

CANBY CITY COUNCIL
REGULAR SESSION
DECEMBER 4, 2002

Mayor Terry Prince presiding. Council members present: Jean Tallman, Walt Daniels, Patrick Johnson, Shirley Strong, Randy Carson and Teresa Blackwell.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Finance Director Chaunee Seifried, Library and Parks Director Beth Saul, Transit Director Margaret Yochem, Project Planner Matilda Deas, Assistant Planner Clint Chiavarini, Kim Scheafer, Keith Stewart, Wayne Oliver, Marlene Elmore, Leonard Walker, Janet Milne, Nancy Murphy, Gloria Gardiner, Joe Dills, John & Virginia Molamphy, Paul Dawson, Craig Finden, Bev Doolittle, Georgia Newton, Curtis & Lila Gottman, Shannon Ribe, Steven Amick, Rick Myer, Duane Weeks, Scott Cates, David Howell and Jim Newton.

Mayor Prince called the regular session to order at 7:35 p.m., followed by the opening ceremonies and a moment of silence for our troops in the field.

PRESENTATION: Presentation to Keith Stewart - Mayor Prince presented a plaque to Keith Stewart in recognition of his seven years of service on the Planning Commission. He appreciated everything that Mr. Stewart had done for the City. Councilor Strong also thanked Mr. Stewart for his dedication and the time he spent away from his family. Councilor Tallman stated that she had served with Mr. Stewart for 4 ½ years on the Planning Commission and she thought the City was a lot better for his efforts. She thanked him for all the help he gave her while she was on the Commission. Councilor Blackwell thanked Mr. Stewart for being there for those on the Commission and for following his heart in doing what he thought were the true and right things. She also thanked him for helping her, for helping past planning commissioners, the City of Canby, and for his service and dedication. Mr. Stewart thanked everyone. Councilor Johnson said that it was people like Mr. Stewart who made the job really worthwhile. He was a good example of getting involved in City government and setting policy. Mr. Stewart viewed this City as "his town" and it showed that he really cared. He hoped Mr. Stewart would stay in touch and continue to be as involved as he could. Mr. Stewart said he got involved for two reasons: to learn more about his adopted home and to try to make a difference in the community. Canby could paint its own canvas, and he hoped people would get involved in how they wanted their community to look in the next 15 to 20 years. He said it was time to step aside and let new leadership come forward. He hoped people would step up and build a good future for Canby.

PROCLAMATIONS: Kiwanis Toys for Tots and Christmas Food Basket Week - Mayor Prince read the proclamation declaring December 1 - 23, 2002 as Toys for Tots and Christmas Food Basket Week. Nancy Murphy, secretary of the Canby Kiwanis Club, accepted the proclamation and Council donations. Mrs. Murphy said she was filling in for their president, and she announced that their president elect was Councilor Walt Daniels. She also introduced Marlene Elmore, Beth Saul, Duane Weeks, and Shirley Strong who were fellow Kiwanians. They had been doing this for more than 45 years and their warehouse was located on S. Pine. Food and toys would be sorted next week and would be delivered to 300 or more families on Saturday, December 21. Councilor Daniels said he appreciated the efforts of the community. He also stated that they needed items for children 10 and 12 years and

older. Also he requested that people donate nutritious food. Mr. Weeks said historical they collected 20 to 25 tons of food a year, and they also gave some of the food to the St. Vincent food drive. He also thanked the schools for their efforts in collecting food.

Certification of November 5, 2002 Mayor and City Council Election - Mayor Prince read the results of the election. Melody Thompson would serve a two year term as Mayor for the City of Canby and Wayne Oliver, Georgia Newton, and Paul Dawson would serve four year terms on the Canby City Council.

Certification of November 5, 2002 Measure 3-72 Police Levy - Mayor Prince read the results of the election in which voters denied the passing of Measure 3-72 for police services.

CITIZEN INPUT ON NON-AGENDA ITEMS: Bev Doolittle announced that the Chamber of Commerce Christmas ornament was now available. This year they were featuring the Clackamas County Fairgrounds. They were \$7 at the chamber or at local merchant stores. She also encouraged everyone to attend the ribbon cutting for Canby Physical Therapy next Tuesday at the Courthouse Square. She also thanked everyone for participating in the parade and lighting of Wait Park last Saturday. It was a great event, and she thanked the businesses that were involved and the people who sent in donations in their utility bill to support the lighting of the park.

CONSENT AGENDA:

****Councilor Strong moved to approve the Minutes of the Regular Session of November 20, 2002; Accounts Payable of \$178,267.74; and to appoint to the Transit Advisory Committee Chris Mead for a term that ended March 31, 2003 and Suzanne Van Amburgh for a term that ended March 31, 2005. Motion was seconded by Councilor Carson and passed 6-0.**

COMMUNICATIONS: Administrator Adcock said they received a letter from Scott Reed, resident at 1461 SE 12th Loop, to request permission to string Christmas lights across the public right of way. In December of last year, the Planning Department let him know he had to gain permission of the City to do this. Staff recommended that they maintain a minimum height of 16 feet across the public right of way should the Council approve the request. Scott Cates, resident of 1440 SE 12th Loop, was the other stringee. He said they had done this for the past two years and have had no issues, and even talked with the Fire Department regarding clearance. He would appreciate being able to continue to do this.

****Councilor Johnson moved that Scott Reed and his neighbors be allowed to string Christmas lights across the public right of way in the 1400 block of SE 12th Loop. Motion seconded by Councilor Strong.**

Councilor Tallman asked if there was a liability issue with this request. City Attorney John Kelley said they were only granting permission, just as they did for other events.

Councilor Carson said there were a few other areas in the City where people were stringing lights in the right of way, and hopefully those people would come before the Council to get permission.

Administrator Adcock thought if the Council agreed as a policy that they did not have a concern with Christmas lights going across the public right of way so long as the height issue was adhered to, they

could let staff grant permission administratively. That way the Council would not have to hear every request.

****Councilor Johnson amended his motion to set a policy that allowed staff to determine and approve Christmas light stringing as long as they met the minimum requirements. Councilor Strong agreed to the amendment. The motion passed 6-0.**

NEW BUSINESS: Planning Commission Appointments - Councilor Blackwell stated that they had six interviews Monday night for the open Planning Commission seats. They recommended appointment of Dan Ewert for a term ending December 31, 2003 and John Molamphy for a term ending December 31, 2004.

****Councilor Blackwell moved to appoint Dan Ewert and John Molamphy to the Planning Commission. Motion was seconded by Councilor Carson and passed 6-0.**

Councilor Blackwell said she hoped the other applicants would remain in the pool as more members of the Planning Commission would be stepping down soon.

UNFINISHED BUSINESS: None.

ORDINANCES & RESOLUTIONS:

Resolution 813 - Administrator Adcock said these resolutions formally recognized the new neighborhood associations.

****Councilor Daniels moved to adopt Resolution 813, A RESOLUTION PROVIDING FOR FORMAL RECOGNITION OF THE NORTHEAST CANBY NEIGHBORHOOD ASSOCIATION, THEREBY FOSTERING A PARTNERSHIP OF OPEN COMMUNICATION BETWEEN THE CITY AND THE NEIGHBORHOOD ASSOCIATION. Motion was seconded by Councilor Johnson and passed 6-0.**

Resolution 814 -

****Councilor Tallman moved to adopt Resolution 814, A RESOLUTION PROVIDING FOR FORMAL RECOGNITION OF THE RIVERSIDE NEIGHBORHOOD ASSOCIATION, THEREBY FOSTERING A PARTNERSHIP OF OPEN COMMUNICATION BETWEEN THE CITY AND THE NEIGHBORHOOD ASSOCIATION. Motion was seconded by Councilor Strong and passed 6-0.**

Mayor Prince presented representatives from the two new neighborhood associations with certificates. Janet Milne said on behalf of the members of the Riverside Neighborhood Association she thanked the City of Canby for recognizing the need for and the desirability of having neighborhood associations. This would help build a strong community. She also thanked Matilda Deas for her support and help. They looked forward to partnering with the City and addressing current and future concerns and goals. Leonard Walker of the Northeast Neighborhood Association said this was not a homeowners association. He seconded the thoughts of Ms. Milne.

Mayor Prince thanked Matilda Deas for everything that she had done.

Ordinance 1096 - Administrator Adcock said in May of 2002, they held a public hearing regarding a vacation of a public right of way, and at that time they agreed to vacate a portion of SE 10th. The reason it had taken so long to get the ordinance was because they were waiting for the legal description. Staff recommended approval.

****Councilor Blackwell moved to adopt Ordinance 1096, AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY BETWEEN S IVY STREET AND THE INTERSECTION OF SE 10TH AVENUE AND S LARCH STREET to come up for second reading on December 18, 2002. Motion was seconded by Councilor Carson and passed 6-0.**

Ordinance 1107 - Administrator Adcock said this was an ordinance that adopted residential design standards. Prior to taking action on this ordinance, they needed to hold a public hearing.

Mayor Prince opened the public hearing at 8:15 p.m.

Mayor Prince read the public hearing format. There were no proponents or opponents who wished to speak.

CONFLICT OF INTEREST:

Councilor Blackwell- no conflict, she would participate.

Councilor Carson - no conflict, he would participate.

Councilor Strong- no conflict, she would participate.

Mayor Prince - no conflict, he would participate.

Councilor Johnson - no conflict, he would participate.

Councilor Daniels - no conflict, he would participate.

Councilor Tallman - no conflict, she would participate.

EX' PARTE CONTACT:

Councilor Johnson stated that the majority of the Council had a meeting last night where they discussed zoning, and he wondered if it was ex' parte contact. City Attorney John Kelley said it was only if someone presented them with evidence or testimony that they needed to disclose that information.

Councilor Blackwell - said to the best of her knowledge she didn't have any ex' parte contact.

Councilor Carson - stated he had attended most of the design meetings and had many conversations with many different people regarding design review.

Mayor Prince - said that he had been at those meetings as well, and had input into what the document looked like.

Councilor Johnson - said he had also been at the meetings and citizens told him they thought this would be good for Canby.

Councilor Daniels - said he had been at the meetings also and talked with various people who had given him their ideas.

Councilor Tallman - said she had been on the original task force, and went to most of the meetings.

STAFF REPORT: Assistant Planner Clint Chiavarini stated that they had been working on design standards for all residential development in the City. They would be used for all new construction or major remodels. This was meant to address street appeal. He felt this ordinance provided home owners and builders flexibility and protected the esthetic values of existing and new neighborhoods. The thing that started this process was the transition zones between the lower density and higher density residential. This ordinance provided an entirely separate design review matrix for high density residential development. Two people had been instrumental in the process. One was Gloria Gardner, representative from the Department of Land Conservation and Development, who funded the project. The other was Joe Dills, with OTAC Inc. For single family residences, this ordinance allowed a menu of choices of design features viewable from the street and they were required to meet a minimum number of those design standards on every house. For the high density, it provided for additional screening, larger open space requirements, and step back standards to buffer between the zones.

Mayor Prince said that he felt this had been a success story. Gloria Gardner and Joe Dills were instrumental in helping to get through this planning process and he thanked them for all their efforts. This design review concept came from citizens on the Residential Task Force. He appreciated the State helping to fund the project and to keep their Periodic Review moving forward. He also appreciated the citizens who were involved in the process and the developers who participated.

There were no proponents or opponents.

Mayor Prince closed the public hearing at 8:25 p.m.

**** Councilor Daniels moved to adopt Ordinance 1107, AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE to come up for a second reading on December 18, 2002. Motion was seconded by Councilor Johnson.**

Councilor Carson thanked everyone that came to the meetings and he thought the neighborhood associations were an off-shoot of this process. He thought it was great that they learned to work together through the process and this would improve development in Canby. Councilor Tallman said this idea came from citizens, and they had many great ideas that were incorporated in the ordinance. The whole process and the ordinance showed community involvement and was something to be proud of. Councilor Johnson said this ordinance showed the responsiveness of their planning staff. He thanked Clint Chiavarini and John Williams for putting this together. This ordinance was a good balance between the needs of citizens and developers.

The motion passed 6-0.

MANAGER'S REPORT: Administrator Adcock stated that he was very pleased with the progress and smoothness in which the new transit system had been working, and the credit went to Ms. Yochem.

Status Report on Transit Activities - Margaret Yochem, Transit Director, stated it had been 3 months since they started and as of November 30 they had transported 17,025 people on the fixed routes and the lift program. They currently had 152 lift applications approved. They received many letters and had a great crew of drivers. As of December 2 they started half hour service to Oregon City. The Advisory Committee was meeting next Wednesday and would be talking about putting thank you plaques for the business community on the buses, and they also had federal and state people to thank which would be all inclusive in the plaque language. The Advisory Committee also said last month with the current 4 buses and 1 mini van they were not able to provide any special event transportation. When they had more grant money available and more buses they would look at it again. The Wilsonville-Canby peak hour service would start on January 6 and that was funded through Wilsonville. City Attorney John Kelley asked if that was free, and Ms. Yochem said it was. Councilor Carson asked about the lift program, were they able to provide the service when needed? Ms. Yochem said they were allowed a one hour window, and they were able to accommodate everyone so far. She was looking into purchasing another mini van.

Councilor Blackwell thanked Ms. Yochem for all of her hard work and that of the Advisory Committee.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Johnson asked for Assistant Planner Clint Chiavarini to tell them about some upcoming meetings. Mr. Chiavarini said that last night they had the first of three meetings to discuss rezoning of some areas in the City from low density residential to medium and high density. Tomorrow night's meeting would be at Horning Hall at the Fairgrounds at 7 p.m. The last meeting would be Saturday from noon until 2 p.m. in the Council Chambers.

Councilor Daniels announced that there would be a Budget Meeting on December 11 and he encouraged all councilors to be present.

Councilor Blackwell said on December 11 between 6 and 8 p.m. there was an open house in Mulino regarding the Clackamas County Green Corridors and they would be looking at the rural aspects along Highway 213 and 99E.

ACTION REVIEW:

1. Approving the Consent Agenda.
2. Appointing two members to the Planning Commission.
3. Approving Resolution 813 and 814.
4. Approving Ordinance 1096 and 1107 on first reading to come up for second reading on December 18, 2002.

**** Councilor Strong moved to go into Executive Session under ORS 192.660 1 (e) real property. Motion was seconded by Councilor Carson and passed 6-0.**

Mayor Prince read the executive session format and recessed the regular session at 8:40 p.m.

Mayor Prince reconvened the regular Council session and immediately adjourned at 9:25 p.m.

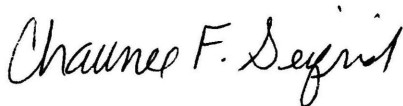
EXECUTIVE SESSION
DECEMBER 4, 2002

Present: Mayor Terry Prince, Councilors Jean Tallman, Walt Daniels, Patrick Johnson, Shirley Strong, Randy Carson and Teresa Blackwell, City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Wayne Oliver, Georgia Newton, Paul Dawson, and David Howell.

Mayor Prince called the session to order at 8:45 p.m.

ORS 192.660 1 (e) - The Council discussed real property transactions.

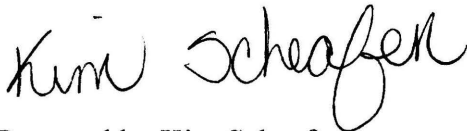
Mayor Prince adjourned the session at 9:15 p.m.



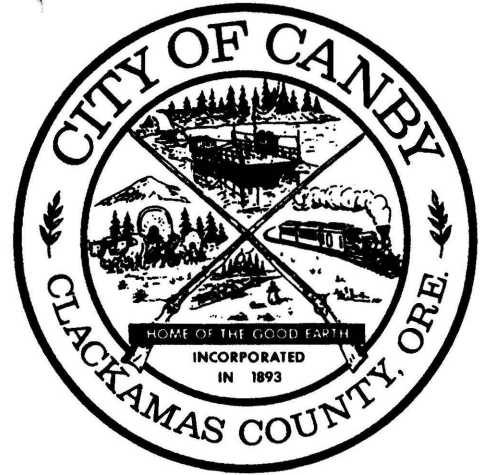
Chaunce F. Seifried
City Recorder pro tem



Terry L Prince
Mayor



Prepared by Kim Scheafer
and Susan Wood
Office Specialists



PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 5, 2002, and

WHEREAS, the Clackamas County Elections Department offers the following abstract as an official count of votes as of November 22, 2002:

MAYOR -

Melody Thompson	2252
Terry L Prince	1769
Teresa Blackwell	513
Blanks	496
Overvotes	13

CITY COUNCIL -

Wayne Oliver	3083
Georgia Newton	2532
Paul Dawson	2374
Jean Tallman	1942
Blanks	722
Overvotes	8

WHEREAS, the three people receiving the most votes will be selected to four year terms on the Canby City Council;

NOW, THEREFORE, I, Terry L Prince, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division dated November 22, 2002

Dated this 4th day of December, 2002.


Terry L Prince, Mayor

Statement of Vote - Clackamas County General Election - Nov. 5, 2002

** City of Canby - Mayor and Councilors **

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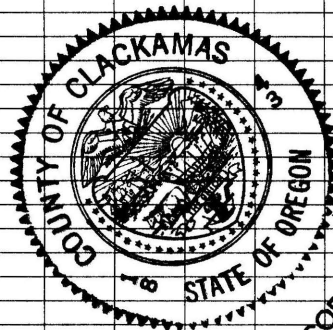
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NOV 26 2002
CITY OF CANBY

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	Teresa Blackwell City of Canby Mayor	Melody Thompson City of Canby Mayor	Terry L. Prince City of Canby Mayor	BLANKS	OVERVOTES	Georgia Lee City of Canby Councilors	Paul Dawson City of Canby Councilors	Wayne Oliver City of Canby Councilors	Jean Tallman City of Canby Councilors	BLANKS	OVERVOTES
CONSOL PREC NO 122	1909	1332	69.7%	125	573	505	127	2	647	635	818	474	211	2
CONSOL PREC NO 123	646	409	63.3%	46	162	153	46	2	206	184	246	158	50	1
CONSOL PREC NO 124	1767	1342	75.9%	113	666	434	125	4	724	642	828	518	171	1
CONSOL PREC NO 125	1439	1004	69.7%	116	406	356	122	4	461	434	616	396	165	3
CONSOL PREC NO 126	1320	956	72.4%	113	445	321	76	1	494	479	575	396	125	1
**** TOTALS ****	7081	5043	71.2%	513	2252	1769	496	13	2532	2374	3083	1942	722	8

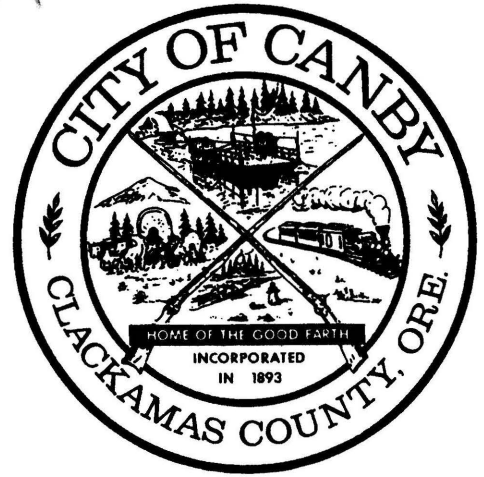
CITY OF CANBY, MAYOR

MISCELLANEOUS WRITE-INS

4



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ARDIS STEVENSON, COUNTY CLERK
BY: *Ardis Stevenson*
Deputy
11-22-02



PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 5, 2002, to consider the following levy:

MEASURE NO. 3-72

Shall the City levy \$0.79 per \$1,000.00 of assessed property value annually for five years 2003-2008 for police services?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 22, 2002

YES - 1817
NO - 2896
Blank -327
Overvotes - 3

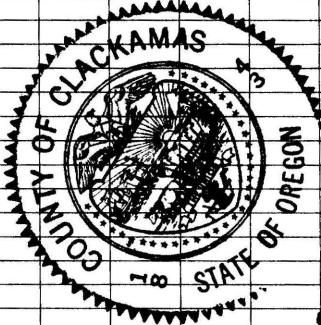
NOW, THEREFORE, I, Terry L Prince, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas Election Division dated November 22, 2002.

Dated this 4th day of December, 2002.


Terry L Prince, Mayor

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CITY OF CANBY

Page Number 80.048.001		REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	MEAS 3-72/CITY OF CANBY - YES	MEAS 3-72/CITY OF CANBY - NO	BLANKS	OVERVOTES												
RECEIVED																				
NOV 26 2002																				
CITY OF CANBY																				
CONSOL PREC NO 122	1909	1332	69.7%		522	727	82	1												
CONSOL PREC NO 123	646	409	63.3%		143	250	16	0												
CONSOL PREC NO 124	1767	1342	75.9%		451	813	78	0												
CONSOL PREC NO 125	1439	1004	69.7%		366	545	91	2												
CONSOL PREC NO 126	1320	956	72.4%		335	561	60	0												
**** TOTALS ****	7081	5043	71.2%		1817	2896	327	3												



CERTIFIED COPY OF THE ORIGINAL
 ARDIS STEVENSON, COUNTY CLERK
 BY: *[Signature]*
 Deputy
 11-22-02