

**CANBY CITY COUNCIL
REGULAR SESSION
October 15, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Finance & Court Services Director Chaunee Seifried, Library & Parks Director Beth Saul, Transit & General Services Director Margaret Yochem, Project Planner Matilda Deas, Administrative Specialist Kim Scheafer, Office Specialist Suzan Duffy, Office Specialist Joyce Peters, David Howell, Paul & Joyce Satter, Leonard Walker, Curtis & Lila Gottman, Buzz Weygandt, Boy Scout Troup 266, Craig Lewelling, Jack Pendleton, Dan Leischner, and Scott Fields.

Mayor Thompson called the regular session to order at 7:44 p.m., followed by the opening ceremonies.

PRESENTATION: Employee of the Month - City Administrator Mark Adcock presented Suzan Duffy from the Finance Department with an Employee of the Month certificate along with a gift certificate.

CITIZEN INPUT ON NON-AGENDA ITEMS: A representative from Boy Scout Troop 266 said a few of the scouts were there that night to fulfill requirements for a merit badge in citizenship. The Council welcomed them.

CONSENT AGENDA: ****Councilor Carson moved to approve the Minutes of the Workshop of September 24, 2003; Minutes of the Workshop and Regular Meeting of October 1, 2003; Accounts Payable of \$911,778.48; Appointment of Doug Gingerich to the Traffic Safety Commission; and Appointment of Rick Maier to the Parks & Recreation Advisory Board. Motion was seconded by Councilor Newton and passed 5-0.**

COMMUNICATIONS: None.

PUBLIC HEARING: CPA 03-04 Adopting an Area of Special Concern Designation for the Northwoods Property – Mayor Thompson read the public hearing format.

CONFLICT OF INTEREST:

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 Newton – Drove by the site and had conversations with the developers. She spoke with Ron Tatone a couple of weeks ago and asked how it was going.

Councilor Oliver – No contact.

Councilor Johnson – No contact.

Mayor Thompson – No contact, drove by the site.

Councilor Carson – No contact, drove by the site.

Councilor Blackwell – No contact, lives by the site.

STAFF REPORT: Community Development and Planning Director John Williams said this originated when the Planning Commission first reviewed the Northwoods application to amend the City's Urban Growth Boundary. They wanted to ensure a master plan was created before development started. This would create an area of special concern. The Planning Commission voted 6-0 to recommend approval of this proposal. Until LUBA told them otherwise, the City Council's decision on this was standing. The property was currently in the City and zoned low density residential. There was a lot of written testimony with specific items that people wanted to see included in the language. The Planning Commission added public safety and the uses of the land around the property. The owners of the property testified that the sentence regarding input from the neighborhood associations and public should be taken out, but the Planning Commission wanted a discussion of the master plan in the neighborhood before it came to them. They wanted to know what the issues were and how the owners responded. There was an ordinance to act on as well.

Councilor Oliver asked if the LUBA case overturned the Council's decision, would it go back to the way it was? Mr. Williams said it depended on what they did. If they remanded it, they would send the decision back to the City. If they found it was not in compliance, they could overturn it. By the end of the year or early in the next was when the decision would be made.

Mayor Thompson asked if plans were in place for a public safety facility in the area, or was it just something they had talked about? Mr. Williams said the Planning Commission added that language, and it was an idea of having a fire station on that side of town. They wanted to make sure there was discussion with the Fire Department about it.

Mayor Thompson opened the public hearing at 8:00 p.m.

PUBLIC TESTIMONY:

PROPONENTS: Joyce Satter, resident of 407 NW Territorial Rd, said she was in favor of this proposal being adopted. It gave the people in the neighborhood an opportunity to share their concerns and ideas since they would be the most affected by the development. She thought the neighbors should not be excluded and many people had ideas for the area.

Paul Satter, resident of 407 NW Territorial Rd, said he would like to see the land preserved for agriculture, but if it was to be developed he would like to see a master plan in place with neighborhood input.

Jack Pendleton, resident of 686 NW 13th, said he would like to see something new and creative for this area, instead of the same kind of piece meal development. He thought interspersed with houses could be greenways, parks, nature preserves, etc. This would be a good place to start.

OPPONENTS: None.

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

DISCUSSION: Councilor Carson said the wording that the area was surrounded by existing neighborhoods that could be “negatively impacted by development” should not be in there. This brought the wrong connotation for what they were trying to do. Mr. Williams said it could be amended. Councilor Carson also said Mr. Tatone, one of the property owners, was in favor of a master plan. Councilor Blackwell thought they could change it to say existing neighborhoods could be “greatly impacted by development.”

Councilor Johnson said it would be negative from a property value standpoint. He felt developing a master plan would negate some of the issues with the neighbors. He didn’t see the importance of one word.

Councilor Oliver said he didn’t know if they should put in time and energy to do this master plan if it wasn’t going to happen.

Mayor Thompson asked if the master plan would be created at the point the property owners wished to pursue development? Mr. Williams said that was his understanding.

Councilor Newton asked if the developers had worked on plans, would they have to start over again? Mr. Williams said the property owners would develop a plan to some degree and get public input and go from there. It was not specified what steps they had to take when.

****Councilor Oliver moved to have the word “negatively” deleted from the text of City of Canby CPA 03-04 Exhibit 1 and to approve the CPA 03-04 text amendment. Motion was seconded by Councilor Carson and passed 4-1 with Councilor Oliver opposed.**

****Councilor Blackwell moved to adopt Ordinance 1126, AN ORDINANCE AMENDING CANBY’S COMPREHENSIVE PLAN BY ADDING A NEW “AREA OF SPECIAL CONCERN” striking from the wording “negatively” to come up for second reading on November 5, 2003. Motion was seconded by Councilor Carson and passed 4-1 on first reading with Councilor Oliver opposed.**

NEW BUSINESS: Creation of OS III Position for Transit Department – Mr. Adcock said that the Transit Department had grown, and they had a better handle on the level of activity and support needed. There was a shared position in the Planning Department, and the Planning Department staffing was changing to bring the office specialist back to full time. In looking at the level of Office Specialist III, it was that classification because of the complexity of the work involved.

****Councilor Carson moved to accept staff's recommendation to hire an OS III position for the Transit Department and make funding changes as necessary. Motion was seconded by Councilor Blackwell and passed 5-0.**

Wait Park Restroom Funding – Mr. Adcock said that they needed to complete the project, and originally the former Council authorized up to \$15,000 for this to be as a last source after all other funding had been used. In order to complete this they were asking to take \$15,000 from the Eco Park reserve line item.

Councilor Carson said they had considerable savings through use of high school students and donations; it was well under what the project would have cost.

****Councilor Blackwell moved to approve up to \$15,000 to be taken from the Eco Park line items and put into the Park Development Fund to complete the Wait Park restrooms. Motion was seconded by Councilor Oliver and passed 5-0.**

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Ordinance 1124 - ****Councilor Blackwell 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. Motion was seconded by Councilor Johnson and passed 5-0 by roll call vote.**

Ordinance 1125 - Administrator Adcock said at the last Council meeting, the Mayor brought this issue up and the Council decided to update the language.

****Councilor Carson moved to adopt Ordinance 1125, AN ORDINANCE REPEALING CHAPTER 2.60 OF THE CANBY MUNICIPAL CODE WHICH ESTABLISHES RESIDENCY REQUIREMENTS FOR OFFICERS AND EMPLOYEES OF THE CITY OF CANBY to come up for second reading on November 5, 2003. Motion was seconded by Councilor Blackwell and passed 5-0 on first reading.**

MANAGER'S REPORT: Update on Neighborhood Associations – Project Planner Matilda Deas had a six step program to be approved that night. They had two officially recognized neighborhood associations currently, and two more neighborhood associations coming on line in the near future. Ms. Deas described the proposed steps to the Council. They would have several workshops, have videos made of them for future training, and create a booklet. They were trying to do things efficiently and effectively so they didn't squander resources, reinvent the wheel, learn from other people, and try to tailor it to their community. One of the final steps was to create an involvement committee that had representatives from each neighborhood association.

Councilor Johnson said he thought this was excellent work. Mayor Thompson said she liked the way the steps were set up.

Councilor Carson asked if the four neighborhood groups would encompass the whole town? Ms. Deas said the only part left would be downtown.

Councilor Blackwell said she liked the tangible outcome and the communication with all the parties. Mayor Thompson said it was important that all of them had the same knowledge of the City's processes.

Councilor Newton said she was concerned that this was going to take quite a bit of time and that if they had a project where they needed the neighborhood association's input and they weren't through the process, could they still work together? Ms. Deas said it wouldn't stall anything, it would only make it better.

Mayor Thompson said she heard the NE Neighborhood Association would like to have more formalized and consistent agendas and notifications on the City committees and decisions made. Ms. Deas said that would be in the manual, and the web site would have information too. The idea was to have one neighborhood association contact for staff to send the information to, and that person would distribute it as needed.

Leonard Walker, resident of 1526 N Plum Ct and chair of the NE Canby Neighborhood Association, said they had a problem with communicating to other people in the association as they didn't have money for a newsletter. Other than a meeting, they could use email, but not everyone had it. Mayor Thompson said when they met with the other neighborhood associations, they could brainstorm together what to do.

Council gave consensus to approve the proposed action steps and timeline outlined.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Newton said that Tony Helbling was resigning from the Urban Renewal Advisory Committee and asked staff to post that position.

Councilor Johnson gave Council a newspaper clipping regarding environmental groups challenging the spreading of sewer sludge.

Councilor Johnson said he saw media coverage regarding traffic ticket fine adjustments, and he wanted to know what the Judge's attitude would be? It was a revenue question. Councilor Carson said he had spoken with the Judge and there were going to be meetings with other judges to discuss this. City Attorney John Kelley said he and Judge Henricksen had both attended information sessions about this, and the law also said the Judge may not suspend less than the base amount of the fine, but the Judge used to base it on their driving record. There really wasn't much he could do without putting himself in violation of the law. They thought to do an article in the *Canby Herald* explaining what the base fines were and how much they were impacted and that he had to follow the guidelines. From a legal perspective they were not going to be dismissing cases and Judge Henricksen would not be suspending a lot of the fines, so the money should increase.

Mr. Adcock said before they could do any type of financial analysis they needed to see the Judge's plan for how he was going to comply. In regard to the sludge, they would bring back information about it.

Councilor Johnson thanked Chief Ken Pagano for 27 years of service.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Approving the creation of a new Office Specialist III position, and starting recruitment for it.
3. Approving the additional funding for the Wait Park restrooms.
4. Approving Ordinance 1126 on first reading, to come up for second reading on November 5.
5. Approving Ordinance 1124 on second reading.
6. Approving Ordinance 1125 on first reading, to come up for second reading on November 5.
7. Approving the neighborhood association steps and timeline.
8. Advertising for the opening on the Urban Renewal Advisory Committee.
9. Bringing back a report on sludge disposal.

There was no executive session.

Mayor Thompson adjourned the session at 8:55 p.m.

Chaunee F. Seifried

Chaunee F. Seifried
City Recorder pro tem

Kim D. Scheafer

Prepared by Kim Scheafer
and Susan Wood Office Specialists

Melody Thompson

Melody Thompson
Mayor