have to negotiate with and acquire land based on a future plan they did not know of now. They needed to review the survey process so they did not have to do street vacations. They also wanted to see flexibility when an error occurred for some reasonable negotiation, such as a variance.

The motion to table and refer back to staff for a different alternative failed 3-4 with Councilors Blackwell, Oliver, and Carson voting nay. Mayor Thompson voted nay to break the tie.

Mayor Thompson said they would add the condition requiring right-of-way width along NE Territorial as well as a taper in the 5 foot vacated portion of N Maple sufficient to allow for the future rebuild of the curb return. This language should be added and returned for the second reading.

The motion to approve Ordinance 1235 passed 4-3 with Councilors Daniels, Helbling, and Carlson voting nay. Mayor Thompson voted yea to break the tie.

Council consensus was to bring back Ordinance 1235 at the May 16 Council Meeting since Councilor Carson would not be at the May 2 meeting.

RESOLUTIONS & ORDINANCES:

Resolution 950 – Beth Saul, General Services Director said this would increase the rates to bring them up to market for out of city users.

****Councilor Daniels moved to approve Resolution 950, A RESOLUTION ESTABLISHING FEES FOR THE CANBY SWIM CENTER. Motion was seconded by Councilor Carlson and passed 6-0.**

Ordinance 1236 - ****Councilor Daniels moved to approve Ordinance 1236, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CEDAR MILL CONSTRUCTION COMPANY OF TUALATIN, OREGON FOR THE CONSTRUCTION OF RESTROOM AND SUPPORT FACILITIES FOR MAPLE STREET PARK AND LEGACY PARK; AND DECLARING AN EMERGENCY to come up for second reading on May 2, 2007. Motion was seconded by Councilor Blackwell.**

Councilor Daniels asked when the projects would be completed. Ms. Saul said in 120 days.

Motion passed 6-0.

NEW BUSINESS: Request for Letter from Canby Area Chamber of Commerce Regarding Canby Community Visitors Destination Action Plan –

****Councilor Helbling moved to approve the letter as submitted. Motion was seconded by Councilor Blackwell and passed 6-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Resolution 950.
3. Approved Ordinance 1239 to come up for second reading on May 2, 2007.
4. Approved Ordinance 1235 to come up for second reading on May 16, 2007.
5. Approved Ordinance 1236 to come up for second reading on May 2, 2007.

****Councilor Daniels moved to go into Executive Session pursuant to ORS 192.660(2)(d) Labor Negotiations and ORS 192.660(2)(h) Pending Litigation. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Thompson read the Executive Session format and recessed the Regular Meeting at 9:05 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:58 p.m. and immediately adjourned.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
April 18, 2007**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Chaunee Seifried, Finance & Court Services Director; and Amanda Klock, Human Resources Director.

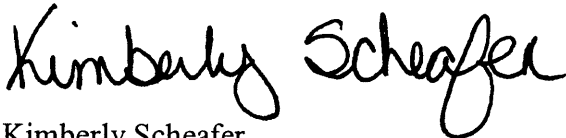
Others Present: Mike Swanson and Steve St. Amand.

Mayor Thompson called the Executive Session to order at 9:10 p.m. in the City Hall Conference Room.

ORS 192.660(2)(h) Pending Litigation – The Council discussed a pending Measure 37 claim from Ethel Skoe through her attorney.

ORS 192.660(2) (d) Labor Negotiations – The Council discussed AFSCME labor negotiations. Negotiations would be continued and further discussed at a future Executive Session.

Mayor Thompson adjourned the Executive Session at 9:58 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood