

**CANBY CITY COUNCIL
REGULAR SESSION
May 5, 2004**

Mayor Melody Thompson presiding. Council members present: Walt Daniels, Georgia Newton, Wayne Oliver, Pat Johnson, Randy Carson, and Teresa Blackwell.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Library & Parks Director Beth Saul, Associate Planner Darren Nichols, Police Lieutenant Greg Kroeplin, Executive Assistant Kim Scheafer, Kasie Rapp, Shantel Harney, JJ Simanovicki, Adrienne & Jordan Carstensen, Ralph Netter, Ed Netter, Cat Sumrain, Pat Sisul, Suzie Voss, Carlie Hillner, Tony Crawford, Eric Martin, Alyssa McBee, Judi & Morgan Christiansen, Curtis & Lila Gottman, Mark & Jeanne Vodka, Grace Bighouse, Bev Doolittle, and David Howell.

Mayor Thompson called the regular session to order at 7:34 p.m., followed by the opening ceremonies.

PRESENTATION: Hometown Hero Award – City Administrator Mark Adcock read a letter written by Councilor Oliver nominating Robert Rapp for the Hometown Hero Award. Mayor Thompson read two more letters submitted by citizens that outlined Mr. Rapp's community involvement. She presented Kasie Rapp, Shantel Harney, and JJ Simanovicki with a certificate honoring their late father, Robert Rapp, with the Hometown Hero Award.

PROCLAMATIONS: Mental Health Awareness Month and Mental Health Counselors Week – Mayor Thompson read a proclamation proclaiming the month of May 2004 as Mental Health Awareness Month and the week of May 2-8, 2004 as Mental Health Counselors Week.

Unity Week – Mayor Thompson presented Tony Crawford and students from Ackerman Middle School with a proclamation proclaiming May 10-14, 2004 as Unity Week. Mr. Crawford introduced students Eric Martin, Morgan Christiansen, and Alyssa McBee. The students spoke regarding the Unity Festival on May 13 and about iMovies that they had made at school.

Poppy Days – Mayor Thompson presented Suzie Voss and Carlie Hillner with a proclamation proclaiming the month of May 2004 as Poppy Month and May 10-16, 2004 as Poppy Days. Carlie Hillner read a poem about poppies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Lila Gottman, resident of 10381 S. Mulino Rd., invited the Council to attend Bingo this Saturday at the Adult Center. Ms. Gottman said that Canby Telephone was sponsoring a Monte Carlo Night on May 15 at the Adult Center.

CONSENT AGENDA: ****Councilor Carson moved to approve the Minutes of the Regular Meeting and Executive Session of April 21, 2004; Accounts Payable of \$158,548.56; a new liquor license application for Mi Tierra Mexican Restaurant; and the reappointment of Clair Kuppenbender to the Transit Advisory Board. Motion was seconded by Councilor Blackwell and passed 6-0.**

COMMUNICATIONS: None.

CONTINUATION OF PUBLIC HEARING: ZC 04-01 Netter -

City Attorney Kelley said that Councilor Daniels was absent at the last meeting and needed to make a statement on the record. The remaining councilors needed to be asked about ex parte contact and conflict of interest since the last meeting.

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

Councilor Daniels said he had no conflict and planned to participate. He had read the packet, watched the Council meeting, read the additional information that came out to the Council, and he had watched the Planning Commission meeting.

CONFLICT OF INTEREST/EX PARTE CONTACT

Councilor Newton – No conflict, planned to participate, and had no ex parte contact.
Councilor Oliver – No conflict, planned to participate, and had no ex parte contact.
Councilor Johnson – No conflict, planned to participate, and had no ex parte contact.
Mayor Thompson – No conflict, planned to participate, and had no ex parte contact.
Councilor Carson – No conflict, planned to participate, and had no ex parte contact.
Councilor Blackwell – No conflict, planned to participate, and had no ex parte contact.

DISCUSSION:

Councilor Carson asked if any contact had been made to change the access road? Mayor Thompson said all they were hearing that evening was the zone change.

Councilor Johnson said the Planning Commission had heard all three, subdivision application, design review, and zone change, as one application. Associate Planner Darren Nichols said the Planning Commission did hear all three, but their decision was based on the zone change alone because they felt if it did not meet that criteria, they did not need to look at the others. The decision was the zone change. If the Council approved it, the Planning Commission would again look at the subdivision application and design review where driveway access became more pertinent. Councilor Carson said the Council would not hear those discussions, and Mr. Nichols said that was correct unless the decision was appealed.

Councilor Johnson asked what the property was designated in the comp plan, and Mr. Nichols said it was designated for R2.

Councilor Carson said this had been zoned R2 for the last 20 years in the comp plan, but all the other developments had been allowed to build R1 or R1.5 in that area. But to him that didn't mean R1 prevailed. He liked the idea of the area being broken up to provide affordable housing. He had issues with the access road—it was a 20 foot road, a private street, and parking was only for residents. He did not think the school overcrowding was an issue as the school said they could handle the amount of children and they got money for every child who attended. It fit the

comp plan. Township was a collector road and the traffic would not be a problem on Township, although there might be on the private road. There was a mix of single and double story houses, so the development should fit. The Fire Marshall had issues with access, but that had been addressed and sprinklers would be put in. Additional lots created at a later date could be accommodated if the other property owners sold their land later. He thought the R2 should stand, although R1.5 would be better.

Councilor Johnson said he felt for the neighbors, but the Council had to go by the criteria, and it had been zoned for R2 for 20 years. He thought that the developer would put in something that would go along with the neighborhood. He thought the neighbors should be involved in the design review. During design review, they could discuss the problems with parking and fire entrances. Township could handle the traffic. Regarding the schools, it was a question of having enough students to support a new school before they built it, or build a new school and hope they came. The School District had not officially told them to deny applications because the schools were too full, and he did not think they could turn applications down based on schools alone.

Councilor Daniels said he agreed that R1.5 would be better. It would be hard to support going to R2. He was concerned about the density of development in that area.

Councilor Newton said in the memo they received from Garvey, Schubert & Barer, the applicant agreed to a Local Improvement District for another road. Mr. Nichols said the applicant would waive their exemption from the LID if in the future there needed to be road improvements. Attorney Kelley explained the point further. Mayor Thompson said waiving the right to participate did not mean they gave away their right to negotiate what the fee would be. Attorney Kelley agreed and said for the purposes of an LID they had to have a certain percentage and if people remonstrated greater than that amount, there would be no LID. The applicant said they would not remonstrate against the LID, but they still could object to the assessment.

Mayor Thompson said there were two criteria for zone change in the staff report and she read them. It indicated that some measure of consideration of traffic and other services could be taken. They had to look at the information they had and make their best guess. Mr. Nichols said all the infrastructure improvements had been intended to support R2 level of development. Staff recommended approval of the zone change.

Councilor Newton said they should look at the little pockets around town that were designated as R2 and built around it was R1 to make sure there was continuity. For this one, she supported the comp plan.

Councilor Johnson said they could zone it in the comp plan, but like in this case if people around still chose to build R1, it became an issue of property owner rights. He thought in this case they had done everything to mitigate it. As a homeowner the next time he bought a house he would look at what was zoned around him and what was available.

Mayor Thompson said there were a lot of single family homes that were built right up to the set backs and multiple stories. That was the highest use of the land and the land became expensive. She hoped that if this got to the design phase, that there would be positive, constructive, good

input from the citizens as to what those impacts would be. The Planning Commission was very good about hearing citizen input on those kinds of impacts to where the developer could say they could mitigate it here and there.

Councilor Carson said now they were trying to build out to meet the comp plan. Attorney Kelley said if they wanted to down zone from high density to low density it was difficult to do that. They could also get in trouble with the State because the comp plan was based upon a certain number of high density, medium density, and low density housing areas that they had to provide. When they changed the zone in one area, they had to change the zone somewhere else so they had the same numbers across the City.

Councilor Johnson said it was hard to find a house in Canby because of the prices. When such a development came, as in this instance with town homes, that could accommodate moderate to lower income folks, he thought it was fair that anyone who wanted to live here could afford to. He wanted to say to the neighbors that with a local builder like the Netters, they had a better chance of having an impact during design review.

Councilor Daniels said he thought the property was very dense in that area. He understood the need for affordable housing.

Councilor Blackwell said the area was tight. She would normally go with the comp plan. She would go with 1.5 but thought it was too tight for R2. She was confident if it passed, the Netters would take the neighborhood input into consideration.

Councilor Oliver said the main issue was the privacy in the neighborhood, but that would be handled in design review. He hoped they would hear that night that the Netters and the neighbors came to an agreement on how they would protect the privacy of the neighborhood, but he was sure that would happen. He was in favor of the zone change.

****Councilor Carson moved to approve ZC 04-01 and direct staff to return with the appropriate findings to the next Council meeting. Motion was seconded by Councilor Johnson and passed 4-2 with Councilors Daniels and Blackwell opposed.**

NEW BUSINESS: None.

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Resolution 857 - **Councilor Daniels moved to adopt Resolution 857, A RESOLUTION AMENDING RESOLUTION NO. 790 REGARDING THE APPOINTMENT OF MEMBERS OF THE CANBY TRANSIT ADVISORY COMMITTEE. Motion was seconded by Councilor Johnson and passed 6-0.

Resolution 859 - **Councilor Carson moved to adopt Resolution 859, a RESOLUTION APPOINTING A CITY RECORDER, PRO TEM, FOR THE CITY OF CANBY. Motion was seconded by Councilor Oliver and passed 6-0.

Ordinance 1139 - **Councilor Daniels moved to approve Ordinance 1139, AN ORDINANCE AMENDING ARTICLES 15 AND 16 OF 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" REGARDING INSURANCE PROVISIONS BETWEEN THE PARTIES AND DECLARING AN EMERGENCY to come up for second reading on May 19, 2004. Motion was seconded by Councilor Johnson and passed 6-0 on first reading.

Ordinance 1140 - **Councilor Carson moved to approve Ordinance 1140, AN ORDINANCE AMENDING ARTICLES 10, 12 & 13 OF 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" EXERCISING THE OPTION TO EXTEND CURRENT CONTRACT FOR ANOTHER TWO (2) YEAR TERM AND ESTABLISHING COMPENSATION THEREFORE to come up for second reading on May 19, 2004. Motion was seconded by Councilor Blackwell and passed 6-0 on first reading.

MANAGER'S REPORT: None.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Johnson asked Police Lieutenant Greg Kroeplin about citizens putting cones and signs regarding kids at play in the road. Lieutenant Kroeplin said they didn't encourage people to be in the road. He encouraged people to call them so they could address the issue.

Councilor Oliver thanked the Police Department and Public Works Department on their quick response to the accident near Knight School. The Street Department had repainted the crosswalk and the Police Department went to the school and did a safety program.

Councilor Daniels said the Bike & Pedestrian Committee had requested a bike lane on 13th Street from Ivy to the Logging Road. The Traffic Safety Committee was going to be giving the Council their recommendation. Administrator Adcock would also get some staff feedback. Councilor Oliver thanked Library & Parks Director Beth Saul as the 13th Street Park was underway.

Mayor Thompson said that the City Attorney had brought to her attention that Court Services & Finance Director Chaunee Seifried was an officer of the City and had an interest in pursuing a contract with the Council. She asked the Council if they wanted to meet as a group or have a sub

committee. Council gave consensus to have a sub committee. Councilors Johnson, Blackwell and Daniels said they would participate on the sub committee.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Approving ZC 04-01 and directing staff to come back with findings on May 19, 2004.
3. Approving Resolution 857.
4. Approving Resolution 859.
5. Approving Ordinance 1139 to come up for second reading on May 19, 2004.
6. Approving Ordinance 1140 to come up for second reading on May 19, 2004.

****Councilor Carson moved to go into executive session under ORS 192.660(2)(d) labor negotiations and ORS 192.660(2)(e) real property.**

Mayor Thompson read the executive session format and recessed the regular session at 8:40 p.m.

Mayor Thompson reconvened the regular session and immediately adjourned at 10:16 p.m.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
May 5, 2004**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, Patrick Johnson, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, and Mike Swanson.

Mayor Thompson called the session to order at 8:50 p.m.

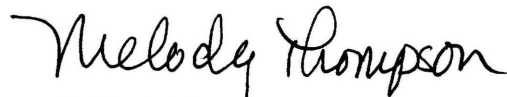
ORS 192.660(2)(d) – The Council discussed labor negotiations with Mr. Mike Swanson.

ORS 192.660(2)(e) – The Council discussed real property negotiations.

Mayor Thompson adjourned the session at 10:15 p.m.



Chaunee F. Seifried
City Recorder pro tem



Melody Thompson
Mayor



Prepared by Kim Scheafer
and Susan Wood Office Specialists



Hometown Hero Award

Robert Rapp

In posthumous recognition for Leadership and Community Involvement as demonstrated by tireless and longstanding contribution to the Canby Community.

Thanks to Bob for his dedication to the Children of the Canby area, in forming Canby Kids, and serving as a coach for innumerable high school, college and little league teams.

Almost no committee or organization has been untouched by Bob's guiding force including two terms as Mayor of Canby, serving as City Administrator, as City Councilor, and on the boards of OCTS, the Chamber of Commerce, CBRD, Clackamas County Fair and many many more.

For all this and for all Bob embodied as a Citizen of Canby we honor him from a most grateful Community as a Hometown Hero

Melody Thompson, Mayor

Presented May 5, 2004



OFFICE OF THE MAYOR

Proclamation

“Poppy Days in Canby”

WHEREAS, the American Legion Auxiliary adopted the poppy as its memorial flower which pays tribute to the war dead and serves as a source of aid to surviving veterans and their families; and

WHEREAS, the contributions provided by the American Legion Auxiliary are put to good use in support of the children and youth of the Canby community and toward the rehabilitation and care of veterans; and

WHEREAS, the work of the American Legion Auxiliary through the annual sale of poppies is a proper and fitting tribute to the acts of patriotism and courage made by our nation's veterans in time of national need.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the month of May 2004 as

Poppy Month

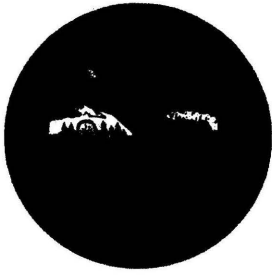
and I do further proclaim the week of May 10 through May 16, 2004 as

Poppy Days in the City of Canby

and urge all citizens of the City of Canby to proudly remember the sacrifices made by the members of our Armed Forces by contributing to the American Legion Auxiliary during the month of May 2004 in support of their service to our country's veterans.

Given unto my hand this 5th day of May, 2004.

Melody Thompson
Mayor



Office of the Mayor

Proclamation

"Mental Health Awareness Month and Mental Health Counselors Week"

WHEREAS, as the Mayor of n (AMHCA) and the Oregon Mental Health Counselors Association (OMHCA) to declare that the month of May 2004 be designated as **The Month of Mental Health Awareness** in Oregon and that the week from 5/2/2004 to 5/8/2004 be designated as **Mental Health Counseling Week**.

WHEREAS, our society, already stressed over inter and intrapersonal issues, would benefit from an awareness of Mental Health, as demonstrated by the effects of 9/11; and

WHEREAS, people need to recognize the difference between the lack of Mental Health and the process of creating Mental Health; and

WHEREAS, cultivating this awareness could help people avoid the consequences of untreated anxiety, untreated depression, and physical deterioration; and

WHEREAS, the clearer a person's thought process is, the more opportunity he or she has to deal with and grow beyond the stressors, and thus help to prevent the occurrence of DOMESTIC VIOLENCE, CHILD ABUSE, and FAMILY INSTABILITY; and

WHEREAS, focusing and preparing for Mental Health Awareness can help transform a perception of emotional deprivation and vulnerability into a perception of emotional prosperity and effectiveness; and

WHEREAS, the vehicle for promoting Mental Health Awareness can take the form of a United States Postage Stamp, every citizen could benefit from this constant reminder; and

NOW, THEREFORE, I, Melody Thompson, the Mayor of Canby, do hereby support the designation of May 2004 as

The Month of Mental Health Awareness

and also, I support the designation of the week of 5/2/2004 to 5/8/2004 as

Mental Health Counselors Week

It is my understanding that the thrust of this year, as well as this week, will be the support of the creation of a Mental Health Awareness Postage Stamp and the promotion of the Positive, Progressive Nature of recognizing and promoting Mental Health.

Given unto my hand this 5th day of May, 2004.

Melody Thompson
Mayor



Office of the Mayor
Proclamation

"Unity Week in the City of Canby"

WHEREAS, the students of Ackerman Middle School and Canby High School "think globally, but act locally, to create world peace;" and

WHEREAS, all Students at these schools, and all schools in our community, should be made to feel safe, secure and happy; and

WHEREAS, the students of Ackerman Middle School and Canby High School wish to set a good example for their community; and

WHEREAS, all citizens in Canby should be made to feel welcome and a part of our community.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim the week of May 10 thru 14, 2004 as

UNITY WEEK IN THE CITY OF CANBY

and urge all citizens of our community to celebrate this observance by attending the first annual Community Festival to be held at Canby High School on Thursday, May 13, 2004.

Given unto my hand this 5th day of May, 2004.

Melody Thompson
Mayor