

**CANBY CITY COUNCIL  
REGULAR SESSION  
July 7, 2004**

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

Also present: City Attorney John Kelley, Transit & General Services Director Margaret Yochem, Community Development and Planning Director John Williams, Finance & Court Services Director Chaunee Seifried, Library & Parks Director Beth Saul, Police Chief Ken Pagano, Project Planner Matilda Deas, City Recorder Pro Tem Kim Scheafer, Ken Schuh, Stephen Workman, Scott Sprague, Doug Sprague, Irene Breshears, Bev Doolittle, David Howell, Greg Perez, and Virginia Molamphy.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies.

**PROCLAMATION:** National Aquatic Week - Mayor Thompson presented Ken Schuh with a proclamation proclaiming July 18-24, 2004 as National Aquatic Week. Mr. Schuh said that the Canby Swim Center was offering a free public swim from 3-5 p.m. on July 18, 2004. A cooperative agreement had been reached with the Canby Swim Center, Canby Gators Swim Team, and S.R. Smith in which \$20,000 worth of equipment would be installed at the pool and resurfacing of the pool would be done in September. On July 17, there would be a swim meet.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Irene Breshears, resident of 1000 NE 10<sup>th</sup>, Canby said that she had just returned from sister city Canby, Minnesota for their Quasquicentennial. She reported on the activities she participated in during the celebration.

Robin Adcock, resident of 424 SE 9<sup>th</sup>, Canby spoke regarding the Relay for Life. Ms. Adcock read the names of all the participants of the City's team who raised over \$1100 and banked over \$300 for luminaria.

**CONSENT AGENDA:** **\*\*Councilor Carson moved to approve the Minutes of the Special Meeting on June 9, 2004; Workshop on June 10, 2004; Special Meeting on June 15, 2004; Workshop, Regular Meeting and Executive Session of June 16, 2004; Special Meeting on June 29, 2004; Accounts Payable of \$322,566.08; and the reappointment of Ryan Oliver to the Parks & Recreation Advisory Board. Motion was seconded by Councilor Johnson and passed 6-0.**

**COMMUNICATIONS:** None.

**PUBLIC HEARINGS:** Dutch Vista Road Property – City Attorney John Kelley said that a while ago the State of Oregon donated several parcels of property totaling 88 acres along the Willamette River to the City. At the same time, the City was in process of buying the log boom property through an interdepartmental loan. They decided it was in the City's best interest to sell a portion of the property given them by the State in order to repay and eliminate the interest on

the loan. The property was not in the City or in the Urban Growth Boundary. They received an offer to purchase 4.8 acres located just south of 2435 Dutch Vista Road near Territorial and 99E. It was currently zoned RRFF5. State Statute required that the City pass a resolution declaring that the property was not needed for public use. Following the approval of the Resolution, the Statute required a public hearing.

**\*\*Councilor Blackwell moved to adopt Resolution 866, A RESOLUTION DECLARING CERTAIN REAL PROPERTY NOT NEEDED FOR PUBLIC USE. Motion was seconded by Councilor Daniel and passed 6-0.**

Mr. Kelley said that notices had been published in the *Canby Herald* and the *Daily Journal of Commerce* regarding the public hearing. An appraisal was done by PGP Evaluation of Portland and the value was \$160,000. The proposal from Ms. Workman was to purchase the property for \$185,000.

Mayor Thompson opened the public hearing at 7:53 p.m.

PUBLIC INPUT: Stephen Workman, resident of 2435 Dutch Vista Road, Canby said that his family had lived on that road since 1979. They wished to purchase the adjoining property and asked for their approval.

Mayor Thompson closed the public hearing at 7:54 p.m.

DISCUSSION: Attorney Kelley said they wanted to prepare a counter offer that included a conservation easement over the .82 acre along the bank of the Willamette. The Workmans were aware of it.

Mayor Thompson said that the reasons the Council wanted to sell the property was that this land did not affect the open space they planned there, the Council did not want to become private developers, and there was lack of water and sewer access that did not make it an attractive option.

**\*\*Councilor Blackwell moved to direct the City Attorney to prepare an Earnest Money Receipt and Agreement of Sale between the City and Linda Workman for the sale of Tax Lot 1000 of Tax Map 3-1E-27AD to include a conservation easement over the .82 acres immediately adjacent to the Willamette River and return to the Council with it once it has been signed by both parties. Motion was seconded by Councilor Daniels and passed 6-0.**

Annexation 04-01 Sprague –

Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Daniels - No conflict, plan to participate

Councilor Newton - No conflict, plan to participate.

Councilor Oliver - No conflict, plan to participate.  
Councilor Johnson - No conflict, plan to participate.  
Mayor Thompson - No conflict, plan to participate.  
Councilor Carson - No conflict, plan to participate.  
Councilor Blackwell - No conflict, plan to participate.

#### EX PARTE CONTACT:

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

**STAFF REPORT:** Community Development and Planning Director John Williams said this was an application to annex two tax lots totaling 4.98 acres located between Walnut and Mulino Roads. Currently there was a single-family residence and some landscaping materials on the site. If annexed, this would be zoned light industrial with an industrial overlay zone. The owners of the property wanted to site their business on the property. Services had not reached to this area, and if they chose to develop, they would pay for the extension of the utilities. The Planning Commission voted 4-1 to recommend approval of the annexation.

Mayor Thompson asked if improvements were made, repayment costs would be allocated to future development. Mr. Williams said it depended on how they were installed.

Mayor Thompson opened the public hearing at 8:05 p.m.

#### PUBLIC TESTIMONY

**APPLICANT:** Doug Sprague, resident of 641 NE 22<sup>nd</sup> Avenue, Canby said that the intentions of Sprague Joint Ventures was to develop the property for the use of Canby Excavating's operation. Canby Excavating employed about 70 people, participated in the community, and drew a good share of its employment base from the local community. This annexation was important to them to grow, as their current facilities were limited. They had looked at three different options for extending the utilities. It met the criteria and they had purchased the property several years ago anticipating the need to have more industrial land.

Councilor Carson asked about the access to the property for heavy trucks. Mr. Sprague said that access could be on either street. Councilor Carson said Walnut was not built to take the heavy trucks, and he was concerned the road would get deteriorated quickly. Mr. Sprague said they could use Mulino if it was going to be a problem.

**PROPONENTS:** None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:12 p.m.

DISCUSSION: Councilor Carson said this would be a good fit for the community. This gave the applicant more access and room and it met all of the criteria.

**\*\*Councilor Carson moved to approve ANN 04-01, and place the proposal on the November 2, 2004 ballot for voters to make the final decision. Motion was seconded by Councilor Blackwell and passed 6-0.**

Councilor Blackwell said she thought it was good to send an annexation to the voters that already had jobs attached to it.

**NEW BUSINESS:** City Administrator Compensation Discussion – Mayor Thompson said the Council annually reviewed the City officers' performances and considered wage increases.

**\*\*Councilor Carson moved to approve a 3% base pay adjustment for the City Administrator after a satisfactory annual performance review effective July 1, 2004. Motion was seconded by Councilor Daniels and passed 4-2 with Councilors Oliver and Johnson opposed.**

**UNFINISHED BUSINESS:** Findings, Conclusion & Final Order CPA 04-01/ZC 04-02 Plantore/SR Smith -

**\*\*Councilor Carson moved to adopt the Findings, Conclusion & Final Order for CPA 04-01/ZC 04-02. Motion was seconded by Councilor Johnson and passed 6-0.**

#### **RESOLUTIONS & ORDINANCES:**

Ordinance 1147 - **\*\*Councilor Daniels moved to approve Ordinance 1147, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH DLR GROUP OF PORTLAND, OREGON FOR AN IMMEDIATE AND FUTURE FACILITIES NEEDS ASSESSMENT. Motion was seconded by Councilor Carson and passed 6-0 by roll call vote.**

Ordinance 1148 - **\*\*Councilor Daniels moved to approve Ordinance 1148, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH G.R. MORGAN CONSTRUCTION COMPANY OF PORTLAND, OREGON FOR THE INSTALLATION OF PLAY EQUIPMENT FOR THE THIRTEENTH AVENUE PARK; AND DECLARING AN EMERGENCY to come up for second reading on July 21, 2004. Motion was seconded by Councilor Carson and passed 6-0 on first reading.**

**Ordinance 1149 - \*\*Councilor Carson moved to approve Ordinance 1149, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FROM LIGHT INDUSTRIAL TO HEAVY COMMERCIAL/MANUFACTURING FOR TAX LOT 300 OF TAX MAP 4-1E-05A, A 2.2 ACRE PARCEL LOCATED ON THE S.W. CORNER OF HIGHWAY 99E AND S. BERG PARKWAY to come up for second reading on July 21, 2004. Motion was seconded by Councilor Blackwell and passed 6-0 on first reading.**

**Ordinance 1150 -** Police Chief Ken Pagano said that the City had received a grant for \$103,500 from the State Homeland Security Program to purchase the computers. They went out for bids, and Motorola came back with the best one. They would purchase 15 mobile data computers and 4 vehicle radio modems. He explained what the computers would do.

**\*\*Councilor Daniels moved to approve Ordinance 1150, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MOTOROLA FOR THE PURCHASE OF MOBILE DATA COMPUTERS AND VEHICLE RADIO MODEMS FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on July 21, 2004. Motion was seconded by Councilor Carson and passed 6-0 on first reading.**

**MANAGER'S REPORT:** Library and Parks Director Beth Saul said that the Park Dedication Ordinance was still being worked on and they would bring it to the Planning Commission and to City Council soon.

Councilor Blackwell asked about the Canby Community Park project. Ms. Saul said that they asked Mr. Williams to work with the City Engineer to get the paving part of it done. They came up with a rough plan for the bathroom refurbishment and security gate. The pledge to the County was to get it done by Christmas. Ms. Saul invited people to go to the Community Park and see all the changes. Councilor Carson said the Rotary would be talking about helping out more with the park.

Update on Forum with Neighborhood Associations - Project Planner Matilda Deas said that the Neighborhood Associations were excited about meeting with the Council and discussing buildable lands. Ms. Deas said that she could contact the south side residents who never officially formed an association. Council preferred to have all the citizens participate. Ms. Deas said that it would be held at the Canby Adult Center. Mayor Thompson said this would eventually lead to a policy direction from the Council. Ms. Deas said that if other issues came up that this might turn into an ongoing thing if it was a productive format.

**CITIZEN INPUT:** None.

**COUNCILOR'S ISSUES:** Councilor Daniels said there was a Memorandum from Mr. Williams regarding the 13<sup>th</sup> Avenue bike lanes. Mr. Williams gave the costs for this, that the County would widen the Logging Road to allow for bike lanes, and the City would have to do the striping, which would be about \$1,000. They would lose 40 parking spots on the south side.

**\*\*Councilor Johnson moved to direct staff to work with Clackamas County to get bike lanes from Ivy Street to the Logging Road. Motion was seconded by Councilor Blackwell.**

Councilor Johnson said this way they had a directive on the record that the City would do their part when the County did theirs.

**Motion passed 6-0.**

Councilor Newton said the Chairman from the URD Advisory Committee asked if there were any other projects they would like them to work on. She asked for Council to get those ideas to her by Monday.

Councilor Daniels thanked Lila Gottman and the General Canby Day Committee for their outstanding job. Mayor Thompson suggested an informal debriefing with a couple of Councilors with the Committee to discuss any issues. Councilor Blackwell said the Committee had asked her to thank the Canby Police Department. Councilor Newton said that they should do a review of the finances as well. Councilor Blackwell said she thought the Committee wouldn't mind having a workshop with the Council. Mayor Thompson thanked Canby Ford.

Councilor Oliver said that Ryan Oliver had a baby boy on July 3.

**\*\*Councilor Oliver moved to reappoint Liz Mead to the Parks & Recreation Advisory Board and Barbara Kirwan to the Traffic Safety Committee for terms to expire on June 30, 2007. Motion was seconded by Councilor Blackwell and passed 6-0.**

Councilor Daniels said that there were openings on several City committees. Mayor Thompson said she would like to discuss the Historical Review Board with Mr. Williams.

Councilor Oliver said he wanted to clarify a situation. Earlier the Council had voted on the City Administrator compensation and there were two nay votes. The nay votes were for completely opposite reasons. His nay vote was because he didn't think it was enough.

Councilor Carson said they had just received word that the money had been authorized from the OECDD for Sequoia Parkway.

Councilor Johnson said that he had voted no on the City Administrator salary compensation because he felt it was too much. He thought Mr. Adcock was adequately compensated for his performance in comparison with other cities in the area.

#### **ACTION REVIEW:**

1. Approving the consent agenda.
2. Approving Resolution 866.
3. Authorizing the City Attorney to prepare an Earnest Money Agreement for the Dutch Vista property.
4. Approving a 3% salary compensation for the City Administrator.

5. Approving Annexation 04-01.
6. Approving the Findings, Conclusion & Final Order for CPA 04-01/ZC 04-02 Plantore/SR Smith.
7. Approving Ordinance 1147 on second reading.
8. Approving Ordinance 1148 to come up for second reading on July 21, 2004.
9. Approving Ordinance 1149 to come up for second reading on July 21, 2004.
10. Approving Ordinance 1150 to come up for second reading on July 21, 2004.
11. Directing staff to coordinate with Clackamas County on the paving and striping of bike lanes between Ivy and the Logging Road.
12. Reappointing Barb Kirwan to the Traffic Safety Commission and Liz Mead to the Parks & Recreation Advisory Committee.

There was no Executive Session.

Mayor Thompson adjourned the regular session at 8:57 p.m.



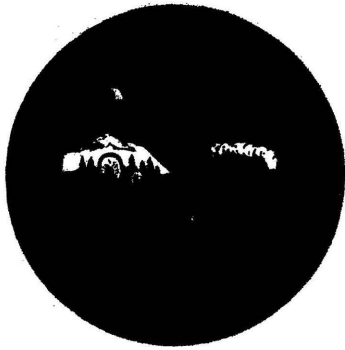
Kimberly Scheafer  
City Recorder Pro Tem



Melody Thompson  
Mayor

Assisted in Preparation of Minutes - Susan Wood





Office of the Mayor

# Proclamation

**"National Aquatic Week"**

**WHEREAS**, individuals and organized forms of recreation and the creative use of free time are vital to the happy lives of all our citizens: and education, athletic and recreation programs throughout the City of Canby encompass a multitude of activities that can result in personal accomplishment, self-satisfaction and family unity for all citizens, regardless of their background, ability level or age; and

**WHEREAS**, citizens of Canby should recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

**WHEREAS**, the City of Canby is extremely proud of the swimming facilities and aquatic programs of this community and their contributions to providing to all ages a healthy place to recreate, a place to learn and grow, to swim, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community;

**NOW, THEREFORE**, I Melody Thompson as Mayor of the City of Canby, do hereby declare the week of July 18-24, 2004 as the week for all Canby area citizens to celebrate

## **NATIONAL AQUATIC WEEK**

And do urge all those in the City of Canby and surrounding area to support and promote this observance by visiting and enjoying the Canby Swim Center.

Given unto my hand this 7th day of July, 2004.

Melody Thompson  
Mayor



**CITY OF CANBY, OREGON**  
**NATIONAL RECREATION AND PARK ASSOCIATION**  
**NATIONAL AQUATIC BRANCH**  
**NATIONAL AQUATIC WEEK 2004 (July 18-24) SCHEDULE**

Promoted by the *National Aquatic Branch* of the *National Recreation and Park Association*, **National Aquatic Week** is designed to promote public awareness of the value of Aquatics in community Parks and Recreation programs.

**07/07/04** Proclamation-National Aquatic Week (July 18-24, 2004)  
**Wednesday** Mayor Thompson  
Canby City Council Meeting-7:30 pm  
City Hall Council Chambers-155 NW 2<sup>nd</sup> Ave

**07/17/04** 2004 Oregon Swimming Canby Swim Club  
**Saturday** 1<sup>ST</sup> Annual Short Course B-C Sprint Title Challenge  
Swim Meet Sponsored By S.R. Smith  
Canby Swim Center-1150 S Ivy 503-266-2761  
Swim Meet Contact-Kenneth Schuh 503-266-1345

8:00 AM Athlete Warm-up  
9:15 AM Opening Ceremonies-Dignitaries (Press Coverage)  
Welcome  
National Aquatic Week (Proclamation-Pool Schedule)  
Announce S.R. Smith-Swim Center-Swim Club  
Partnership (Brief Comments by partners) (Banner)  
National Anthem  
9:45 AM Preliminary Swim Heats  
3:45 PM Finals (Title) Swim Heats

**07/18/04** Canby Swim Center National Aquatic Week **Free Public Swim**  
**Sunday** Sponsored By S.R. Smith  
Canby Swim Center-1150 S Ivy 503-266-2761

3:00 PM to 5:00 PM Special Public Swim in honor of National  
Aquatic Week  
Session is sponsored by **S.R. Smith**  
**No Charge to the Public**

**07/19/04 to 07/24/04** Regular Schedule and Admission Public Swims  
**Monday-Saturday**  
Monday thru Friday 12:30 PM to 2:00 PM  
Mon, Wed, Fri, Sat 7:00 PM to 9:00 PM  
Saturday 1:00 PM to 3:00 PM  
Tuesday & Thursday 8:00 PM to 9:00 PM (\$2.00)

Regular Schedule and Admission rates apply except Sunday July 18<sup>th</sup>.