

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
November 2, 2005**

Presiding: Mayor Melody Thompson.

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

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; John Williams, Community Development & Planning Director; Beth Saul, Library & Parks Director; Chaunee Seifried, Finance & Court Services Director; Kevin Cook, Associate Planner; and Kim Scheafer, City Recorder Pro Tem.

Others Present: Roger Reif and Karl Mawson.

CALL TO ORDER: Mayor Thompson called the regular meeting to order at 7:34 p.m., followed by the opening ceremonies.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: Mayor Thompson said John Byers was recommended for appointment to the Canby Utility Board.

****Councilor Carson moved to appoint John Byers to the Canby Utility Board for a term to expire on February 28, 2007. Motion was seconded by Councilor Blackwell and passed 4-0.**

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Harris said that a few Council meetings ago they discussed a zone change that was in the Comprehensive Plan as medium density and denied it. He was concerned that if people were buying property with the intent to match what was in the Comprehensive Plan, they would feel they were treated unfairly. He wondered if revisions should be made to the Comprehensive Plan so that it was consistent with what they intended to do.

John Williams, Community Development & Planning Director, said that Mr. Cook would be getting the neighborhood together to see what the next steps would be.

Kevin Cook, Associate Planner, said that they would be sending out a mailing to neighbors north of the fairgrounds. They wanted to find out from the entire neighborhood what the general consensus was and go from there. They also had to find an area to put a similar density in the Comprehensive Plan; it could not just be changed.

Councilor Carson said they might be opening up a can of worms because there might be other areas in similar situations.

Mr. Williams said the first step was information and there were other things that might be possible instead of changing the Comprehensive Plan.

Councilor Oliver said the Code Enforcement Officer had given him ideas for revisions to the Code and he would be sharing them with the Council.

He had also received a call from a resident in the manufactured home park behind Wally's Restaurant and had been asked if the City was considering what was happening with parks where people were being evicted because the owners could redevelop them. He wanted staff to watch the situation.

John Kelley, City Attorney, said that as values of property went up, more affordable housing would be eliminated for higher end housing. If it was of concern his suggestion was to get ahead of it rather than catch up to it. If it was a general concern to the Council and they wanted to investigate it and prevent the first one, then they needed to have that direction.

Councilor Harris wondered what kind of action they could take, enact an ordinance prohibiting them from selling the property. Attorney Kelley said yes, and it would be a controversial issue because they were infringing on property rights, but the issue was they would be left with no affordable housing and people would lose their homes.

Mayor Thompson said she would like to be more prepared and informed, especially receiving a copy of Wilsonville's ordinance. She also wanted to know Mr. Kelley's opinion.

Councilor Blackwell said that she would be at the Clackamas County Coordinating Committee meeting and would be unable to make the workshop with the Canby School District Board of Directors. The Adult Center would be having a chicken and dumpling dinner fundraiser that Saturday.

Councilor Carson said that he and Catherine Comer had met with a group from North Clackamas County Chamber of Commerce leaders for a meet and greet event.

Mayor Thompson announced a Town Hall meeting on November 16 at the Canby High School OMNI Room. There would be a short business meeting and then discussion of street maintenance fee, economic development, and police facility.

CONSENT AGENDA: **Councilor Blackwell moved to approve Accounts Payable of \$213,245.88, Minutes of the October 19 City Council Workshop and Regular Meeting, and Minutes of the October 20 City Council Special Meeting & Executive Session. Motion was seconded by Councilor Carson and passed 4-0.

PUBLIC HEARINGS: MLP 05-09/ZC 05-02 BRJM LLC – Mayor Thompson asked if they needed to take public testimony that night. Mr. Kelley said they were not required to take new public testimony. Staff recommended using the record of the Planning Commission rather than a new public hearing with new testimony since the matter was uncontroversial.

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Harris – 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 Harris – Had been by the site many times but had not looked specifically at the lot.

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

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

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

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

STAFF REPORT: Mr. Cook said the application changed the zoning designation for a .29 acre at 535 Knights Bridge Road. The current zoning was R1, and the applicant wanted to amend the zoning to the Comprehensive Plan designation which was R2. The lots nearby were zoned R1 and R2. The applicant was seeking to create a two lot partition where the existing single family dwelling would remain, and a duplex would go on the other partition. Staff and the Planning Commission recommended approval by the City Council.

PUBLIC HEARING

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

PUBLIC TESTIMONY: None

Councilor Carson said he thought it met the Comprehensive Plan requirements and it met all public facility needs.

Mayor Thompson closed the public hearing at 8:08 p.m.

****Councilor Harris moved to approve Ordinance 1196, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 3000 OF TAX MAP 3-1E-33CB to come up for second reading on November 16, 2005. Motion was seconded by Councilor Carson and passed 4-0.**

RESOLUTIONS & ORDINANCES:

Resolution 913 – Administrator Adcock said this would be part of the plan to develop some public improvements along those two street segments and their standards for the improvements differed from the County's and they wanted to take jurisdiction so their standards could be used.

****Councilor Carson moved to approve Resolution 913, A RESOLUTION REQUESTING CLACKAMAS COUNTY TO SURRENDER JURISDICTION OF APPROXIMATELY 0.47 MILES OF SE FIRST AVENUE AND APPROXIMATELY 0.92 MILES OF S. TOWNSHIP ROAD TO THE CITY OF CANBY. Motion was seconded by Councilor Blackwell.**

Councilor Carson said that the .92 miles of Township was rebuilt with County and City money five years ago, and the other was undeveloped but they wanted to make modifications the County might not do.

Motion passed 4-0.

Ordinance 1191 – Councilor Harris said that he had not attended the first reading and public hearing. He had read what was in the record and asked Mr. Kelley if it was appropriate for him to vote. Mr. Kelley said if he had read what was in the record it was appropriate.

****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. Motion was seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1192 – ****Councilor Carson 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. Motion was seconded by Councilor Harris.**

Councilor Harris said he had not attended the last meeting but had read the packet which described the situation and felt prepared to vote.

Motion passed 4-0 by roll call vote.

Ordinance 1193 – ****Councilor Blackwell 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. Motion was seconded by Councilor Carson.**

Councilor Harris said he would abstain from voting on this issue.

Motion passed 3-0 by roll call vote with Councilor Harris abstaining.

Ordinance 1194 – ****Councilor Harris moved to approve Ordinance 1194, AN ORDINANCE AUTHORIZING THE 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 November 16, 2005. Motion was seconded by Councilor Blackwell and passed 4-0.**

Ordinance 1195 – Administrator Adcock said the contract amount was \$43,900 which included survey, road design, and construction document preparation.

****Councilor Harris moved to approve Ordinance 1195, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES TO EXTEND SOUTH BERG PARKWAY APPROXIMATELY 1,700 FEET TO CONNECT HIGHWAY 99E TO THE EXISTING TERMINATION OF SW 13 AVENUE; AND DECLARING AN EMERGENCY to come up for second reading on November 16, 2005. Motion was seconded by Councilor Carson.**

Mayor Thompson asked if the public meeting would have any impact on engineering.

Mr. Williams said that Mr. Curt McLeod would be in attendance. The informational meeting would be on November 15 at 7 p.m. at the Canby Adult Center.

Mr. Kelley said this was not a bided contract because Curran-McLeod was the City Engineer, but the dollar amount brought it to the Council's attention. Mr. Williams said that Curran-McLeod was awarded the City's contract for engineering after a formalized process.

Motion passed 4-0.

NEW BUSINESS: Request for Qwest Litigation Contribution – Mr. Kelley said that the League of Oregon Cities had requested a donation for the legal defense of the Qwest litigation over telecommunication franchise fees. So far the courts had voted in favor that they did need to pay them. It appeared the last battle to be fought was in the US District Court. The City had contributed twice in the past to this fund. It was his view that the City would benefit from the actions the League was taking and it was important to protect their right to collect the fees. They were asking for two percent of the City's annual amount.

****Councilor Carson moved to approve the \$2,000 voluntary city assessment to the League of Oregon Cities for the defense of the Qwest case. Motion was seconded by Councilor Harris.**

Mr. Adcock said he recommended in the memorandum to take it from the general fund contingency, but it had to be part of the motion.

****Councilor Carson amended his motion to take the \$2000 City assessment in support of the Qwest case from the City's General Fund Contingency. Motion passed 4-0.**

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Ken Pagano, Police Chief, said that Tina Kramer, Property Evidence Technician, had taken a job with the Clackamas County District Attorney's office as an investigator. She would be leaving the department on November 30, 2005. Sergeant Brian Howarth would be retiring on January 1, 2006. Sergeant Howarth had done an excellent job and was very committed.

Chief Pagano said he would also be retiring on January 1, 2006. He had spent his whole adult life with the City of Canby. He thanked staff, Mr. Kelley, and Mr. Adcock. He thanked the Council for all of the support and everything they had done for the City. The staff in the Police Department were excellent.

Mayor Thompson said that they needed to thank Chief Pagano as 30 years was a long time. She had never heard anything mean or unfair said about him.

Mr. Adcock said that it was his intention to conduct recruitment for the position of Police Chief. He was not predisposed to go outside or inside for finding the best person for this position. The recruitment would start after the holidays.

For the position of Sergeant Howarth there was a hiring freeze the Council implemented. They intended to prepare a justification to fill the position at patrol officer level and filling of the position through promotional process. The same would hold true for the Property Evidence Technician position.

Councilor Harris said he hoped when the discussion was held for whether or not positions were filled, that accompanying that would be an update on the City's financial projections. They needed to have the discussion on the zero based and establish what they were going to designate as essential.

Mr. Adcock said that the Council would be receiving a packet detailing the zero based budgeting approach they intended to take.

Mayor Thompson appreciated the City Treasurer's stamp on some Council actions that night so they knew she had reviewed them. The Council packets were now being posted on the City's web site.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Resolution 913.
3. Approved Ordinance 1191 on second reading.
4. Approved Ordinance 1192 on second reading.
5. Approved Ordinance 1193 on second reading.
6. Approved Ordinance 1194 to come up for second reading on November 16, 2005.
7. Approved Ordinance 1195 to come up for second reading on November 16, 2005.

8. Approved Ordinance 1196 to come up for second reading on November 16, 2005.
9. Approved \$2,000 from the General Fund Contingency Account to go toward the League of Oregon Cities litigation with Qwest.
10. The City Attorney would bring back information regarding mobile home park ordinances and information relative to property rights.

Mayor Thompson adjourned the Regular Meeting at 8:42 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted with Preparation of Minutes – Susan Wood