

CANBY CITY COUNCIL

Regular Session

December 17, 2003

AMENDED AGENDA – 7:30 PM – Council Chambers

1. OPENING CEREMONIES:
 - A. Call to Order, Flag Salute
2. PRESENTATION:
 - A. Employee of the Month Pg. 1
3. CITIZEN INPUT ON NON-AGENDA ITEMS:
4. CONSENT AGENDA:
Minutes – Regular Meeting, December 3, 2003
Accounts Payable - \$276,025.72
Appointments to Planning Commission Pg. 3
Appointments to General Canby Days Committee
5. COMMUNICATIONS:
 - A. Intergovernmental Agreement between Canby and Happy Valley for Judge Jon S. Henricksen
6. PUBLIC HEARING:
 - A. Parks & Recreation System Development Charges Pg. 5
7. NEW BUSINESS:
 - A. Amend Management Pay Plan Pg. 28
 - B. SPWF Loan Application for S. Sequoia/4th Avenue Construction
8. UNFINISHED BUSINESS:
9. RESOLUTIONS & ORDINANCES:
 - A. Res. 846, Amending Resolution 567 and 741 Establishing Traffic Safety Commission Pg. 40
 - B. Res. 847, Adopting Intergovernmental Agreement with Urban Renewal Agency Regarding Sequoia Parkway and 4th Avenue Pg. 44
 - C. Res. 848, Announcing Intention to Reimburse Incurred Costs from Sequoia Parkway and 4th Avenue Project from Bond Proceeds Pg. 48
 - D. Ord. 1129, Change Order for Sequoia Parkway (2nd Reading) Pg. 49
 - E. Ord. 1130, Awarding Contract for Engineering Services Sequoia Parkway (2nd Reading) Pg. 50
 - F. Ord. 1131, Authorizing Contract with CPW for Development of Willamette Wayside Properties Master Plan (2nd Reading) Pg. 65
 - G. Ord. 1132, Amending Zoning Map (2nd Reading) Pg. 66
10. MANAGER'S REPORT:
11. CITIZEN INPUT:
12. COUNCILORS' ISSUES:
13. ACTION REVIEW:
14. EXECUTIVE SESSION: ORS 192.660 (1)(h) pending litigation
15. ADJOURN:

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233.*

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**CANBY CITY COUNCIL
REGULAR SESSION
December 17, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Library & Parks Director Beth Saul, Project Planner Matilda Deas, Administrative Specialist Kim Scheafer, Office Specialist Joyce Peters, Library Coordinator Marty Moretty, Duane Weeks, Greg Perez, Loryn Moore, Maxine Holderness, Frank Remsing, Suzanne VanAmburgh, Gary Field, Teresa Thompson, Tom Scott, Buzz Weygandt, Kay Lewelling, Leighton Perkins, David Howell, Bev Doolittle, Lila & Curtis Gottman, and Randy Tessman.

Mayor Thompson called the regular session to order at 7:30 p.m., followed by the opening ceremonies. Mayor Thompson recessed at 7:32 p.m. for an Urban Renewal Agency Meeting. Mayor Thompson reconvened the session at 7:40 p.m.

PRESENTATION: Employee of the Month – City Administrator Mark Adcock said the Employee of the Month for November was Ronda Rozzell from the Public Works Department. Community Development and Planning Director John Williams accepted the certificate on behalf of Ms. Rozzell who was ill that evening.

PROCLAMATION: Toys for Tots and Christmas Food Basket Week - Mayor Thompson presented Mr. Duane Weeks and Mr. Greg Perez with a proclamation proclaiming December 14 – 20, 2003 Toys for Tots and Christmas Food Basket week. Mr. Perez thanked everyone in Canby for donating food, clothes, and money.

CITIZEN INPUT ON NON-AGENDA ITEMS: Ms. Loryn Moore, resident of 1281 NE 12th Way, introduced the Friends of the Canby Public Library Board members Dale Liberty, Maxine Holderness, Frank Remsing, Suzanne VanAmburgh, Gary Field, and Teresa Thompson. Ms. Moore presented a check for \$5,000 to Library & Parks Director Beth Saul and Library Coordinator Marty Moretty.

Bev Doolittle, Chamber of Commerce Director, said the community Christmas tree would be going up that weekend.

CONSENT AGENDA: **Councilor Carson moved to approve the Minutes of the Regular Meeting of December 3, 2003; Accounts Payable of \$276,025.72; reappointment of Dan Ewert and Geoff Manley to the Planning Commission for a term to end December 31, 2006; appointment of Randy Tessman to the Planning Commission for a term to end December 31, 2006; and reappointment of Lila Gottman and Charles Blackwell to the General Canby Day Committee for a term to end on December 31, 2006. Motion was seconded by Councilor Blackwell and passed 5-0.

COMMUNICATIONS: Intergovernmental Agreement between Canby and Happy Valley for Judge Jon S. Henricksen – City Attorney Kelley said the City of Happy Valley recently instituted a municipal court system. They only held court one afternoon a month.

****Councilor Carson moved to authorize the Mayor to sign an Intergovernmental Agreement between the cities of Happy Valley and Canby for municipal court judge services of Judge Jon S. Henricksen. Motion was seconded by Councilor Daniels and passed 5-0.**

PUBLIC HEARING: Parks & Recreation System Development Charges – Mayor Thompson read the public hearing format.

STAFF REPORT: Library and Parks Director Beth Saul said the City had been working on updating the Park Master Plan for over three years, and an Acquisition Plan. The SDC methodology needed to be updated along with the park dedication ordinance. Ms. Saul said the Council needed to decide whether the methodology was acceptable, and if so, an ordinance would need to be brought to adopt it, as well as a land dedication ordinance.

Project Planner Matilda Deas said they wanted to lead with land dedication because they often had a hard time getting land ahead of development, or part of development, and after-the-fact it was very expensive. Ms. Deas said they worked hard on the criteria, and it would be a text amendment to the land use ordinance. If an application met the criteria, they would accept a land dedication in lieu of System Development Charges. If it did not meet the criteria, it would fall under the SDC methodology they had before them that night. They currently based the SDC on a per bedroom basis, and most cities did a per dwelling unit. The reason for going with a dwelling unit was that it was more accurate and fair. They also had to comply with new legislation; the fees had to relate to growth, not to cover for a deficit. They would also use SDC's for non-residential development as well.

Ms. Deas said the direction she needed from the Council was to see if the methodology met with their approval and if the modified capital improvement plan and SDC fees were acceptable. One thing to note was the water SDC was proposed to double. She explained the proposed scenarios. All of the breakdowns were based on 94% of the cost picked up by residential, and 6% by commercial industrial. It would be a \$4,727 Park SDC charge for single family dwelling unit, and for a commercial industrial it would be \$108 per employee. If a business did not have the amount of employees that their rate was based on, they would just have to demonstrate that.

Mayor Thompson asked Ms. Deas to explain what an SDC was, and she explained it. Mayor Thompson said they had not been charging the appropriate rate to keep pace with their park plan. This would be an increase of \$1,199 per dwelling unit.

Councilor Carson said in regard to the ten acres per 1,000, they couldn't count the wetlands and steep slopes as parks. Ms. Deas said that was correct.

Mayor Thompson asked if the figures in scenario one were updated, as most cities seemed to charge less for their SDC's. Mr. Don Ganer said most were current, but there were several cities that were going to update theirs.

Mayor Thompson opened the public hearing at 8: 31 p.m.

PUBLIC TESTIMONY:

Tom Scott, resident of 2018 N Pine Street, was disappointed in the process so far. He said that something this important to the community should involve educating the public with what was going on. He would like to see meetings for the developers and builders. Canby Utility was also looking at increasing their water fees. He thought they should grandfather in current subdivisions, and phasing of the fees in for those applications in process. There was a 5% registration fee that was calculated and he thought the City should not be making money on this process. The builders and developers were ultimately going to pass this on to the homeowners.

Ernie Platt, representing the Home Builders Association of Oregon, said his comments were based on the methodology that was distributed three weeks ago. SDC's could only be used for capital improvements, nothing for operation and maintenance. If there was any short fall, they would have to find another place to find the money. A straight percentage of the administration fee was not a right way to do that. Mr. Platt said that he would like to work with the task force on this issue. The increase was sizable, and they should find a way for those in the process to phase in somehow so they would not be caught in a trap.

Daniel Webb, resident of 1864 N Redwood Street, reiterated the points concerning administrative costs of 5% across the board and phasing in of increase in SDC's. Mr. Webb asked for an explanation of the dedication of land, how they valued the land for the credit. He thought there should be a better way than having residential carrying 94% of the fees, they should be equally shared with all development.

Mayor Thompson closed the public hearing at 8:45 p.m.

DISCUSSION: Mayor Thompson asked Ms. Deas about determining the dedication of the land and its value. She also asked about the methodology to establish residential at 94%. Ms. Deas said the land dedication was a separate piece from what they were discussing that night. There was a list of criteria that other communities were also using. Mayor Thompson asked how the value was determined? Ms. Deas said the highest and best use as-is and an outside company appraises it. Ms. Deas said in many cities, residential paid for all of the SDC's. It was hard for them to know what business or industries used the parks.

Councilor Carson said the 94% residential and 6% commercial industrial fees were still only 50% of what it would cost to put the parks in, so the general public would put in 50% by getting a bond or free dedication to match this. Councilor Carson asked if the phasing in would be difficult. Mr. Williams said when the other SDC's went up, they phased them in, so they had done it before.

Councilor Blackwell said it would be wonderful to have more builders at the meetings.

Councilor Newton said she would like to see public input and take Mr. Platt up on his offer to work with staff on this. She thought the phasing in was a fair way to do it.

Councilor Daniels said that from past experience he thought phasing in was best. Councilor Oliver said there was a lot of information and options. He thought that the workshops were a good idea.

Mayor Thompson said they should also discuss the administration fee. Ms. Saul said the Cost of Services Study already identified what the fee was, and they were already charging it.

Councilor Carson said they should also find out if people were willing to pay for the parks they needed, and Ms. Deas said people wanted a more rural feel and access to parks and open space.

Ms. Deas said they were going to hold some workshops and go over the methodology, administration fee, and create a phasing in process.

NEW BUSINESS: Amend Management Pay Plan – Mr. Adcock said this was a request to amend the management pay plan for the position of Executive Assistant. The recommendation was to approve the pay range and newly defined job description.

****Councilor Newton moved to approve the pay range for the Executive Assistant pay plan as submitted in the staff report. Motion was seconded by Councilor Blackwell and passed 5-0.**

SPWF Loan Application for S. Sequoia/4th Avenue Construction –

****Councilor Carson moved to approve the SPWF Loan Application for S. Sequoia/4th Avenue Construction. Motion was seconded by Councilor Daniels and passed 5-0.**

Resolution 847 – ****Councilor Carson moved to adopt Resolution 847, A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE CANBY URBAN RENEWAL AGENCY REGARDING THE CONSTRUCTION OF SEQUOIA PARKWAY AND FOURTH AVENUE. Motion was seconded by Councilor Blackwell and passed 5-0.**

Resolution 848 – ****Councilor Carson moved to adopt Resolution 848, A RESOLUTION ANNOUNCING AN INTENTION TO REIMBURSE INCURRED COSTS ON THE SEQUOIA PARKWAY AND FOURTH AVENUE PROJECT FROM BOND PROCEEDS. Motion was seconded by Councilor Daniels and passed 5-0.**

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Resolution 846 – ****Councilor Daniels moved to adopt Resolution 846, A RESOLUTION AMENDING RESOLUTION NO. 567 AND RESOLUTION NO. 741 ESTABLISHING A COMMISSION FOR THE PURPOSE OF DEVELOPMENT AND IMPLEMENTATION**

OF COORDINATED TRAFFIC SAFETY PROGRAMS WITHIN CANBY TO BE KNOWN AND DESIGNATED AS THE CANBY TRAFFIC SAFETY COMMISSION. Motion was seconded by Councilor Carson and passed 5-0.

Ordinance 1129 – ****Councilor Daniels moved to adopt Ordinance 1129, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE CHANGE ORDER NUMBER 3 WITH PARKER NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF SEQUOIA PARKWAY STREET IMPROVEMENTS; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Ordinance 1130 – ****Councilor Carson moved to adopt Ordinance 1130, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES ON AN APPROXIMATE 2,200 FOOT EXTENSION OF SEQUOIA PARKWAY AND SE 4TH AVENUE; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Ordinance 1131 – ****Councilor Newton moved to adopt Ordinance 1131, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH COMMUNITY PLANNING WORKSHOP (CPW) FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE WILLAMETTE WAYSIDE PROPERTIES MASTER PLAN; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 5-0 by roll call vote.**

Ordinance 1132 – ****Councilor Daniels moved to adopt Ordinance 1132, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 6600 OF TAX MAP 3-1E-33CD. Motion was seconded by Councilor Carson and passed 5-0 by roll call vote.**

MANAGER'S REPORT: Mr. Adcock said he had spoken with the new president of Willamette Broadband. He would be in Oregon on a frequent basis and would like to talk to the Council in January.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Blackwell said the General Canby Day Committee had asked the children of Eccles Elementary School to submit pictures they would like to see on a General Canby Day button. The Mayor would announce the winners at the March 17, 2004 Council Meeting. The buttons will go on sale in June 2004. The pictures will be displayed around the community allowing people to vote on the ones they like.

Councilor Oliver said the Traffic Safety Commission had made recommendations on two items.

****Councilor Oliver moved to designate NW 3rd Avenue between Baker and NW Cedar as a no truck parking zone. Motion was seconded by Councilor Carson and passed 5-0.**

****Councilor Oliver moved to install a crosswalk across 8th Avenue to Redwood by Trost School and another at SW 13th and Lupine. Motion was seconded by Councilor Daniels and passed 5-0.**

Councilor Daniels thanked the community for the support of the food basket program. This weekend baskets would be delivered.

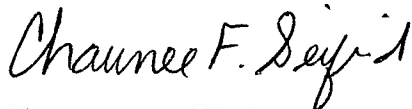
Mayor Thompson said that Ken Schuh contacted her regarding having someone speak at the Canby Gators Animal Swim Meet. Councilor Daniels said he would do the 1:00 time on December 27th.

ACTION REVIEW:

1. Approving an amendment to the management pay plan.
2. Approving the submission of the loan for S. Sequoia and 4th Avenue construction.
3. Approving Resolution 846 amending the language for the Traffic Safety Commission.
4. Approving Resolution 847 and 848 relating to Sequoia Parkway and 4th Avenue.
5. Approving Ordinance 1129, a change order for Sequoia Parkway.
6. Approving Ordinance 1130, the contract for engineering services for the second phase for Sequoia Parkway.
7. Approving Ordinance 1131, the contract for CPW.
8. Approving Ordinance 1132, amending the zoning map for the City of Canby.
9. Implementing the two recommendations from the Traffic Safety Commission.

There was no executive session.

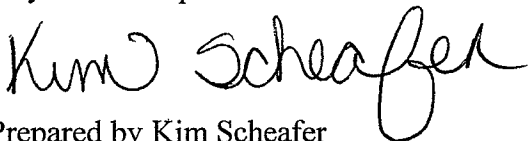
Mayor Thompson adjourned the session at 9:30 p.m.



Chaunee F. Seifried
City Recorder pro tem



Melody Thompson
Mayor



Prepared by Kim Scheafer
and Susan Wood Office Specialists



OFFICE OF THE MAYOR

Proclamation

"TOYS FOR TOTS AND CHRISTMAS FOOD BASKET WEEK"

WHEREAS, Toys for Tots and Christmas Food Baskets originated for the purpose of providing toys and food for less fortunate families in our community; and

WHEREAS, by way of this Proclamation, the City of Canby recognizes that greater public awareness and involvement is needed in order for such programs to achieve their highest potential in providing and promoting joy to each household in this community; and

WHEREAS, the Kiwanis Club of Canby has undertaken the project of collecting and distributing toys and food to these needy families during the time from December 14 through December 20; and

WHEREAS, donations for food baskets can be collected at the warehouse located at 555 Southwest Second Avenue; and

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 14 through December 20, 2003 as

TOYS FOR TOTS AND CHRISTMAS FOOD BASKET WEEK

and urge all people of the City of Canby to observe this time by participating in this toy and food drive helping to provide assurance that each family may have a "twinkle in their eye" this holiday season

Given unto my hand this 17th day of December, 2003.

Melody Thompson
Mayor