

**CANBY CITY COUNCIL
WORKSHOP MINUTES
October 19, 2005**

Presiding: Mayor Melody Thompson

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

Staff Present: Mark Adcock, City Administrator; Beth Saul, Library & Parks Director; and Kim Scheafer, City Recorder Pro Tem.

Others Present: None.

Mayor Thompson called the workshop to order at 6:30 p.m.

Mr. Adcock said the discussion was about the current relationship between the City and Sister City, Kurisawa, and what other cities did in overseeing their sister city relationship. Most cities had an independent group like their sister city association. No money was budgeted and they did not have a formal relationship with the sister city association. Did they want to continue this relationship or take over the duties?

Councilor Daniels said the city of Kurisawa saw the relationship as a cultural exchange of ideas. It was a problem that they were not contacted when delegates came to town. They needed to decide what was their purpose for it and did they want to maintain it.

Mayor Thompson said they didn't know how much it cost and what was involved. There had been embarrassing situations where they were not given enough information and it reflected badly on the City.

Mr. Adcock said the Friendship Garden was another issue as it was not being kept up properly, but it was in a City park. Councilor Daniels said that was one of the places all the delegates wanted to see when they visited and it was another embarrassment.

Councilor Daniels thought they should dissolve the sister city relationship because it was a burden on both parties.

Councilor Carson was concerned about dissolving it because students did like to come to visit, someone else might want to run the association, and what would they do with the garden.

The consensus of the Council was to get Councilor Harris' input about whether he or someone else would be interested in taking this over knowing that if not, it was the Council's decision to send a letter dissolving the relationship and notifying Ms. Wilmes.

Mayor Thompson adjourned the session at 7:10 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
October 19, 2005**

Presiding: Mayor Melody Thompson

Council Present: Walt Daniels, Georgia Newton, Wayne Oliver, Teresa Blackwell and Randy Carson. Councilor Roger Harris 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; Chaunee Seifried, Finance & Court Services Director; Kevin Cook, Associate Planner; Judi Christiansen, Office Specialist; Joe Witt, Senior Mechanic; and Kim Scheafer, City Recorder Pro Tem.

Others Present: Dirk Borges, Jim Newton, Morgan Christiansen, Krista Christiansen, Lila & Curtis Gottman, Patrick Johnson, Thomas Welch, Gabe Hostetler, Brian Ayres, and Sean Patterson.

CALL TO ORDER: Mayor Thompson called the regular meeting to order at 7:32 p.m., followed by the opening ceremonies.

Employee of the Month Presentation – Mark Adcock, City Administrator, presented Judi Christiansen, Office Specialist with an Employee of the Month certificate for September.

COMMUNICATIONS: Mr. Adcock said that the City had received a letter from the League of Oregon Cities regarding the lawsuit with Qwest regarding the paying of franchise fees for the use of public rights-of-way. They asked that the City contribute 2% of their annual telephone franchise receipts. He recommended that the letter be referred to the City Attorney so that he could give them an opinion as to the relevance to the City.

Mayor Thompson also wanted to know what the Council's position had been on it when it came before the Council previously.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson said that she was meeting with Commissioner Schrader on October 24 to discuss key issues. She had been attending advisory committee meetings to meet the members.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Daniels said there had been a Transit Advisory Committee meeting and there had been a delay on getting the gazebo open.

Councilor Newton said she would bring an update at the next meeting.

Councilor Oliver said he had taken a tour of the town with a concerned citizen and the Code Enforcement Officer regarding places that did not meet the code, and they were making revisions to tighten compliance issues.

Councilor Carson said he had attended the Bike & Pedestrian Committee meeting. They were working on bike lanes.

CONSENT AGENDA: **Councilor Blackwell moved to approve Accounts Payable of \$359,216.75, Minutes of the September 28 City Council Workshop, Minutes of the October 5 City Council Regular Meeting, and appointment of John Ziehl to the Parks and Recreation Advisory Board for a term to expire on June 30, 2007. Motion was seconded by Councilor Carson and passed 5-0.

PUBLIC HEARINGS: Vacation of Right-of-Way at 900 NE 10th Avenue (Welch) -

STAFF REPORT: Kevin Cook, Associate Planner, said this was a partial right-of-way vacation for Thomas Welch on N Oak Street. The vacation involved a ten foot wide strip of land. He was going to partition a lot. The applicant had gathered more than the 2/3 required signatures and notices were posted at the site and in the *Canby Herald*. The street was fully built out and there would be a pedestrian easement for the sidewalk.

Mr. Cook read a letter into the record from Mike & Gretchen McCallum opposing the partition.

Mr. Cook said that a similar vacation was done north of the property and it was granted. The current utilities would need to be replatted with their own easement which occurred when it was recorded.

Mayor Thompson opened the public hearing at 7:52 p.m.

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 7:52 p.m.

****Councilor Carson moved to approve Ordinance 1191, AN ORDINANCE VACATING TEN FEET OF THE PUBLIC RIGHT-OF-WAY ON THE WEST SIDE OF OAK STREET FRONTING TAX LOT 1200 OF MAP 3-1E-33AA to come up for second reading on November 2, 2005. Motion was seconded by Councilor Daniels and passed 5-0.**

Vacation of Right-of-Way at 370 SW 9th Avenue (Patterson) –

STAFF REPORT: Mr. Cook said that this was a partial vacation of the public right-of-way which involved a 10 foot strip of land. During an addition to the property, their builder had miscalculated the setback area. The Building Official had put a stop work order on them. The City had 60 to 90 feet of right-of-way because of the street angle. A notice had been put in the paper and at the home site. They had gathered the required 2/3 signatures. No additional comments had been received from citizens. They would get a sidewalk easement as well.

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

PUBLIC TESTIMONY: None.

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

****Councilor Daniels moved to approve Ordinance 1192, AN ORDINANCE VACATING TEN FEET OF THE PUBLIC RIGHT-OF-WAY ON THE EAST SIDE OF SOUTH FIR STREET FRONTING TAX LOT 100 OF MAP 4-1E-04AC to come up for second reading on November 2, 2005. Motion was seconded by Councilor Blackwell and passed 5-0.**

Sale of Tax Lot 1823 of Tax Map 3-1E-34C Property – John Kelley, City Attorney, said that they were required to make a determination by passing Resolution 912 that the property was not needed for public use. The public hearing would be to discuss the sale offer. Dr. Perman had submitted an offer to purchase 28,314 square feet of property on S Redwood between Third and Fourth for the appraised price of \$99,000. He wanted to build a health care village.

****Councilor Daniels moved to approve Resolution 912, A RESOLUTION DECLARING CERTAIN REAL PROPERTY NOT NEEDED FOR PUBLIC USE. Motion was seconded by Councilor Carson and passed 5-0.**

Councilor Blackwell asked about the differential in \$8.00 per square foot compared to \$3.50. Mr. Kelley said the property could not be developed on its own. The only access was on the Molalla Forest Road which impacted the value of the property.

Councilor Carson said there was an in ground conduit down the length of the property and asked if they would be able to build on it. Mr. Kelley said it was going to be used as a parking lot because of that issue.

Councilor Carson was concerned about the bike trail being impacted. Beth Saul, Library and Parks Director, said that the Parks & Recreation Advisory Board had reviewed the plan and had not had any problem with it as there would be public access through the private parking lot.

Mayor Thompson opened the public hearing at 8:10 p.m.

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 8:10 p.m.

****Councilor Daniels moved to direct the City Attorney and City Administrator to complete a sale of Tax Lot 1823 of Tax Map 3 1E 34C consisting of 28, 314 square feet, more or less, of vacant, unimproved property to Dr. Donald Perman for the sum of \$99,000.00. Motion was seconded by Councilor Carson and passed 5-0.**

RESOLUTIONS & ORDINANCES:

Resolution 911 – Jim Newton, Chairman of the Canby Utility Board, said that Canby Utility had joined the Northwest Coalition for Affordable Power. They did not believe that Bonneville Power should be selling power for more than \$27 per megawatt hour inclusive of all the risks for the new contract in 2007. They wanted Council to join with them to keep rates at \$27.

Mayor Thompson said they had a workshop with the Canby Utility Board and learned that this was an open-ended contract that did not allow them to set a rate. They wanted to set the rate at \$27.

Councilor Carson said that the Canby Utility Board and the General Manager had done a good job at being diligent to review the rates and get the best deal they could for the citizens.

****Councilor Newton moved to approve Resolution 911, A RESOLUTION CALLING FOR THE BONNEVILLE POWER ADMINISTRATION (BPA) TO SET A TARGET RATE OF \$27/MWh. Motion was seconded by Councilor Blackwell and passed 5-0.**

Ordinance 1193 – Mr. Cook said this was a modification of a previously approved zone change as they needed to move the zoning boundary. The advertisement in the newspaper said it was a public hearing. The applicants were SR Smith, and recently received approval on the southwest corner of Berg Parkway and 99E. The majority of the site was zoned light industrial, and the northeast portion was zoned heavy commercial. The owners entered into an agreement for the commercial lot and they did not need the whole piece. Staff recommended approval as it was a small area to be adjusted, 10,000 square feet, that would go back to light industrial.

PUBLIC HEARING

Mayor Thompson read the public hearing format.

Mayor Thompson opened the public hearing at 8:25 p.m.

CONFLICT OF INTEREST:

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 Blackwell - No conflict, plan to participate.
Councilor Carson - No conflict, plan to participate.

EX PARTE CONTACT:

Councilor Daniels – Seen the site, drew no conclusions.
Councilor Newton – No contact.
Councilor Oliver – Driven by the site, drew no conclusions.
Mayor Thompson – No contact.
Councilor Blackwell – Driven by the site, drew no conclusions.

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

PUBLIC TESTIMONY: None

Mayor Thompson closed the public hearing at 8:26 p.m.

****Councilor Carson moved to approve Ordinance 1193, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON TO CHANGE THE ZONING BOUNDARY BETWEEN THE HEAVY COMMERCIAL (CM) ZONE AND THE LIGHT INDUSTRIAL (M1) ZONE. THE ZONING DISTRICT BOUNDARY SHIFT AFFECTS TAX LOTS 400, 500, 600, 601, AND 602 OF TAX MAP 4-1E-05A, LOCATED AT THE SW CORNER OF HIGHWAY 99E AND S BERG PARKWAY to come up for second reading on November 2, 2005. Motion was seconded by Councilor Daniels and passed 5-0.**

NEW BUSINESS: Discussion of Sign Regulations/Political Signs – Mr. Adcock said that the sign code was currently being reviewed, and this discussion was to focus on political signs and their placement.

Councilor Carson said part of the issue was no one wanted to block visibility. There were many different right-of-way setbacks throughout Canby and he did not think the Police should be concerned. If someone complained about a sign being placed in front of their business or home that they did not want there, he thought it could be removed. He felt that anything in the right-of-way should be allowed during the political time period.

Mr. Kelley said that sign codes were extremely hard to manage as you had First Amendment issues. You had to treat them equally or you could be accused of discrimination on the content of the sign. You cannot create an exception for someone or some type of sign to use public right-of-way, such as garage sale vs. political signs.

Mr. Williams said that he had thought about allowing the area outside of the pavement and sidewalk and curb to be at the discretion of the property owner.

Mr. Kelley said they could put a stipulation on all signs that they could not be put up until two to three weeks before the event they advertise, and taken down a week after the event.

Councilor Carson wanted to prohibit the use of utility poles and boxes for placing signs.

Councilor Blackwell said that there were places where public right-of-way was on both sides of the road and many signs were placed there. She thought they could encourage citizens to find out where the right-of-way was.

Councilor Oliver said the yards were not the major issue, it was signs on 99E.

Brian Ayres, said that he was part of the group that was affected by not knowing where the right-of-way was. Once it was explained to him, he liked the rule the way it was and having Canby

being kept clean. He wanted to keep the number of signs down. It should be determined by the citizen to find out where the right-of-way was.

Mr. Kelley asked if Council wanted to find out what other cities did. Council agreed.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: Lila Gottman, said that she wanted to comment on the resolution for vacating the property next to the Logging Road path. The emergency response route across 99E when the railroad was blocking it was across the Logging Road. That was access for the fire trucks and ambulances in an emergency situation. If they took that away and cars were parked there, they would not be able to access it from any other point except 13th, but they could not cross the pedestrian bridge on Township. There was also emergency access on the path itself. Any extension of that path must be at least 8 feet wide.

Mr. Williams said he thought the plan was to get them access through the parking lots on the area that abutted the Logging Road. It would be brought up at the appropriate planning process.

ACTION REVIEW:

1. The City Attorney would review the letter from the League of Oregon Cities.
2. Approved the consent agenda.
3. Approved Ordinance 1191 to come up for second reading on November 2, 2005.
4. Approved Ordinance 1192 to come up for second reading on November 2, 2005
5. Approved Resolution 911.
6. Approved Resolution 912.
7. Approved Ordinance 1193 to come up for second reading on November 2, 2005.
8. Staff would bring back information to Council on what other city sign ordinances were.

Mayor Thompson adjourned the Regular Meeting at 8:58 p.m.


Kimberly Scheafer
City Recorder Pro Tem


Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood