

**CANBY CITY COUNCIL
WORKSHOP
July 21, 2004**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Community Development & Planning Director John Williams, Library and Parks Director Beth Saul, Clackamas County Project Planner Jody Yates, Clackamas County Business & Administrative Services Manager John Rist, ODOT Region I Manager Matthew Garrett, ODOT Region I Community Affairs Director Steve Harry, Steve Mayes, Dan Ewert, Daryl Krupica and Roy Hester. Councilor Johnson absent.

Mayor Thompson called the session to order at 6:37 p.m. A light dinner was served.

The Council met in the City Hall Conference Room. Ms. Jody Yates, Project Planner from Clackamas County presented a summary of the proposal. Community Development and Planning Director John Williams presented the estimated costs of this project, the funding sources available and the benefits and drawbacks that this project would produce.

Mayor Thompson adjourned the session at 7:20 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
July 21, 2004**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Transit & General Services Director Margaret Yochem, Finance & Court Services Director Chaunee Seifried, Library & Parks Director Beth Saul, Police Chief Ken Pagano, Associate Planner Darren Nichols, City Recorder Pro Tem Kim Scheafer, Sergeant Doug Kitzmiller, Angie Kitzmiller, Al Kitzmiller, Tom Scott, Pat Sisul, ODOT Region I Manager Matthew Garrett, ODOT Region I Community Affairs Manager Steve Harry, Mike Swanson, David Howell, Lila & Curtis Gottman, Senator Kurt Schrader, Ron Berg, Bob Zimmer, David Wichman, and Charles Burden.

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

PRESENTATION: Employee of the Month – City Administrator Mark Adcock presented Darren Nichols an Employee of the Month certificate for June.

PROMOTIONAL CEREMONY: Police Sergeant Doug Kitzmiller – Police Chief Ken Pagano said that he was being promoted to Patrol Sergeant.

CITIZEN INPUT ON NON-AGENDA ITEMS: Lila Gottman, 10381 S Mulino Rd., Canby, said that all the comments she had heard regarding General Canby Days had been positive. Ms. Gottman thanked the Canby Police Department for all of their help during the day.

CONSENT AGENDA: ****Councilor Carson moved to approve the Minutes of the Regular Meeting of July 7, 2004; Accounts Payable of \$318,189.14; and appointments to the General Canby Day Committee of Doug Saylor and Catherine Salazar for terms to expire on December 31, 2004. Motion was seconded by Councilor Blackwell and passed 5-0.**

Resolution 869 Adopting AFSCME Contract – Mike Swanson, 141 SW Cornell Ct., Lake Oswego spoke regarding the AFSCME labor negotiations. Mr. Swanson went over the changes in the contract pertaining to seniority, vacations, sick leave accrual, wages, per diem and mileage reimbursement, health and welfare, uniforms/protective clothing, and the termination clause.

Resolution 869 - **Councilor Carson moved to adopt Resolution 869, A RESOLUTION ADOPTING A CONTRACT BETWEEN THE CITY OF CANBY (CITY) AND THE LOCAL 350-6 AFSCME COUNCIL 75 AFL-CIO (UNION) FOR THE PERIOD FROM JULY 1, 2004 THROUGH JUNE 30, 2007. Motion was seconded by Councilor Blackwell and passed 5-0.

COMMUNICATIONS: Intersection of Hwy. 99E and Territorial Road – Matthew Garrett, ODOT Region I Manager said that the comments from the community meeting with residents had four themes: maintain two northbound lanes, control speed, coordinate signals, and increase traffic law enforcement. Mr. Garrett went over the ODOT Update on the Intersection of Hwy 99E and Territorial Road Context-Sensitive Interim Approach dated July 12, 2004. The new proposal addresses the major concerns expressed at the community meeting on June 24. He asked for comments from Council regarding what they had heard.

Councilor Carson said people were concerned about the light going in and people learning to get across from Territorial onto where the church is by going different directions. Councilor Newton said she thought it was more of a convenience problem but she was in favor of it. Councilor Daniels heard similar comments. He questioned if speed reduction wasn't the answer.

Councilor Blackwell said she liked the idea of slowing it down and using different things to mitigate the problems.

Councilor Oliver said reducing the number of accidents is a major concern and was in favor of it.

PUBLIC HEARINGS:

Annexation 04-04 Willow Creek –

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.
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 – No contact, visited the site.
Councilor Newton – Drove by the site.
Councilor Oliver – Drove by the site.
Mayor Thompson – No contact, drove by the site.
Councilor Carson – Driven by the site.
Councilor Blackwell – Driven by the site.

STAFF REPORT: Associate Planner Darren Nichols said the applicant is seeking to annex one tax lot containing approximately 9.74 acres into the City of Canby (Tax Lot 4700 of Tax Map 4-1E-04DA). The subject property is currently vacant agricultural land. If annexed, the applicant intends to subdivide the property for the construction of approximately 39 single-family homes. He indicated the Planning Commission had voted 4-1 to recommend the application. The subject parcel is currently zoned EFU by Clackamas County. If annexation is approved, City zoning for the parcel will be R-1.

Mayor Thompson opened the public hearing at 8:20 p.m.

PUBLIC TESTIMONY

APPLICANT: Pat Sisul, Sisul Engineering, 375 Portland Avenue, Gladstone said if the property is annexed a lift station would be put in. There is no longer a well located on the property.

Tom Scott, President of Willow Creek Estates said that current platted land supply is 4-5 months in his estimation. If they are unsuccessful with the annexation this time around it is their intent to develop the 4-5 acres to the south.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

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

DISCUSSION: None.

****Councilor Carson moved to approve ANN 04-04, and 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 2, 2004. Motion was seconded by Councilor Daniels and passed 5-0.**

Annexation 04-06 STJ –

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.
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 – No contact, driven by the site.
Councilor Newton – No contact, driven by the site.
Councilor Oliver – No contact, driven by the site.
Mayor Thompson – No contact.
Councilor Carson – No contact, driven by the site.
Councilor Blackwell – No contact, driven by the site.

STAFF REPORT: Mr. Nichols said the applicant is seeking to annex one tax lot containing .97 acres into the City of Canby (Tax lot 1500 of Tax Map 3-1E-28DD). The subject parcel currently contains one single-family residence with accessory buildings and several large trees. If annexed, the applicant intends to construct approximately 11 town homes. The Planning Commission voted 5-0 to recommend approval of the annexation to the City Council. This land is currently zoned RRFF-5 by Clackamas County and would be R-2 high density residential if annexation was approved.

Mayor Thompson opened the public hearing at 8:36 p.m.

PUBLIC TESTIMONY

APPLICANT: Pat Sisul, Sisul Engineering 375 Portland Avenue, Gladstone said that the property was located South of Territorial and West of Pine St.

Councilor Blackwell asked what the timeline was for the property being built.

Tom Scott, owner of STJ, LLC, said that this type of development fits the area. Regarding density, they will try to put as many town homes on the property and save as many trees as possible. The timeline for this development would be breaking ground late next spring.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

Mayor Thompson closed the public hearing at 8:43 p.m.

DISCUSSION: None.

****Councilor Daniels moved to approve ANN 04-06, 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 2, 2004. Motion was seconded by Councilor Carson.**

Councilor Carson said it did meet the annexation application criteria.

Motion passed 5-0.

NEW BUSINESS: None.

UNFINISHED BUSINESS: Findings, Conclusion & Final Order Annexation 04-01 Sprague

****Councilor Carson moved to adopt the Findings, Conclusion & Final Order for ANN 04-01, forwarding the annexation application to Canby voters for a final decision. Motion was seconded by Councilor Daniels and passed 5-0.**

RESOLUTIONS & ORDINANCES:

Resolution 870 - ****Councilor Daniels moved to adopt Resolution 870, A RESOLUTION AUTHORIZING APPLICATION FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE REHABILITATION OF ATHLETIC FIELDS AT MAPLE STREET PARK. Motion was seconded by Councilor Blackwell and passed 5-0.**

Ordinance 1148 - ****Councilor Carson 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. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

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. Motion was seconded by Councilor Daniels and passed 5-0 by roll call vote.

Ordinance 1150 - **Councilor Newton 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. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.

Community Development and Planning Director John Williams said that bids were opened July 20, 2004. Funding for Sequoia Parkway is being paid by URD. Hazel Dell Way property owners are taking part in the cost of the project by funding 60%. A public hearing will be held August 4 for the Local Improvement District formation in front of the URD.

Ordinance 1152 - **Councilor Blackwell moved to approve Ordinance 1152, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF SEQUOIA PARKWAY/SE 4TH AVENUE STREET IMPROVEMENTS STAGE III, AND HAZEL DELL WAY EXTENSION STREET IMPROVEMENTS; AND DELARING AN EMERGENCY to come up for second reading on August 4, 2004. Motion was seconded by Councilor Carson.

Councilor Daniels thanked Mr. Williams for getting the project put together so quickly.

Motion passed 5-0 on first reading.

MANAGER'S REPORT: Sewer Backup Ordinance - Mr. Williams said when you get a plug in a sewer line there can be a backup in basements. There is always an issue as to who covers this. They were proposing a change to the Municipal Code to require backflow devises to be installed in buildings designated by the Public Works Supervisor and state that if they are not, the City is not liable. He indicated that some cities partner with customers to help fund these installations as a risk management program. Councilor Carson asked what the average cost was of the unit and the installation cost. Mr. Williams estimated it to be about \$250.00 for both. In some cases it could be more.

City Attorney Kelley said the liability issue is based on negligence. Council gave consensus to have an ordinance brought back.

Information Forms - Mr. Williams passed out new informational brochures that had been developed for business and residents regarding signage and building issues.

Transit & General Services Director Margaret Yochem said that the 250,000 rider had boarded a CAT bus. Janet Sprowles received balloons and a gift certificate. The energy grant would make it possible to buy bigger buses based on ridership.

Library and Parks Director Beth Saul said that temporary patches had been put in the driveway holes at Community Park. A lot of work will be done in September and October, after the busy season. Ms. Saul said they would appreciate it if people did not drive up on the turf. Councilor Blackwell asked if the parking lot by the A-Frame would be paved. Ms. Saul said yes.

Councilor Blackwell thanked everyone who was involved in that project.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Newton said the library along with the Arts Association and Canby School District was presenting Hot Art Cool Mediums exhibit from July 1 to August 31.

Councilor Carson said he had attended the Clackamas County Cities Retreat at Timothy Lake. They discussed ways to better communicate between cities, the county and Metro. Canby Rotary 3 on 3 Nothing But Net Basketball Tournament would be on July 31st.

Mayor Thompson reminded the public that there would be a City Council/Neighborhood Association workshop at 7:00 PM on July 29 at the Canby Adult Center regarding Canby's buildable land supply.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving Resolution 869.
3. Approving Annexation 04-04.
4. Approving Annexation 04-06
5. Approving the Findings, Conclusion & Final Order for Annexation 04-01.
6. Approving Resolution 870.
7. Approving Ordinance 1148 on second reading.
8. Approving Ordinance 1149 on second reading.
9. Approving Ordinance 1150 on second reading.
10. Approving Ordinance 1152 to come up for second reading on August 4, 2004.

****Councilor Carson moved to go into executive session under ORS 192.660(2)(h) pending litigation.**

Mayor Thompson recessed the regular session at 9:21 p.m.

Mayor Thompson reconvened the regular session at 10:01 p.m.

****Councilor Carson moved to instruct the City Attorney to write a response to the demand letter from Zoar Lutheran Church declining the claim on the grounds that CIS Insurance Company has already denied the claim. Motion was seconded by Councilor Blackwell and passed 5-0.**

Mayor Thompson adjourned the regular session at 10:05 p.m.

**CANBY CITY COUNCIL
EXECUTIVE SESSION
July 21, 2004**

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

Mayor Thompson called the session to order at 9:25 p.m.

ORS 192.660(2)(h) – The Council discussed a tort claims notice from Zoar Lutheran Church.

Mayor Thompson adjourned the session at 10:00 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted in Preparation of Minutes – Valerie Kraxberger