

**CANBY CITY COUNCIL
REGULAR SESSION
November 19, 2003**

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

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development & Planning Director John Williams, Library & Parks Director Beth Saul, Transit & General Services Director Margaret Yochem, Administrative Specialist Kim Scheafer, WWTP Supervisor Darvin Tramel, Fleet Service Supervisor Joe Witt, Office Specialist Suzan Duffy, Library Coordinator Marty Moretty, Curtis & Lila Gottman, Jim Newton, Bev Doolittle, David Howell, Karl Hansen, Farrel and Bock Johnson, and Jill Marie Wiles.

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 Joe Witt from Fleet Services with an Employee of the Month certificate along with a gift certificate.

CITIZEN INPUT ON NON-AGENDA ITEMS: Bev Doolittle, Director of the Canby Area Chamber of Commerce, spoke on behalf of the Canby Rotary. Ms. Doolittle and Councilor Carson presented the City of Canby Park Department with a check for \$12,000 from the Rotary to be used toward playground equipment at the Canby Community Park.

Ms. Doolittle showed the City Council the new Chamber Christmas ornament featuring General Canby. The downtown holiday open house would be during the weekend of November 29th.

Brian Rash, resident of 332 SE 7th Way, said for his political action project for school, he was proposing a project of putting up a welcome sign, flowers, and trees across from Fred Meyer to beautify the entrance to the City. He had a sketch of what he was proposing. The Council would discuss the idea.

CONSENT AGENDA: ****Councilor Carson moved to approve the Minutes of the Workshop and Regular Meeting of November 5, 2003 and Accounts Payable of \$465,255.40. Motion was seconded by Councilor Blackwell and passed 6-0.**

COMMUNICATIONS: Letter from John Meredith Regarding 1.6 Acre Annexation - Mr. Adcock said that the letter asked for the 1.6 acre annexation to be put on the ballot again next spring.

Karl Mawson of Compass Engineering, 6465 Lake Rd, Milwaukie, spoke on behalf of Mr. Meredith and said when the annexation request was denied by voters, they found that the deadline for filing for the next election had already passed. Mr. Mawson said they were pretty certain it would pass the first time, and had not realized that the timelines were so short. The Council had seen the project and there were no changes to it. The votes were close, and this

project was the best infill project currently available. This time they would do a better job at explaining the benefits of the project.

Mayor Thompson read from their letter some reasons for allowing this.

Councilor Newton asked if this would be on the May ballot. City Attorney Kelley said it would. Mayor Thompson asked about the timeline for filing annexations. Community Development and Planning Director John Williams explained it.

Councilor Johnson asked about another annexation in which the deadline was waived, and Mr. Williams said it had also failed at the ballot.

Councilor Carson said the Council would be having some public meetings in the next few months to talk about why the annexations were being turned down. This was an infill project, and the property surrounding it was already in the City. Councilor Daniels said they were not the only City with this problem, the City of Salem had recently had annexations turned down.

Councilor Johnson said he would not support this because the voters had already said no to it. Mayor Thompson said if annexations were declined at the ballot, they had to go through the same process to be approved again. Councilor Oliver said that he would support this due to the fact that it was infill and was a small parcel and that the form for filing deadlines was confusing. Councilor Daniels said that he would support this as it fit the criteria, and they should send it back to the voters. Councilor Blackwell said they should stay with the Ordinance. Councilor Newton didn't have a problem with the project but would stay with the Ordinance and time requirements. Councilor Carson also thought they should stay with the Ordinance.

****Councilor Daniels moved to waive the timeline for the annexation applicant. Motion was seconded by Councilor Oliver and failed 4-2 with Councilors Daniels and Oliver in favor.**

NEW BUSINESS: Water Extension on NE Dutch Vista Court – Community Development and Planning Director John Williams said in August of 2002, an application was made on Dutch Vista for four water connections. Since that time, one of those residents applied to the County for a partition of their property, and the County wanted them to change the triplex currently on the land to a duplex, each unit on its own lot, and they needed another water service to the extra lot.

****Councilor Johnson moved to approve the request and authorize the Mayor to sign a letter to Clackamas County requesting their concurrence. Motion was seconded by Councilor Blackwell.**

Councilor Newton asked if the hookups were needed because of poor water quality and health issues. She was having problems with the City supplying services outside the City Limits and UGB.

Karl Hansen, Assistant General Manager of Canby Utility, said in 2001 a waterline was approved to be extended on Territorial Road and across 99E to New Life Foursquare Church.

The Dutch Vista folks came in 2002 and requested an emergency water hook-up for health reasons but because of the costs to the homeowners, only two hookups had been completed. Mayor Thompson asked if they were still using the wells, and Mr. Hansen said that was correct.

Councilor Carson asked if they put five lines in anticipating they would need to add another? Mr. Hansen said that was correct.

Mayor Thompson asked about the hook up fees. Mr. Hansen explained them.

Mayor Thompson asked if they provided a recommendation that it could be done. Mr. Hansen said they did.

Jim Newton, Canby Utility Board member, said their policy was not to serve outside of the UGB, but they would evaluate a request and allow the Council to decide. Councilor Daniels said this was a case of a health issue. Councilor Newton asked if there was still a health issue.

Ms. Bock Johnson, resident of 2486 NE Dutch Vista, said they were waiting for the County to hook up to know where the pipes would go because of the construction to the sites.

Councilor Carson said they could take both of the connections already there and use them. He thought they should ask the applicant to take out the extra unit before they hooked up to the water. Mayor Thompson said this was a delicate decision, as they usually got tax revenue that they provided services to, but that was not the case in this situation. She understood there was a health issue, but some people had not hooked up.

Councilor Johnson said he was confused why this was an issue since the damage was already done and water service was already out there. Councilor Carson said he felt taken advantage of that some people did not hook up.

Councilor Oliver asked where CUB was financially? Mr. Hansen said they were in the hole, because they were dealing with the County and extended construction to get all four ready to go prior to actual funds being paid. They didn't want to open the road several times as it was more expense.

Councilor Newton said this felt more like a development process and she did not feel comfortable supporting it. Councilor Daniels said at the time they saw a health hazard and it bothered him that they did not know they were doing construction out there.

****Councilor Carson amended the motion to allow the approval of the hook up, with the condition that the Hands hook up and they would pay for any extra costs. Councilor Oliver seconded.**

Mr. Bock said the Hands would not hook-up.

Mayor Thompson said she felt they needed direction from the Canby Utility Board. Mr. Hansen said direction should come from the Council. They looked at what would benefit the City, but this was outside the City and UGB. They needed to make policy through the Board.

****The amended motion failed 5-1 with Councilor Carson in favor.**

Councilor Johnson withdrew his original motion and Councilor Blackwell concurred.

****Councilor Daniels moved to deny the request to extend the water service extension. Motion was seconded by Councilor Johnson.**

Mr. Kelley clarified that this was for a fifth water line.

Motion passed 6-0.

UNFINISHED BUSINESS: None.

RESOLUTIONS & ORDINANCES:

Ordinance 1127 - ****Councilor Johnson moved to adopt Ordinance 1127, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH GRESHAM FORD OF GRESHAM, OREGON AND FORD MOTOR CREDIT COMPANY FOR THE LEASE/PURCHASE OF TWO (2) 2004 FORD CROWN VICTORIA POLICE SEDANS WITH EMERGENCY EQUIPMENT PACKAGES, AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Carson and passed 6-0 by roll call vote.**

Ordinance 1128 - Councilor Blackwell asked what happened if they spent this money and they wanted to switch it to land fill or burning? WWTP Supervisor Darvin Tramel said these types of rulings that came from the EPA took years, and to stop applying biosolids would be in the far future and they kept track of it. Currently this was the most practiced use, and the only other option was incineration, which would cost several millions of dollars to do it. Councilor Blackwell just wanted to be sure they would get their money's worth out of the equipment. Mr. Tramel said there were a lot of options, but they went low budget. He thought this would last 10 years. Councilor Johnson asked how the spreader box worked, and Mr. Tramel explained it. He said the phase 2 project was coming to an end, and the machinery was working well. Mayor Thompson thought they should do a tour of the plant. Councilor Daniels asked if they would have less odor complaints with this new system, and Mr. Tramel said that was one reason they went with this new system. It reduced the odor, amount of time traveling, and cost less.

****Councilor Johnson moved to adopt Ordinance 1128, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH DAVAN ENTERPRISE OF CANBY, OREGON FOR THE PURCHASE OF A SOLID WASTE SPREADER BOX AND THE INSTALLATION OF THE SPREADER BOX AND P.T.O. KIT FOR THE CITY OF CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading**

on December 3, 2003. Motion was seconded by Councilor Blackwell and passed 6-0 on first reading.

MANAGER'S REPORT: Mr. Adcock said that City Attorney Kelley had done research on the anti-smoking laws request. The bottom line was they were pre-empted by state law from doing this unless they had done it before July 1, 2001. They would pass along the information to the students who brought up the subject.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Carson said the Canby Urban Renewal Agency would be having a workshop on December 3 with the IAA to discuss the routing and information on Hazeldell Way. There was also an Agency meeting with the Fire Board on December 10. Mayor Thompson said they also had a workshop with the Planning Commission on Monday to discuss the annexation priority system.

Councilor Johnson thanked Officer Spencer on writing two successful grants for the Police Department.

Mayor Thompson thanked the volunteers that were at the Police Outreach Center Open House on November 15. Councilor Carson said that Clackamas County was also going to have their victims advocacy office located there also.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Denying the request for the waiver of time for the Meredith annexation.
3. Denying the request for the water extension on NE Dutch Vista Court.
4. Approving the second reading of Ordinance 1127.
5. Bringing back Ordinance 1128 for second reading on December 3, 2003.
6. Following up on the high school students' government projects.

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

Melody Thompson

Melody Thompson
Mayor

Kim Scheafer

Prepared by Kim Scheafer
and Susan Wood Office Specialists