

**CANBY CITY COUNCIL
WORKSHOP
October 1, 2003**

Present: Councilors Walt Daniels, Wayne Oliver, Randy Carson, and Teresa Blackwell, City Administrator Mark Adcock, Library and Parks Director Beth Saul, Peggy Sigler, Nora Clark, Luanna Hill, Wayne Guild, Bob Wenzel, Vicki Lang, Carol Meeuwsen, George Carr, and Curtis and Lila Gottman.

Council President Randy Carson called the session to order at 6:35 p.m.

The Council met in the City Hall Conference Room with the Canby Historical Society to discuss funding and promotion of the Historical Society.

Councilor President Carson adjourned the session at 7:22 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
October 1, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Library & Parks Director Beth Saul, Transit & General Services Director Margaret Yochem, Project Planner Matilda Deas, Scott Gustafson, Gwen Schweitzer, Curtis and Lila Gottman, David Howell, and Office Specialist Valerie Kraxberger.

Mayor Thompson called the regular session to order at 7:36 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: None.

CONSENT AGENDA: **Councilor Carson moved to approve the Minutes of the Workshop and Regular Meeting of September 17, 2003 and Accounts Payable of \$264,376.08. Motion was seconded by Councilor Daniels and passed 4-0.

COMMUNICATIONS: Attorney John Kelley said he had received an order from the Land Use Board of Appeals regarding Milne/1000 Friends of Oregon vs. City of Canby/Northwoods Investments regarding their land use appeal. By October 20th they would have the petitioner's brief, and then 20 days later their brief was due. The board's final order would be decided in early December.

Mayor Thompson recommended Scott Taylor for the Canby Utility Board appointment for a term to expire February 28, 2004, the remainder of Bruce Marshall's term.

****Councilor Carson moved to appoint Scott Taylor to the Canby Utility Board for a term to expire on February 28, 2004. Motion was seconded by Councilor Blackwell and passed 4-0.**

Councilor Blackwell recommended Tony Helbling to be appointed to the Planning Commission for a term to expire on December 31, 2005, the remainder of Mark Vissers' term.

****Councilor Blackwell moved to appoint Tony Helbling to the Planning Commission for a term to expire on December 31, 2005. Motion was seconded by Councilor Carson and passed 4-0.**

Councilor Blackwell thanked all the applicants and said they would be kept in the pool to fill future vacancies.

PUBLIC HEARING: CPA 03-05/TA 03-01 Goal 5 Wetland and Riparian Area Regulations – Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

Councilor Daniels – 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.
Councilor Oliver – No contact.
Mayor Thompson – No contact.
Councilor Carson – No contact.
Councilor Blackwell – No contact.

STAFF REPORT: Project Planner Matilda Deas reported that part of the Periodic Review process was to meet the Goal 5 resource element of the State Land Use Goals. It was to set forth wetland, riparian, and wildlife protection ordinances. They did a Safe Harbor riparian protection process and they did a wetland inventory. They could piggy-back on what the County did, but they were proposing the Safe Harbor ordinance which would have a 75 foot setback from the top of the river bank at full stage. The County's setback was 100-150 feet. The Safe Harbor ordinance would be in effect for all the land currently within the City limits, but for property outside the City limits but within the Urban Growth Boundary, they would defer to the County's standards. The Riparian Overlay Zone would be along the Molalla River and the Tofte area would be affected by the 100 foot setback if they came in to the City. There were variances and a mitigation process if people could not meet these standards. The wetland ordinance was derived from the wetland inventory. They identified eight areas as wetlands. This was a

planning tool to help with future development. They had six sensitive, threatened, or endangered species within the two mile radius of their Urban Growth Boundary, and for the most part they already were aware of them. The Safe Harbor ordinance also covered habitat protection.

Mayor Thompson asked about the County setbacks and what would happen when land was annexed in. Ms. Deas said they would remain at the County's setbacks.

Councilor Blackwell asked what hydric soils were. Ms. Deas said they were saturated a certain percentage of time out of the year and was a wetland indicator.

Mayor Thompson opened the public hearing at 8:16 p.m.

PUBLIC TESTIMONY: None.

Mayor Thompson closed the public hearing at 8:17 p.m.

DISCUSSION: Councilor Carson thought some people might think they were taking away rights to their property, but all they were doing was putting in their comprehensive plan the rules that the State had mandated.

****Councilor Daniels moved to adopt Ordinance 1124, AN ORDINANCE ADOPTING THE CITY OF CANBY'S LOCAL WETLANDS AND RIPARIAN INVENTORY, AMENDING CANBY'S COMPREHENSIVE PLAN, AND TITLE 16 OF THE CANBY MUNICIPAL CODE to come up for second reading on October 15, 2003. Motion was seconded by Councilor Blackwell and passed 4-0 on first reading.**

NEW BUSINESS: ODOT Fund Exchange Agreement – Administrator Adcock said this was an agreement for the City to accept \$68,725.00 in State funds that was Federal money funneled through ODOT. This was a program the City participated in previously and they would apply the money to N Ivy.

****Councilor Carson moved to authorize the Mayor to execute the 2003 Fund Exchange Agreement with the Oregon Department of Transportation. Motion was seconded by Councilor Daniels and passed 4-0.**

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES: Ordinance 1124 - Already done above under public hearing.

MANAGER'S REPORT: Update on Vehicle Fleet – Administrator Adcock said in the budget there were funds to replace a vehicle in the administrative pool, and the Council wanted to have a presentation regarding this. Margaret Yochem was now in charge of the vehicle fleet, and she prepared a report outlining the current state of the fleet. Ms. Yochem said they had four cars in the administrative fleet, and she recommended for this year to buy a new car and retire an older car. They had \$23,000 in fleet reserves. They would buy the new car for \$14,000. Scott

Gustafson, the City of Canby's insurance agent, spoke regarding risk management issues in determining whether they should have pool cars or employees using their own cars on City business. Mayor Thompson asked about coverage for partial use of employee vehicles, as there weren't enough City cars for everyone to use. Mr. Gustafson said that issue should be spoken to through an ordinance. Ms. Yochem said it was rare that they would all be gone at the same time. Councilor Daniels asked if the new car would go into the vehicle pool, and Ms. Yochem said yes it would.

Update on Transit Station – Ms. Yochem said they were looking at an October 20th completion date and a November 3rd ribbon cutting. Councilor Carson asked about when Tri-Met would pull their busses. Ms. Yochem said not until at least March.

Update on New Grants – Ms. Yochem announced that CAT was applying for three new grants. They were for \$30,000 for vehicle preservation, \$75,000 for a transportation discretionary grant for the new transit bus stop, and \$20,000 for long-term transit master planning. They had been approved for the first one, and the other two looked good. Their 5309 earmark for \$150,000 they applied for was completed through the House and was now going to the Senate. Councilor Carson thanked her for all the hard work. Councilor Daniels complimented her on her report and the transit program. Councilor Carson commented on reserves and that they needed to make sure they knew department needs so they could put enough money away.

Administrator Adcock talked about the registration materials for the Annual League of Oregon Cities conference and hoped Council members could attend. He suggested the workshop on Friday was especially good to attend, as they would be discussing the Carver model. Councilor Daniels stressed that it was important to go.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Mayor Thompson talked about the antiquated residency requirements for officers and employees in the Municipal Code. She asked if the ordinance should be amended. Administrator Adcock recommended to repeal the language. Councilor Daniels said the reason it was there was because some employees were on call in case of an emergency, and they had to have a quick response time. They had solved these problems. Attorney Kelley said they had discussed imposing upon them a time limit to get around the issue. There was Council consensus to repeal the language.

ACTION REVIEW:

1. Appointing Scott Taylor to the Canby Utility Board.
2. Appointing Tony Helbling to the Planning Commission.
3. Approving the Consent Agenda.
4. Approving Ordinance 1124 on first reading, to come up for second reading on October 15.
5. Approving the 2003 ODOT Fund Exchange Agreement.
6. Bringing back language regarding repealing ordinance for residency requirements for staff.

Attorney Kelley asked if Council wanted a resolution brought back about partial insurance for employees using their vehicles for City business. Mayor Thompson thought the decision should be Administrator Adcock's, and if he wanted that safety measure, that was fine with her. The Council agreed.

There was no executive session.

Mayor Thompson adjourned the session at 8: 27 p.m.

Chaunee F. Seifried

Chaunee F. Seifried
City Recorder pro tem

Melody Thompson

Melody Thompson
Mayor

Valerie Kraxberger

Prepared by Valerie Kraxberger
and Susan Wood Office Specialists