

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 17, 2005**

Presiding: Mayor Melody Thompson

Council Present: Roger Harris, Walt Daniels, Georgia Newton, Wayne Oliver, and Randy Carson. Councilor Teresa Blackwell was absent.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; John Williams, Community Development & Planning Director; Beth Saul, Library & Parks Director; Margaret Yochem, Transit & General Services Director; Jeff Snyder, Park Maintenance Supervisor; Ben Johnston, Park Maintenance Worker; and Kim Scheafer, City Recorder.

Others Present: Tom Scott, Pat Sisul, Margie Phillips, Bob Backstrom, Paul Satter, Mary McDaniel, Lila & Curtis Gottman, Lyle Read and Steve St. Amand.

CALL TO ORDER: Councilor Carson called the regular meeting to order at 7:37 p.m., followed by the opening ceremonies.

He said that Mayor Thompson would be arriving late and that Councilor Blackwell would be absent.

Employee of the Month – City Administrator Adcock presented Jeff Snyder, Park Maintenance Supervisor, with the Employee of the Month certificate for July.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Paul Satter, said that he had been in communication with the Mayor regarding having a town hall meeting regarding the discharge of sewage in the Molalla River. It was planned sometime in September with Canby Utility Board. He did not think there were a lot of citizens who were aware of what was happening.

Margie Phillips and Mary McDaniel said that the MOMS Club raised \$521.81 through yo-yo balloon sales on General Canby Day. They wanted to give it to the Canby Public Library in recognition of their budget shortfall and in gratitude of all they do for the children and mothers in Canby. Beth Saul, Library & Parks Director, said that the MOMS Club had also done a lot for the parks. Their name would be on the benches at Legacy Park.

Margie Phillips said she was not able to talk to the club about the water quality issue. Several people had asked her that their club do something. She wanted to let everyone know that whatever they could do to support clean water they would appreciate it. They also supported the cleanliness of the river access on Knight's Bridge Road.

Mayor Thompson arrived at 7:45 p.m.

Bob Backstrom said that he had been contacted by the Riverside Neighborhood Association to convey that the Council had missed a never to be repeated opportunity to obtain special benefits for the City regarding the Northwood property. The decision should have been made as part of the periodic review if it was to be made at all. The City needed to be more responsive to what the citizens cared about, 72% against large subdivisions, 91% in favor of preserving farmland. At the very least they should have demanded some kind of trade off benefit to justify granting this exception. In granting this huge reversal in their favor they could have extracted some benefit for the City of Canby such as public safety or parks.

Mayor Thompson said that she had been stuck on I-205 as there had been a traffic fatality. She suggested to the Council since there were two public hearings to move Mayor's Business and Councilors Comments & Liaison Reports to after the public hearing.

CONSENT AGENDA: **Councilor Carson moved to approve Accounts Payable of \$476,860.11, Minutes of the July 27 City Council Special Meeting, and Minutes of the August 3 City Council Regular Meeting and Executive Session. Motion was seconded by Councilor Daniels and passed 5-0.

PUBLIC HEARINGS: Annexation 05-01 Willow Creek Estates –

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Harris - No conflict, plan to participate.
Councilor Daniels - No conflict, plan to participate.
Councilor Newton - No conflict, plan to participate.
Councilor Oliver - No conflict, plan to participate.
Mayor Thompson - No conflict, plan to participate.
Councilor Carson - No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Harris - Had been by the site frequently and was aware of the geography. In his attendance at the NE Neighborhood Association meeting, Mr. Scott made a presentation. He had not made a decision based on anything that was said.
Councilor Daniels - Driven by the site, drew no conclusions.
Councilor Newton - Driven by the site, drew no conclusions.
Councilor Oliver - Been by the site, drew no conclusions.
Mayor Thompson - Been by the site, drew no conclusions.
Councilor Carson – Had been by the site and had attended the same meeting as Councilor Harris. He had not made any decisions and just listened.

STAFF REPORT: Kevin Cook, Associate Planner, said this was an application to annex a 9.74 acre parcel into the City limits. The previous two applications were approved by the City but voted down by the voters. If the annexation were to be approved it could be subdivided into 39

single family lots. The applicant had a conceptual plan which had not changed since the previous two applications. The Planning Commission recommended approval to the Council. No citizen testimony had been given at the Planning Commission meeting. This was a Priority A property and all services would be available. There was a two year supply of low density buildable lands.

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

PUBLIC TESTIMONY

APPLICANT: Tom Scott from Willow Creek Estates said that this property needed to come into the City. If annexed, the homes would not be ready until 2007. To run out of buildable land would make housing prices go up. The businesses needed additional customers to come into their businesses. The City needed additional funds. Continued progress was good for Canby. The schools were funded through the number of students and got funds on a per student basis. They did not know why this had failed twice in the past. He visited a neighborhood association a couple of weeks ago and would hold some special hearings to explain why this was a good project.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:00 p.m.

DISCUSSION: Councilor Harris asked for staff to explain the comments written by Public Works regarding the sanitary sewer system being a major issue. Pat Sisul from Sisul Engineering said that when they had first come to the Council, they thought sewer would serve the property from the east and west, and they found it could not. The sewer by the Canby Adult Center was deeper and they could get it extended to the south of the property and serve the property by gravity. This would be at the applicant's cost.

Councilor Carson asked if the traffic study was updated from the last application. Mr. Sisul said the background was updated as the surrounding area had developed. There were fairly insignificant changes.

Councilor Harris said in the last few years voting on the annexations as a citizen, he had been consistent with those that passed and failed. He felt he was a representative of the community for voting against annexations. There was a fear of development and that it would change Canby. This application seemed to be a logical progression of growth. It was Priority A and was intended for growth. He read from the packet how the application had no problems with service providers or City groups. This would add to the buildable lands. It would add more traffic.

Councilor Daniels said the applicant was going to develop in phases. He saw this as a positive for the City because there was a lack of R1 houses. It would fill out the Tofte Farms area. This was Priority A and they were short of buildable lands.

Councilor Carson explained how the application met the criteria.

****Councilor Carson moved to approve ANN 05-01, a request that the City Attorney return with ballot title and language appropriate to forward the final decision to Canby voters in the general election on November 8, 2005. Motion was seconded by Councilor Daniels.**

Councilor Harris said the Planning Commission was unanimously in favor of this. As far as a public process, no one had opposed this.

Mayor Thompson said transportation issues and planning were high priority and urban renewal could help fund some projects. Also, it was not only Canby that created the traffic.

Motion passed 5-0.

Annexation 05-02 S.T.J., LLC –

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Harris - No conflict, plan to participate.
Councilor Daniels - No conflict, plan to participate.
Councilor Newton - No conflict, plan to participate.
Councilor Oliver - No conflict, plan to participate.
Mayor Thompson - No conflict, plan to participate.
Councilor Carson - No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Harris - Had been by the site many times and was familiar with the geography, and attended the NE Neighborhood Association meeting where Mr. Scott discussed this issue. Drew no conclusions.
Councilor Daniels - Visited the site, but drew no conclusions.
Councilor Newton - Drove by the site daily, but drew no conclusions.
Councilor Oliver - Visited the site, but drew no conclusions.
Mayor Thompson - Drove by the site daily, but drew no conclusions.
Councilor Carson - Driven by the site, also attended the neighborhood association meeting, but drew no conclusions.

STAFF REPORT: Mr. Cook said this was an application to annex a 1.7 acre parcel into the City limits. If it was approved, the property could be subdivided into 23 townhouse units. The Planning Commission voted to recommend approval to the Council. The only concerns were the

zoning effects on neighboring properties and several mature trees were located on the lot. The property was designated high density residential and annexation Priority A. The buildable lands analysis said there was currently a 2.75 year supply of high density residential.

Councilor Harris said there was a question by a citizen at the neighborhood association meeting regarding the zoning being changed to accommodate this property. John Williams, Community Development & Planning Director, said this property had been zoned high density since at least 1984. The City had to provide for a range of different housing types by State law.

Councilor Daniels asked if there was discussion at the Planning Commission meeting regarding the buildable lands. Mr. Williams said they were still trying to do an analysis of the need for the different types of development.

Councilor Harris said any additional traffic would put a strain on Pine and Redwood. Mr. Williams said the construction of the light on Territorial and 99E was scheduled to start in 2006.

Mayor Thompson said they could not discuss the tree issue or design at this time. Mr. Cook said they wanted a conceptual plan, but they were not applying the same criteria as a subdivision application.

Mayor Thompson opened the public hearing at 8:34 p.m.

PUBLIC TESTIMONY

APPLICANT: Mr. Tom Scott from S.T.J., LLC said that there was a 2.75 year supply of buildable land. Almost all of that land was in one development, and having choices of where to live was important. If approved, they would be looking at families moving in Spring or Summer of 2007. Canby was a great place to live, and they needed to allow more people to move here. Their intention was to do town homes.

Councilor Harris asked what a town home would cost in 2007. Mr. Scott said he guessed with inflation it would be in the upper 100 to low 200 range. Town homes were more affordable and a lot of different type of people wanted this housing.

Mayor Thompson asked about the layout of the town homes. Mr. Scott said their conceptual showed open space to save some of the mature trees and the density would be spread along the lot.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:39 p.m.

DISCUSSION: Councilor Harris said this was also a logical development as it was surrounded by City limits and had been high density designation since at least 1984. Before anyone moved in to this, Territorial would have a light. He did not see any significant problems with this.

****Councilor Daniels moved to approve ANN 05-02, a request that the City Attorney return with ballot title and language appropriate to forward the final decision to Canby voters in the general election on November 8, 2005. Motion was seconded by Councilor Newton.**

Councilor Carson said he felt it met all the major approval criteria.

Motion passed 5-0.

RESOLUTIONS & ORDINANCES: Ordinance 1183 – **Councilor Carson moved to approve Ordinance 1183, AN ORDINANCE ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW, APPROVING A COMPREHENSIVE PLAN AMENDMENT INCLUDING STATEWIDE PLANNING GOAL EXCEPTIONS, AND AMENDING THE COMPREHENSIVE PLAN MAP AND THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, FOR LAND USE PLANNING APPLICATION NO. ZC 03-02/CPA 03-02 REGARDING TAX LOT 800 OF MAP 3-1E-32AA, TAX LOTS 100, 200 AND 1700 OF MAP 3-1E-32AD, TAX LOTS 300 AND 501 OF MAP 3-1E-33BB AND TAX LOT 6600 OF MAP 3-1E-33BC; NORTHWOOD INVESTMENTS, APPLICANT. Motion was seconded by Councilor Daniels.

Councilor Harris said that when they had the public hearing and discussed this his feeling was it was still viable farmland. To be consistent with the position he took in that meeting he would be voting no.

Motion passed 4-1 by roll call vote with Councilor Harris opposed.

Ordinance 1184 – **Councilor Daniels moved to approve Ordinance 1184, AN ORDINANCE ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW, APPROVING A COMPREHENSIVE PLAN AMENDMENT INCLUDING STATEWIDE PLANNING GOAL EXCEPTIONS, AND AMENDING THE URBAN GROWTH BOUNDARY OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, FOR LAND USE PLANNING APPLICATION NO. ZC 03-02/CPA 03-02 REGARDING TAX LOT 800 OF MAP 3-1E-32AA, TAX LOTS 100, 200 AND 1700 OF MAP 3-1E-32AD, TAX LOTS 300 AND 501 OF MAP 3-1E-33BB AND TAX LOT 6600 OF MAP 3-1E-33BC; NORTHWOOD INVESTMENTS, APPLICANT. Motion was seconded by Councilor Carson and passed 4-1 by roll call vote with Councilor Harris opposed.

Ordinance 1185 - Margaret Yochem, Transit & General Services Director, said that when they withdrew from Tri Met in 2002 they grandfathered 24 para-transit riders, now they had 592 that they took door to door. They were in their second term of the contract for the drivers, and they were still not meeting the needs. This ordinance would accommodate the associated increases.

Councilor Daniels asked what the longest distance they took riders was, and Ms. Yochem said they took them to downtown Portland, which were the grandfathered riders. The drivers waited while the people were at their appointments.

Councilor Carson said they had a good service to the community, and it was costly. The businesses in town were providing the services. At the end of the contract, they would talk about keeping it in house or out of house. When costs go up, it ate up revenue from businesses and limited reserve money. Ms. Yochem said it was difficult to balance para-transit and fixed service. They had three dedicated para-transit vehicles currently.

Mayor Thompson asked if they tracked complaints and comments. Ms. Yochem said they were doing great; the biggest complaint was that some people had to wait 15 or more minutes for a ride.

****Councilor Harris moved to approve Ordinance 1185, AN ORDINANCE AMENDING ARTICLE 10 OF THE TRANSIT CONTRACT DATED JUNE 19, 2002, BETWEEN CITY OF CANBY, HEREINAFTER REFERRED TO AS "CITY" AND OREGON HOUSING AND ASSOCIATED SERVICES, INC. (OHAS), dba WHEELS COMMUNITY TRANSPORTATION, HEREINAFTER REFERRED TO AS "CONTRACTOR" ESTABLISHING COMPENSATION UNDER THE CURRENT CONTRACT FOR A TWO (2) YEAR TERM to come up for second reading on September 7, 2005. Motion was seconded by Councilor Daniels and passed 5-0 on first reading.**

NEW BUSINESS: None.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Harris said he wanted to make sure they were staying on top of the City's long term financial issues. He would like regular updates. He would like to see progress on a plan that addressed three years out and what they were doing. City Administrator Adcock said that staff would be talking about what the milestones were. He felt it was going to be a long term project.

Councilor Daniels said the new transit restroom was in. Ms. Yochem said they were waiting for the City Engineer to come back with a final blueprint for what they needed to do structurally. They hoped to have it done by October 1. ODOT had given an extra \$21,600 toward the project. The bathroom was funded through an appropriation from the Federal Government. They were going to be testing out anti-graffiti paint on the building.

Councilor Newton said the summer reading program would be coming to an end. There were 463 readers in the program. She thanked the Friends of the Library for doing more fundraisers.

Mayor Thompson said that it looked like there would be a town hall meeting in September with Dirk Borges from Canby Utility regarding the safety of the City's water.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving ANN 05-01.
3. Approving ANN 05-02.
4. Approving Ordinance 1183 on second reading.
5. Approving Ordinance 1184 on second reading.
6. Approving Ordinance 1185 to come up for second reading on September 7, 2005.

****Councilor Carson moved to go into Executive Session pursuant to ORS 192.660(2)(e) real property. Motion was seconded by Councilor Harris and passed 5-0.**

Mayor Thompson read the Executive Session format and recessed the regular session at 8:55 p.m.

Mayor Thompson reconvened the Regular Meeting at 9:20 p.m.

****Councilor Harris moved to authorize the City Attorney to prepare a sales agreement to purchase the Schmilenko property for the sum of \$9,633.00. Motion was seconded by Councilor Carson and passed 5-0.**

Mayor Thompson adjourned the Regular Meeting at 9:22 p.m.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
August 17, 2005**

Presiding: Mayor Melody Thompson

Council Present: Roger Harris, Walt Daniels, Georgia Newton, Wayne Oliver, and Randy Carson. Councilor Teresa Blackwell was absent.

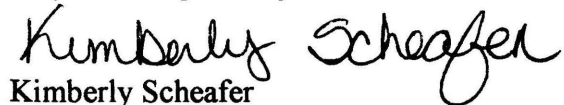
Staff Present: Mark Adcock, City Administrator and John Kelley, City Attorney.

Others Present: None.

Mayor Thompson called the Executive Session to order at 9:15 p.m.

ORS 192.660(2)(e) – The Council discussed the purchase of Schmilenko property.

Mayor Thompson adjourned the Executive Session at 9:17 p.m.


Kimberly Scheafer
City Recorder Pro Tem


Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood