

CANBY CITY COUNCIL
REGULAR SESSION
MAY 15, 2002

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

Also present: City Administrator Mark Adcock, Community Development and Planning Director John Williams, City Attorney John Kelley, Marty Moretty, Transit Director Margaret Yochem, Library and Parks Director Beth Saul, Leonard Walker, Wayne Scott, Wayne Oliver, Melody Thompson, Georgia Newton, Nancy Murphy, Curtis and Lila Gottman, Bob Pete, Lisa Champ, Bonner Allen, Steve Cromwell, Craig Finden, Anna Phillips, Rick and Kim Myers, George Rohn, Barbara Lanning, Randy Tessman, Keith Stewart, Ron Berg, Tom Helbling, Pam Helbling, Bev Doolittle, David Howell, Buzz Weygandt, Stephen Kimbrough, Jamie Johnk, Matt Roleze, and Jim Gibson.

Mayor Prince called the regular session to order at 7:32 p.m., followed by the opening ceremonies and a moment of silence.

PROCLAMATION: Historic Preservation Week - Councilor Blackwell, as a member of the Canby Historic Review Board, accepted the proclamation on behalf of the Board. Mayor Prince read the proclamation declaring May 12-18, 2002 as Historic Preservation Week.

National Senior Center Week - Canby Adult Center Director Anna Phillips was on hand to accept the proclamation read by Mayor Prince declaring May 13-19, 2002 to be Senior Center Week. She appreciated the fact that they recognized the special contributions of the Canby Adult Center. Adults 50 and older were not only significant members of society, they also spent 800 billion dollars a year, and controlled half of all discretionary income. Older adults also accounted for 42% of consumer demand. They contributed to the community in many ways. The Adult Center not only enhanced the lives of seniors, but the center played a significant role as hub of the community. They had about 1,200 casual users each month, people who accessed the center for something other than the nutrition program. Strong support of the Adult Center equaled enhanced livability for all citizens of Canby.

CITIZEN INPUT ON NON-AGENDA ITEMS: Keith Stewart, residing at 290 NW 5th Avenue, Canby, reported that Councilor Jean Tallman was recuperating at home after a serious car accident and she asked Mr. Stewart to pass on thanks to the staff, City Council, and the community for their continued well-wishes. She had come a long way towards recovery and although she had two surgeries and would probably need one more, she was in good spirits and anxious to get back.

Bob Pete, President of the Canby Swim Club, introduced Lisa Champ, a former swim team member, life guard, and instructor at the pool. They were there that night to discuss the upcoming swim center levy on the May ballot. Ms. Champ said that the pool meant so much to so many members of the community. Without the athletic scholarship she received, she wouldn't have been able to go to the college she was attending. She said at practices, she saw many older

members of the community getting exercise they might not be able to get anywhere else. She taught swim lessons at the pool for three years, and she couldn't remember one kid not being excited about the lessons. She encouraged them to keep the pool open, because it was so important to have the facility close and accessible to Canby residents.

CONSENT AGENDA: **Councilor Strong moved to approve the Minutes of the regular session of May 1, 2002, and Accounts Payable of \$232,723.68. Motion was seconded by Councilor Carson and passed 5-0.

PUBLIC HEARING: Vacation of Public Right-of-Way -

Mayor Prince opened the public hearing at 7:42 p.m.

STAFF REPORT: Associate Planner Clint Chiavarini said the neighbors of the property in question were petitioning the City to vacate property they felt was no longer needed as City right of way. The right of way was originally dedicated during a subdivision of Township Village and was meant as a full street that would be the extension of SE 10th and connect to S. Ivy Street. At the time, it was never connected to S. Ivy Street because there were traffic concerns on the part of Clackamas County. At this point, there was full development all the way to Redwood Street, and it was doubtful that the SE 10th connection would be needed. They did have a connection to Ivy Street on 13th Street and at Township. The applicant was asking for 30 of the 40 feet of right of way, with the city maintaining a path that was 10-12 feet wide as a pedestrian path. When they first received this petition, staff looked into selling the property instead of vacating it. But because it was public right of way, and not a discrete piece of property owned by the City, state statute did not allow them to sell the property; they could only vacate to adjacent property owners. Should the Council accept the petition, they would require a new survey and monumentation of the area that would be done at the petitioner's expense. He checked with the utility providers, and although there were utilities at either end of the path, none of them went along the path. If there was one that they were unaware of, they would do an easement at the time of the survey. Staff recommended a 15 ft. path instead of the 10 foot path. When they mentioned this option to the petitioner, he said that most of the other paths like that were 12 feet, so why not that instead of the 15? Mr. Chiavarini checked with the City Public Works department, and they said that 12 feet was sufficient for a maintenance vehicle, but if they needed to do some digging in the future, they could not get a backhoe there. He also said that the fence lines were unclear as far as where the property lines actually existed. After discussing it with the City Attorney, staff recommended to table the ordinance until a suitable legal description of the property could be drawn up and they could modify the ordinance accordingly. The Council could make a decision that night as to whether or not they wanted to approve the petition, but wait on the revised ordinance.

PETITIONER: Rick and Kim Myers, residents of 165 SE 10th, Canby, stated that the reason for the acquisition of the property came about from a conversation with Beth Saul in which they discussed the maintenance of the property, since the City was having budgetary problems and it was harder to keep properties up. With a little research, he came up with the petition to vacate to try to keep SE 10th from expanding down to Ivy as it would go right past his house and it would expand his side yard.

Councilor Blackwell asked if they were comfortable with the proposed 15 foot path? Mr. Myers said the only reason he asked about it was because most emergency vehicles needed 8 feet and the fire hydrants were located on Hwy 170, so there was no reason an emergency vehicle would park there. He thought it would be easy to maintain at 12 feet.

PROPONENTS: Tony Helbling, resident of 227 SE 10th, was present to support this request because if the street was ever opened up, it would be too dangerous for the students who attended the junior high school and who crossed that street regularly.

OPPONENTS: None.

Mayor Prince closed the public hearing at 7:54 p.m.

DISCUSSION: Councilor Daniels asked what the chances were of needing a backhoe to go down in that area? Mr. Chiavarini said that the Public Works department felt there was a possibility of needing a sewer connection in that area some point in the future, which would require a fifteen foot width to allow the backhoe to pass through. If it was at 12, they still had utility easements on the neighboring properties. The likelihood of that happening was hard to predict, it could be several years down the road.

Councilor Carson thought that the applicant would reap the benefits of the added property and was there any way that he would donate money to the City if he sold the property? City Attorney Kelley said State statute did not allow that. The idea was that the property was originally dedicated by a property owner or developer, and if they no longer used it for that purpose, then the property should go back to the owners.

Mr. Chiavarini said the only way to truly correct it to be fair to all the owners was if they did lot line adjustments all the way up and down the road, but with houses already there, that wouldn't be feasible.

Councilor Johnson said this would be a great place to have a park, but then they did not have any money to keep up with the parks they had now or to develop a new park. He did not have a problem with approving this petition.

Councilor Strong said if they went 15 feet, would they pave the path so he wouldn't have to maintain it? Mr. Chiavarini said that was an option, but it would be a decision made at the staff level, such as the Public Works department, to see if they had budget for that. Councilor Carson said they could at least put bark dust down.

Councilor Blackwell read a letter from a neighbor of the Myers stating that they declined the consideration that the property be shared equally among the property owners and that the portion be dedicated to the Myers. There were quite a few similar letters in their packet, and it proved that he had talked to his neighbors about it, and they consented to give it to the Myers.

****Councilor Johnson moved to direct staff to bring back an ordinance for vacation of public-right-of-way and allow the applicant to obtain the survey and legal description that would be attached to the ordinance. Motion was seconded by Councilor Blackwell.**

Councilor Carson wanted it to stay at 15 feet. Mr. Chiavarini said they could do more research. If there was a utility reason, they could keep it at 15, but if it wasn't an issue, they could go to 12. Councilor Carson thought it should stay at 15 regardless. Mayor Prince also thought that it should remain at the 15 feet to make sure there would be enough room should they need to get in there for any reason.

****Motion passed 5-0.**

COMMUNICATIONS: General Canby Day Chairman Lila Gottman gave a PowerPoint presentation about the upcoming events of July 4, 2002. Ms. Gottman introduced the committee members and helpers. This event took many thousands of dollars to put on, and they asked the businesses in town for donations, and they sold buttons, bottled water, glow sticks, etc. to raise funds. This year's theme was "One Town, One Family, One Heart," and the button was designed by Nick Snegirez who won the art contest from the high school. He will receive a \$25 gift certificate from Parson's Canby Pharmacy. Keith and Nancy Murphy were named this year's General Canby Day King and Queen. The coronation would be on June 11th at the Adult Center beginning at 11:30 a.m. A few of the highlights for the day would be opening ceremonies with a flag raising, pancake breakfast at the Christian Church, art show in Wallflowers Art Gallery, kid's corner with nine different activities, and they would be introducing CAT transportation that day with a ceremony and a few buses in the parade. There would be more food booths and a pioneer encampment, with demonstrations and hands-on activities for the kids. Bicycle parking would be provided by the Bike & Ped Committee again. There would be entertainment in Wait Park throughout the day. Nothing But Net would also be going on. The parade route would pass directly by Wait Park allowing people to see the parade without having to leave the park. The parade began at 2 p.m. And this year the fireworks would be at Trost instead of the high school because of construction. People could park at the fairgrounds and be shuttled to Trost.

Letter from Canby School District Superintendent Deborah Sommer was read by City Administrator Mark Adcock thanking the Police Department for their professional and exemplary handling of the threat at the high school on May 10th.

Mayor Prince said the Police Department did a great job, and the school district staff was very courageous to continue school as normal.

NEW BUSINESS: Request from Seventh Day Adventist Church for City Water Service - Planning Director John Williams reviewed the request of the Seventh Day Adventist Church located at the NW corner of Territorial and 99E. They wanted to connect to an existing water line. Mr. Williams gave a history of how these requests were handled in the past. They discouraged new lines outside the city limits, but they would be looked at more favorably if it was for health or environmental hazards, an area of still water, pending annexation or promise to annex in the future, and an infrastructure plan was in place that addressed how the utilities would

be built out. Karl Hansen from Canby Utility recommended approval based on greater utilization of the water in the pipe that dead ended there. Since the pipe already existed, the master plan would not be required.

Councilor Daniels asked if a response had come back from Clackamas County and Mr. Williams said that they would send the letter if the Council recommended approval. The County had to approve this request as well before they could do the extension.

Pastor Steve Cromwell, of the Adventist church located at 2180 NE Territorial, said that there had been a water problem since the building of the church. The well was extended once and the water at present had a bad odor and there was a sediment that came with the water; it could only be used for sanitation. The rest of the water was hauled in. It would be a wonderful convenience and cost effective to have real water, as the current water corroded their equipment and the sand filled their valves which had to be flushed periodically. The benefit to the City was they would help reduce the still water at the end of the line.

Councilor Strong asked if they were interested in annexing into the City in order to receive City water? He said that it hadn't been discussed.

Councilor Carson said Canby Utility would like this hook up to give more water flow in the area. There were no other issues, the road and pipes were already there, he thought it would be acceptable. He would like the church to consider annexation.

Councilor Daniels concurred but he thought if they went through annexation, it would be six months down the road, and he considered this a health hazard. He thought they could consider annexation, but allow them to hook up.

Mr. Williams said that the church would not be bringing in any property taxes if it was annexed because of its status as a church.

Councilor Johnson asked about the cost of the annexation for the church. Mr. Williams said they estimated it to be \$6,000 to \$7,000. If it was a general election, it would be lower.

Councilor Strong said they had this water problem since the church was built, why didn't they annex at that time?

Pastor Cromwell said the water was too far away at that time. Subdivisions had been added recently, which brought the water pipes closer. They had been at their present location for around twenty years.

****Councilor Johnson moved to approve the extension of water service to the Seventh Day Adventist Church at 2180 NE Territorial Rd and approve a letter from the Mayor requesting the County's concurrence on this extension. Motion seconded by Councilor Blackwell.**

Councilor Johnson thought this was essential to let these folks have water and with Canby Utility recommending approval, and with the cost of annexation, he thought that it was a good community service.

Councilor Strong wanted it clear that the church paid for all the connection costs.

****Motion passed 5-0.**

Recommendation from Budget Committee Chairman re: FY 2002-2003 City Budget - Budget Committee Chairman Walt Daniels said the Budget Committee had 12 meetings and finalized the 2002-2003 budget. The Budget Committee recommended that the City Council adopt the proposed budget amount of \$14,676,423. There would be a public hearing held on June 5.

****Councilor Daniels moved to accept the Budget Committee's recommendation subject to a public hearing at the June 5, 2002 Council meeting. Motion was seconded by Councilor Johnson.**

Councilor Blackwell said she received a phone call from Peggy Sigler of the Canby Historical Society thanking them for some funding, but she did not remember that being put in the budget. Administrator Adcock said those funds were not in the budget.

****Motion passed 5-0.**

Councilor Carson said the City management staff had been waiting for the Council to decide on a compensation package that would be similar to what employees received through the AFSCME contract.

****Councilor Carson moved to transfer \$17,800 from contingency funds to appropriate payroll line items for management pay increases. Motion was seconded by Councilor Johnson.**

Councilor Daniels thought this was well deserved and was a fairness issue.

****Motion passed 5-0.**

UNFINISHED BUSINESS: None.

ORDINANCES & RESOLUTIONS:

Ordinance 1095 - Transit Director Margaret Yochem said this would expend the last of the grant money for this year to purchase a van, and this van would be handicap-accessible for patrons. In an effort to save money going up and down the I-5 corridor, a minivan would be the ideal solution.

****Councilor Johnson moved to adopt Ordinance 1095, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN BUS SALES, INC., OF CLACKAMAS, OREGON FOR THE PURCHASE OF AN ACTIVAN, A HANDICAP-ACCESSIBLE FOUR PASSENGER MINI-VAN, FOR THE CANBY TRANSIT SYSTEM to come up for second reading on June 5, 2002. Motion was seconded by Councilor Strong and passed 5-0.**

MANAGERS' ISSUES: None.

CITIZEN INPUT: None.

COUNCILORS' ISSUES: Councilor Daniels stated that the Traffic Safety Committee would now meet on the second Thursday of each month at noon in the Canby Utility Board Room. This change is to allow more committee members and a member of the Police Department to attend the meetings.

Councilor Johnson addressed the voter ballot inconsistencies regarding the levies, and the County Clerk came down to Canby that day to investigate. He was confident that the County would take care of this in a professional and timely manner.

Mayor Prince and Councilors urged everyone to vote and reminded them that ballots could be dropped off at the Library.

Councilor Blackwell asked how often the ballots were picked up. Ms. Saul said the elections officials picked up the ballot boxes whenever they appeared to get full, and on the day of election they came by a few times. The library would be open until 8 p.m. on May 21.

Mayor Prince thanked the community for their support on these levies.

Mayor Prince mentioned that an alleged suspect had been picked up on the home invasion case and again thanked the Police Department for their handling of the threats made at the high school.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving the request of the Seventh Day Adventist Church for City water service and forwarding a letter to Clackamas County.
3. Bringing back Ordinance 1095 for final reading on June 5, 2002.
4. Bringing an ordinance to Council at such time as the legal description and survey were completed for vacating the public right-of-way on SE 10th.
5. Adjusting the budget to reflect increased management pay compensation.
6. Scheduling a public hearing for the City Budget on June 5, 2002.

Mayor Prince adjourned the regular Council meeting at 8:43 p.m.

There was no Executive Session.

Chaunce F. Seifried

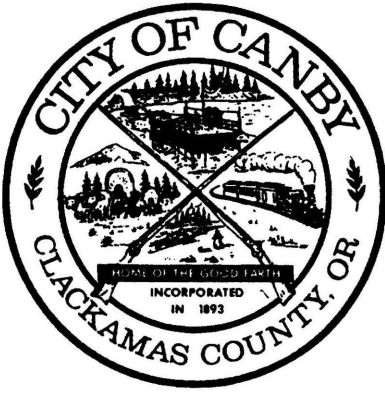
Chaunce F. Seifried
City Recorder pro-tem

Terry L Prince

Terry L Prince
Mayor

Susan Wood
mm

Prepared by Susan Wood
Office Specialist



City of Canby

General Administration Office

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 21, 2002, to consider the following measure:

MEASURE NO. 3-55

Shall 1.97 acres located on SW 13th Avenue near S. Fir Street be annexed into Canby?

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes for the General Election as of MAY 22, 2002.

YES -	2579
NO -	1078

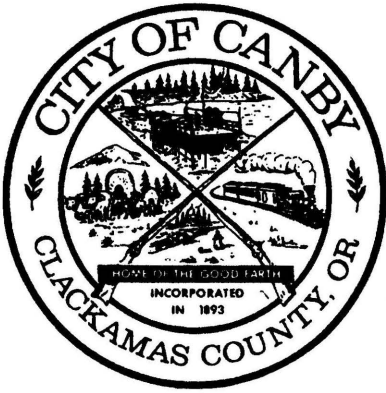
NOW, THEREFORE, I, Terry L Prince, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated May 22, 2002.

Dated this 22nd day of May, 2002.

Terry L Prince, Mayor

Terry L Prince
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# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 21, 2002, to consider the following measure:

### MEASURE NO. 3-56

**Shall 45.42 acres located on SE Township Road east of S. Redwood Street be annexed into the City?**

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes for the Primary Election as of MAY 22, 2002.

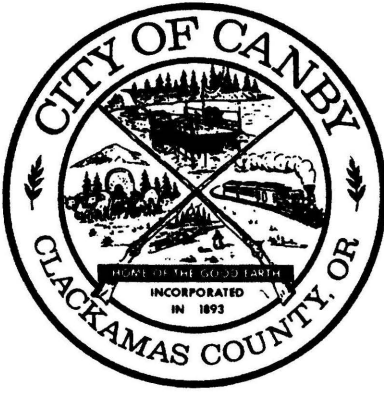
|       |      |
|-------|------|
| YES - | 2558 |
| NO -  | 1104 |

**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 May 22, 2002.

Dated this 22<sup>th</sup> day of May, 2002.

Terry L Prince, Mayor

*Terry L Prince*  
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# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 21, 2002, to consider the following levy:

### MEASURE NO. 3-59

**Shall the City levy \$1.40 per \$1,000.00 of assessed property value annually for five years 2002-2007 for police services?**

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes for the Primary Election as of MAY 22, 2002.

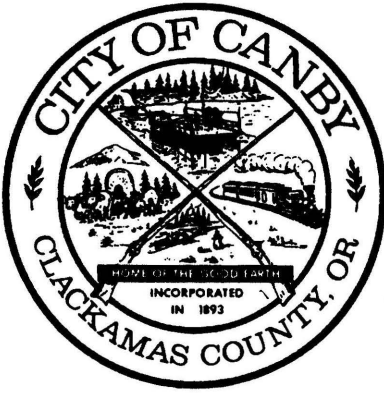
|       |      |
|-------|------|
| YES - | 1667 |
| NO -  | 2030 |

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 May 22, 2002.

Dated this 22nd day of May, 2002.

Terry L Prince, Mayor

*Terry L Prince*  
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# City of Canby

General Administration Office

## PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a Primary Election on May 21, 2002, to consider the following levy:

### MEASURE NO. 3-60

**Shall the City impose \$0.32 per \$1,000.00 of assessed property value for five years 2002-2007 funding swim center operations?**

WHEREAS, the Clackamas County Elections Department offers the following as an unofficial count of votes for the Primary Election as of MAY 22, 2002.

|       |      |
|-------|------|
| YES - | 2633 |
| NO -  | 1153 |

**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 May 22, 2002.

Dated this 22nd day of May, 2002.

Terry L Prince, Mayor

*Terry L Prince*  
