

CANBY CITY COUNCIL
REGULAR SESSION
MARCH 3, 1999

Council President Walt Daniels presiding. Council members present Barry Lucas, Shirley Strong, Randy Carson, Roger Harris, and Terry Prince.

Also present: Acting City Administrator Beth Saul, City Attorney John Kelley, Community Development Director Jerry Pineau, Planning Director Jason Kruckeberg, Police Chief Jerry Giger, Sharon Tramel, Steven Amick, Curt McLeod, Cam Sivesind, Terry N. Tolls, Andy Krzmarzick, Lee P. Wiegand, Laurie Hensley, Susan Loske, Karen Hutchinson, Debbie Wiegand, Priscilla Weaver, Cathy Muller, Joel P. Sherspert, Jim Bradley, Robert Flater, Patrick Harmon, Bob Christie, Roy Zimmer, Bob Zimmer, Buzz Weygandt, Ray & Irene Burden, Lisa Weygandt, Craig Lewelling, Leighton Perkins, Phil Lapin, and Curtis and Lila Gottman.

Council President Daniels called the session to order at 7:32 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: Councilor Prince said there was a group visiting this evening from the First Baptist Church bible study.

Lee Wiegand who was with the First Baptist Church explained they were starting up a bible study in regards to a biblical approach to government.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the workshop, February 10, 1999; minutes of the workshop and regular meeting, February 17, 1999; accounts payable in the amount of \$110,177.50; and disposal of surplus equipment. Motion seconded by Councilor Strong, and passed 6-0.

COMMUNICATIONS: Requests to Use Railroad Parking Lot for Sale of Fireworks - City Attorney, John Kelley, explained the City received requests each year for the use of the railroad parking lot for the purpose of fireworks stands. This year the City received requests from Assembly of God Church and also from the Canby Music Boosters. He said the Canby Assembly of God had brought in a land lease to be signed, which Mr. Kelley had never seen before. He said he checked the underlying lease with the railroad, which said you could not sublease without prior written approval from the railroad. The City had contacted the railroad and they said no, they would not allow the City to sublease to fireworks booths because of the potential danger.

Councilor Lucas asked if the City's insurance would cover the fireworks booths if something were to happen. His suggestion was to deny this because of the lease involved.

Mr. Kelley said if they signed a lease agreement with someone, they could not sublease to another tenant. He said if they did not sign a lease, they would not be violating the terms of the lease agreement, but they could get really nasty because the City was told by the railroad they did not want the fireworks booths on the property. Therefore, they could terminate the lease which would be the worst case scenario.

Councilor Carson said maybe the railroad did not realize the types of fireworks that were going to be sold.

Councilor Harris said really what the case was whether this was a sublease or not.

Mr. Kelley explained if they did sign the lease agreement, it would be a sublease, if they did not sign it, they could argue that it was not a sublease. His concern was that the railroad specifically telling the City they did not want the fireworks stands on the property.

Councilor Lucas said by reading the letter, he thought the problem was the lease, which it was not, the problem was really the fireworks.

Councilor Harris asked if there was another option.

Beth Saul said perhaps the Atwood property, which was located between Wayne Oliver Insurance and the C.U.B building. The problem was there were two groups interested in using the property.

****Councilor Harris moved to rescind the approval for the use of the railroad parking lot for the Assembly of God fireworks' stand. Motion seconded by Councilor Lucas.**

Councilor Daniels wanted staff to work with these two groups to find alternate locations for them to use for their fireworks stands.

Motion passed, 6-0.

NEW BUSINESS: Change Order No. 1, Wastewater Treatment Plant Improvement Project - Curt McLeod submitted a staff report that talked about the first change order for the wastewater treatment plant. He explained they were about 80% complete and anticipated substantial completion within four to six weeks. The change order incorporated three components which included modifying a portion of the backfill type, modifications to the blower building per the building permit requirements, and modification to the instrumentation on the engine generator control panel. He said the total change order was \$7,921.12 which was still below 1% on the contract.

****Councilor Lucas moved to approve Change Order No. 1 in the amount of \$7,921.12 to the contract with Don J. McMillin Constructors, Inc. for improvements to the Wastewater Treatment Plant. Motion seconded by Councilor Harris, and passed 6-0.**

Regulation of Agricultural Buildings in City Limits - Jason Kruckeberg explained he was there this evening representing Bob Godon, the City's Building Official. He explained the issue was whether the City should regulate agricultural buildings which came into the City through annexation. There were several recent annexations that came into the City which included agricultural barns, outbuildings, etc. The property on 13th and Ivy Street came into the City as residential zone and through the annexation process was characterized as a subdivision and commercial greenhouses were put up. The Council decided the use as it stood, was that a greenhouse or nursery stock use should come into the City as non-conforming use.

Jason Kruckeberg explained how the issue arose was that the County had a different set of standards for agricultural buildings other than the City had. The uniform building code allowed cities to regulate agricultural buildings for structural components; that typically was not done at the County level. He said there was a memo in the packet from Bob Godon addressed to the City Attorney, John Kelley, which stated how the buildings might be regulated.

Jason Kruckeberg said the recommendation from the Building Department was that the City should regulate those buildings. What it would mean at the time of annexation was that the City would write a letter to the owner saying that any agricultural buildings on the site, (which did not include dwellings), would be regulated by the City to the requirements of the Uniform Building Code, then the notification and inspection responsibility would fall to the Building Official.

He said the logic behind the fact that these types of buildings were not regulated was that the buildings were in wide open spaces and would not affect neighboring properties. He noted they had not done a detailed analysis as to how many buildings there were in town.

Councilor Harris asked what kind of grace period would there be for the existing buildings that were inside the city limits. Jason Kruckeberg said the U.B.C. was open and there were no requirements at this time.

Councilor Carson asked if this was brought up because on 13th and Ivy they built the greenhouses after they asked for annexation. Mr. Kruckeberg said that piece of property was most visible, and that created the thought process.

Councilor Carson said it was not just a new building or a new addition to an existing building, he said every building on the property now would have to meet code. He felt if someone had a shed for farm equipment and they had to rewire it to meet code, he thought it would be a problem.

Councilor Harris asked if there were any barns inside of the City limits. The answer was yes.

Councilor Prince thought the ordinance said any building that was on-site would be grandfathered in when they came in.

Jason Kruckeberg said this was not a zoning code but a Uniform Building Code, which stated that no addition could take place unless the addition met the U.B.C. requirements.

Councilor Harris felt the issue he had was if the property owner requested annexation, and they knew by being annexed, they would either have to tear down a barn or make it meet City standards, that would be part of the process. He was more concerned about the property that was already in town who had a barn for many years, and then the City would tell them they had to do something with it.

Councilor Harris said if someone had a barn on their property for a long time, and it did not meet safety standards, he felt the City would be obligated to tell them to upgrade it or tear it down because it would be a hazard to the community.

Jason Kruckeberg said it was the City's responsibility for structural code compliance, and Clackamas County took care of electrical and plumbing.

Councilor Prince asked if a building did not meet Clackamas County standards when it was outside of the City limits, would their standards still apply when they moved into the City.

Councilor Daniels asked by grandfathering the buildings in, could they go back and tell them they would need to meet safety standards.

John Kelley said it was a difficult issue to try to resolve. He said if a person knew this coming in, they would be subject to the regulations that are enforced in the City of Canby. He said the language in the statutes said you may regulate the agricultural buildings, but they could apply the Uniform Building Code if they chose to do so. He noted that is why they were coming to the Council to see what type of policy they wanted to adopt. He said technically if they decided to have the Building Official inspect and require all non farm agricultural buildings to be in compliance with the Uniform Building Code, which meant at some point something would trigger them to do that.

Councilor Harris said the principle he favored were the safety standards in adopting to have the U.B.C. apply to all buildings in the City, but he was cautious about not knowing what all was involved. He felt if they passed something without really looking into it, he was concerned it would be a problem. He wanted to be able to find out how buildings were going to be involved and what would be required to upgrade those places.

Jason Kruckeberg stated it would be better if Bob Godon, the Building Official, could come and

discuss this with the Council. He would be able to give them more information on what would be required and what the regulations were.

John Kelley said when they did those kinds of inspections, there was a requirement of plans to be submitted to the City. He said the inspection process would start by the Building Official saying they would have to bring a set of construction plans to him and he would evaluate them. Mr. Kelley had said how many people would have construction plans for their barns.

Councilor Harris asked if there were barns which were in the City limits that were 80-90 years old would there be any safety requirements. John Kelley said yes there would be.

Councilor Daniels asked if they wanted to regulate up to code inside the City limits or just leave it with the County code as they came in.

Councilor Strong said she felt uncomfortable about doing it to those already inside of the City, but she said she would be more inclined to regulate those being annexed in the future.

Mr. Kelley said what they were talking about was farm land that was used for obtaining profit in money by harvesting, etc., was a farm use, and those were exempt. They were talking about the buildings that were not part of a profit making farm.

Councilor Harris felt this did not require immediate attention. He wanted Mr. Godon to come in with more information and talk with them about it.

Councilor Daniels said they would bring this matter back at the next Council meeting with more information on his definition of dangerous buildings, and how many buildings there were inside of the City limits that might be affected.

Discussion of State Buildable Lands Requirements - Jason Kruckeberg explained this issue was brought up by Councilor Prince at the February 3, 1999 Council meeting. Mr. Prince asked staff to review and research a proposed resolution regarding a repeal of the Oregon Revised Statute requiring buildable land analyses and laws requiring Metro to evaluate their UGB every five years based on the requirements of ORS 197.296. What it required was to have cities analyze growth within the City limits and project 20 year's worth of growth and formulate their urban growth boundaries to accommodate up to 20 years of growth. He noted the one component had to do with projecting growth based on the last five years of development.

He said the staff's recommendation supported the requirement that cities had to contain at least twenty years of growth within the urban growth boundaries. He felt the Council might want to send a letter to our legislatures that would voice their concerns with the component of those regulations because it could lead to projections that might be unnecessary. Other options would be to review and pass a resolution, or not to take any action at all.

Councilor Prince said this was brought up at the Neighboring Cities meeting. He said the point was, should they provide an excess amount of housing because of the amount of growth they have had in the last three years and agreed with the twenty-year supply of land. He stated he was in support of the letter.

The Council agreed to forward the letter to the two representatives, which were Kurt Schrader and also Rick Metsger. The Council wanted to sign the letter before sending it out.

Councilor Daniels took a poll of the audience to see how many people were there for which items that were on the agenda.

Advance Finance District Formation for North Ivy Street Construction - Curt McLeod explained there was a staff report which explained that originally it was a private subdivision development that the developer decided not to proceed with the construction. The property sold to a new property owner which did not have the desire to move ahead. The City decided to move ahead in completing construction on N. Ivy Street and negotiated with the church for dedication of property and implemented the construction plan for the subdivision. He said tonight was the first step of forming the Advance Financing District, then they would prepare an engineering report and bring it back for the Council to review and then schedule a public hearing before they adopted a resolution to form the district.

Councilor Carson asked if the work was already done. Curt McLeod said they were waiting on the weather to finish the overlay.

****Councilor Lucas voted to direct the City Administrator to submit an application to form an Advanced Finance District for roadway and utility improvements on North Ivy Street, 14th Avenue to Territorial Road, and to submit the AFD application to the Public Works Department without a fee. Motion seconded by Councilor Harris, and passed 6-0.**

Amendment No. 1 for Engineering Services, Wastewater Treatment Plant - Curt McLeod said there was a staff report that talked about an amendment to the engineering contract for the wastewater treatment plant. He explained a year ago, the City solicited proposals for improvements to the wastewater treatment plant, which included three projects. The first was the aeration basin that was under construction now, the second was for solids dewatering improvements, and the third was for effluent filtration.

****Councilor Harris moved to approve Amendment No 1 to the Agreement for Engineering Services executed February 3, 1998, with Curran-McLeod, Inc., in the amount of \$9,720. Motion seconded by Councilor Strong, and passed 6-0.**

Fund Exchange Agreement Between ODOT and City of Canby for North Ivy Street-Hwy 99E to 14th Avenue Project - Curt McLeod said City of Canby had allocated a number of Federal highway dollars each year. In the years past, they had accumulated the number of dollars and had

done larger projects. He said another option might be to request a funds exchange, then you would administer the program in-house. He explained they had changed the program where you could not accumulate the cash anymore. If you did not apply for the money and use it, then you would lose it at the end of the year.

****Councilor Lucas moved to approve the Fund Exchange Agreement between the Oregon Department of Transportation and City of Canby North Ivy Street-Hwy 99E to 14th Avenue Project and authorize the Mayor to execute the agreement on behalf of the City. Motion seconded by Councilor Harris.**

Councilor Prince asked if they had to use this funding every year. Curt McLeod said they could do anything they wanted to do.

Motion passed 6-0.

Contract with Mike Swanson for Consulting Help During Interim Period - Beth Saul said during the interim period they had discussed the idea of having an experienced manager, Mike Swanson, provide some consulting help at this time. Her recommendation was to approve a personal services contract with him for a maximum of \$2,500 per month, and prioritize the projects each month. The most valuable projects at this time were doing an RFP for a new finance software program and working on labor negotiations. She also explained he was a budget officer in the past and perhaps he could help with some budget issues as well.

****Councilor Lucas motioned to approve the Interim City Administrator to enter into a Personal Services Contract with Mike Swanson for services not to exceed \$2,500 a month. Motion seconded by Councilor Strong.**

Councilor Harris said it was going to be approximately twenty-seven hours per month. He wanted to make sure that would be adequate. Beth Saul felt that they might want the flexibility to pile a number of hours up on a certain project.

Councilor Strong withdrew her motion.

****Councilor Lucas motioned to approve the Interim City Administrator enter into a Personal Services Contract with Mike Swanson for his services for the amount at her discretion. Motion seconded by Councilor Harris, and passed 6-0.**

Council President Daniels recessed the regular meeting at 8:48 p.m.

Council President Daniels reconvened the regular meeting at 8:54 p.m.

Potential Application for Annexation by the City for the Industrial Area Assoc. - Beth Saul wanted to make sure the benefits of having all of the property owners in the Industrial Area

Association annexed all at once, but there were additional issues as well. One would be a perception issue if the City were going to be the applicant and also the staff work load involved.

Jerry Pineau recalled last month the property owners came to speak to the City Council and at that time they called themselves the Industrial Area Association. Part of what they requested was to have the City work with them on the annexation issue. The staff's stand point was to have the annexation be one application. His recommendation was for the City Council to encourage an annexation application stating which properties they would like to have annexed, and then go to the second portion which would be to decide who the applicant would be.

Jason Kruckeberg said in the packet there was a memo regarding annexation of the property out in the industrial area. There was a master planning process in which the City entered into last year to master plan the entire Phase II and III of the industrial zoned properties in the southeast part of town. He said the proposal from the Industrial Area Association came out of the master planning process, which was important, but there were some other issues. One issue was, would the city be the applicant, and what would some of the ramifications be. They also looked at a code amendment in which the Planning Commission and staff had proposed. The code amendment issue in which they were proposing for annexations within master plan areas would not be requiring traffic studies or general land use plans because it would have been taken care of in the master planning process. In order for it to be placed on the November ballot, they would need to have the application submitted by March 31. The code amendment would reach the Council on April 7, which would be after the fact.

Councilor Harris asked two questions. One was why the City would want to be the applicant, and the second question was how much property they were talking about, and did it compare with the current, overall size of the City geographically.

Jason Kruckeberg said the reason they wanted the City to be the applicant was from conversations between the IAA and staff, on how to best facilitate an annexation like this one. He thought the area they were proposing was close to 300 acres.

John Kelley stated there were 281.25 total acres of which 7.14 acres were people that did not approve of the annexation.

Councilor Prince said the purpose of Phase I, II, and III was that they would bring in the industrial property in different phases. He felt by bringing in Phases II and III at the same time was going to be a leap for them. Mr. Kruckeberg said the master plan was conducted on both Phases II and III and the infrastructure went through both phases.

Councilor Lucas asked if the City chose to be the applicant, what would the cost be. Jason Kruckeberg said the processing fee would be \$1500, the advantage was that the master plan had already been done by Otak. The worst case scenario would be to put together a site plan of the

entire property to be annexed, which he felt would be an extensive amount of work. He said it would take approximately twenty hours to draft the narrative.

Councilor Prince explained there would be some island properties that would be created because of this.

Councilor Lucas asked what would be an example of islanding. Mr. Kruckeberg said they annexed a five-acre parcel to the east of Hope Village and islanded approximately 30 acres.

Craig Lewelling addressed a couple of things this evening. He explained that in 1985, the City of Canby decided this was going to be the industrial park. He explained to the Council he was seriously involved in this issue for the past seven years. He went on to say the City had come to them two and a half years ago, and wanted the property owners to help create the Industrial Area Master Plan.

Terry Tolls addressed an item that was brought up earlier in the meeting regarding the agricultural farm buildings. He said that would be a big issue because it would include most of the properties out in that area, and they would have to bring all of the buildings up to code which would be very difficult, he said if that was the city's intent, they should tell them first. He said the taxation issues were relevant to most of the properties, and there were some major issues they had to address on the assessments.

Mr. Tolls wanted to respond to any questions the Council might have. He said he had made contact with most of the property owners and he was in favor of finding a way for anybody that did not want to be included in the annexation would not be. He felt the benefits to each of the property owners would be primarily the fact that the annexation rules are expensive for small parcels coming in. He thought these were major issues for these people, and felt those dollars should go to the property owners rather than to the developers.

Mr. Lewelling stated the IAA Board was created for an educational purpose for representation of the members out there. He said they attempted to make contact with everyone, but unfortunately there were a couple of people that did not get contacted.

Councilor Prince said he was surprised this was on the agenda due to the last Council meeting. He felt uncomfortable with the idea of the City being the applicant for this group. He said they were now coming back with something totally different. He thought the group was going to do the annexation and staff would be helping them with issues they needed help on. He stated the other issue was the City did not put them in this situation. He said the Comp. Plan was reviewed in 1984 and the committee decided where they wanted the industrial land to go, and this was the area they chose. He agreed urban renewal was a good tool to use.

Craig Lewelling stated at the last Council meeting, they were trying to form an association and have the Council approve it. He said they had no discussions on the annexation itself.

Mr. Tolls said if the City were to be the applicant, the City would have the ability to coordinate this as a group or entity, where the IAA would not have the ability to assess dues to their members, and they would not have a way to assess individual properties. He said the bigger issue was not the costs but the ORS statute.

Councilor Prince said basically at the last meeting, the City was trying to empower a group to take care of the industrial complex. Mr. Tolls said the Industrial Area Association was used to have a platform to discuss those issues, but they would not be the applicant, they were individuals.

John Kelley said if they were to sign a consent for annexation, it could be accomplished a couple of ways, one of which would require the consent of the property owners in the area to be annexed. If they signed a consent, how would it affect the property that was subject to tax deferral.

Mr. Tolls said the reason they wanted this on this agenda was because it was moving to fast. They wanted it to be on the November ballot, which would give them two weeks to come back to the Council for further questions the Council might have.

Leighton Perkins, who lived at 446 S. Walnut, Canby, spoke with the Clackamas County Assessors Office, and he explained how the deferred tax system worked. He felt from his stand point if this annexation did not go through it would not bother him, due to the fact that he would lose his well, his farm business, and the ability to use the land for the highest agricultural use.

John Kelley asked Mr. Leighton if he consented to the annexation, would that trigger the position of back property taxes. Mr. Leighton replied the only information he was given was the wording that the Council already had copies of.

Councilor Strong asked if the City was not the applicant, would they be able to come in as a group and annex themselves.

Mr. Leighton said the important issue was Sequoia Parkway needed to go down all the way through 13th and that part of Phase III was going to be all road.

Councilor Harris said they were accustomed to having the applicants come in to say they wanted to annex and then evaluate it. He said this was a giant step for the City Council and on top of it they wanted the Council to make a quick decision.

Mr. Lewelling said the reason they wanted it to be on the November ballot was because there was going to be a lot of money involved in the infrastructure of the industrial park, and there would be a lot more urban renewal dollars, and also for the downtown revitalization.

Councilor Carson said in his opinion, if they did not do a complete annexation, they would have

a hard time putting in Sequoia Parkway. He felt this should go to a vote of the people.

Councilor Lucas wanted to know how much staff time it would take and what the expenses would be to the City.

Mr. Tolls said this would be a unique opportunity because the City had a current master plan and property owners were heavily involved in it, and the other issue was the traffic studies.

Jason Kruckeberg said they would still be compiling the information in terms of writing staff reports, sending out letters, etc.

Jason Kruckeberg said the cost would be \$1,500 for the application fee, \$1,800 deposit for the election cost, notifications and postings that needed to be done. The money that would not be used would be refunded to the applicant.

Councilor Prince said in Phase I, they identified the infrastructure projects that needed to go in, and decided the areas that the main arterial would be in. He said it was brought in by certain land owners and not the City. He assumed the Association would be coming to the Council regarding a funding mechanism to get Sequoia Parkway in.

Phil Lapin who lived at 267 S. Walnut Street, Canby, lived in the middle of this area. He was unaware of the activities that had been going on. He was there this evening to express his concerns over information, knowledge, and facts. He had lived at that address for eight months and apparently the previous owner's name was on all of the records. He was approached to sign the document and he was presented with a plan to annex into the City, which he was told would benefit everyone. He asked why it would be beneficial to him with only one and one half acres with a house on it. He explained when you lived inside of the City limits your property values go up. A statement was also made that the land went for four dollars a foot, which raised some issues for him. He put together a document, which he read the first page. It basically stated some of the statements were biased and one sided. He felt there were more issues which should be raised, and he felt there should be more factual information on this issue, prior to initiating an annexation procedure. He pleaded to the property owners along with the Canby City Council to recognize there were significant gray areas in the factual information on hand. He was told by people that the City was going to pick up all of the costs, and there were significant issue differences that he was not aware of. He noted there were thirty-five properties that were involved, about seventeen were five acres or under.

Mr. Lewelling said that people with more than three acre parcels would not benefit from the industrial park in terms of increased value.

Jason Kruckeberg said in order to have this on the November ballot, it would need to be approved by March 31, and they also proposed language that would say if the applicant paid for the costs, the applicant could create a special election that provided flexibility to property owners

who did not want to wait until the May or November ballot.

Councilor Harris was not willing to rush into any decision. Councilor Daniels said if they delayed the decision until March 17, the Council would have enough information to make a decision that evening.

Councilor Lucas said by getting this annexation done now, it would drastically change the figures for urban renewal. The other problem he saw was how to handle the people who owned property within the area that did not want to be involved in the application. He felt the costs would be insignificant, and it would cost more if they were to do a special election. He also felt it would be better to help them act as a group and put the application in all together. Due to the advantages of deferred taxes to the property owners, he asked John Kelley if they had to pay if they annexed in a different way. John Kelley said the statutes that dealt with annexations stated there were a couple of ways of doing annexations which included consent by the property owner. He asked Mr. Tolls if they determined to ask for consent from the property owners, and received a double majority, those people that agreed to the annexation, would then in turn require them to pay farm deferred taxes.

Councilor Lucas said if using the word consent allowed them to annex as a group without having to pay deferred taxes, then he did not see why the City had to be the applicant. If it did not, he said there was no reason why the City would not be the applicant. He was not worried about the perception, or the A,B,C property. He felt it would be a big move for the City to have the industrial park there. His only concern was for the property owners who did not want to be part of the annexation.

Councilor Strong was not comfortable with the City being the applicant.

Councilor Prince was worried about the islanding issue.

Councilor Daniels wanted to bring this issue back to the March 17 Council meeting with more information.

Ray Burden who owned a considerable amount of the property said there was going to be four main thoroughfares in which he would be losing a lot of ground that way. He explained this was a Canby Industrial Park that was initially the City's idea. He noted they could not sell any of their property until it was annexed into the City.

Council President Daniels recessed the regular meeting at 10:40 p.m.

Council President Daniels reconvened the regular meeting at 10:45 p.m.

Council President Daniels moved to Unfinished Business.

UNFINISHED BUSINESS: Findings, Conclusion & Final Order, ANN 98-04, (Irene Burden) -

****Councilor Harris moved to accept the findings, conclusion & final order for ANN 98-04 (Irene Burden). Motion seconded by Councilor Lucas, and passed 6-0.**

Findings, Conclusion & Final Order, ANN 98-05, (Dodds) -

****Councilor Lucas moved to accept the findings, conclusion & final order for ANN 98-05 (Dodds). Motion seconded by Councilor Harris, and passed 5-1 with Councilor Carson voting nay.**

Findings, Conclusion & Final Order, ANN 98-06, (Buchanan) -

****Councilor Harris moved to accept the findings, conclusion & final order for ANN 98-06 (Buchanan). Motion seconded by Councilor Prince, and passed 6-0.**

ORDINANCES & RESOLUTIONS:

Resolution No. 690 -

****Councilor Harris moved to adopt Resolution No. 690, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 1.5 ACRES DESCRIBED AS TAX LOT 1700 OF TAX MAP 4-1E-4C AND A PORTION OF TAX LOT 1701 OF TAX MAP 4-1E-4C LOCATED AT THE SOUTHWEST EDGE OF THE CITY, AT THE END OF SOUTH ELM AND EAST OF VILLAGE ON THE LOCHS MANUFACTURED HOME PARK TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 18, 1999 GENERAL ELECTION. Motion seconded by Councilor Strong.**

Councilor Lucas said when they talked about voter approved annexations, he felt the public should be able to see those steps.

Councilor Prince wanted the vote from the City Council and the Planning Commission to be added to the explanatory statements for the voter's pamphlet.

City Attorney John Kelley asked if the Council wanted him to come back at the next meeting with revised explanatory statements for the voter's pamphlet or adopt specific language.

The Council decided to use their own language which included the Canby Planning Commission approving annexation by a vote of _____ and the Canby City Council approving annexation by a vote of _____.

Motion to adopt Resolution No. 690, passed 6-0.

Resolution No. 691 -

****Councilor Harris moved to adopt Resolution No. 691, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 0.64 ACRES DESCRIBED AS TAX LOT 100 OF TAX MAP 4-1E-3BB AND 0.86 ACRES DESCRIBED AS TAX LOT 200 OF TAX MAP 4-1E-3BB LOCATED IN THE SOUTHEAST QUADRANT OF THE CITY, MORE COMMONLY KNOWN AS 609 S. REDWOOD STREET AND 1477 S. TOWNSHIP ROAD TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 18, 1999 GENERAL ELECTION. Motion seconded by Councilor Prince, and passed 6-0.**

Resolution No. 692 -

****Councilor Lucas moved to adopt Resolution No. 692, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 14.03 ACRES DESCRIBED AS TAX LOT 2200 OF TAX MAP 3-1E-34B LOCATED ON THE SOUTH SIDE OF HIGHWAY 99E, NORTH OF SE 1ST AVENUE AND EAST OF REDWOOD STREET TO THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 18, 1999 GENERAL ELECTION. Motion seconded by Councilor Harris, and passed 6-0.**

Resolution No. 693 -

****Councilor Harris moved to adopt Resolution No. 693, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 5.5 ACRES DESCRIBED AS TAX LOT 200 OF TAX MAP 3-1E-34B LOCATED ON THE NORTH SIDE OF HIGHWAY 99E, AND EAST OF REDWOOD STREET TO THE CITY OF CANBY; AUTHORIZING THE CITY**

RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 18, 1999 GENERAL ELECTION. Motion seconded by Councilor Strong, and passed 6-0.

Council President Daniels stated for the audience that they had been passing resolutions that would be putting annexations on the May ballot.

MANAGER'S REPORT: Beth Saul went over the March meetings. She said March 10 would be the supplemental budget meeting and orientation for the budget committee members. March 15 was going to be a joint workshop with the Planning Commission, School Board, and Canby Utility Board at 7:00 p.m. at the Canby Adult Center. March 24 will tentatively be the first budget meeting. Councilor Prince wanted to get a copy of the tape for that meeting.

John Kelley said there was an issue which had come up regarding juvenile court, where juveniles were apprehended in connection with graffiti that was painted on the 4th Street bridge by Shimadzu. He said a counselor at the juvenile court had proposed as part of the punishment, they would be required to remove and repaint. The problem was the juvenile department did not carry workers' compensation for volunteers or community service people. Mr. Kelley called Scott Gustafson, who stated the City could pay for the insurance, but a resolution would need to be adopted by the City Council. He wanted to get direction from the City Council. The Council was in agreement to pass a resolution to that effect.

COUNCILORS' ISSUES: Councilor Harris asked when the workshop for the downtown parking was going to be. The meeting was going to be April 14, 7:00 p.m. at the Canby Adult Center.

Councilor Lucas asked Jerry Giger when someone was driving down Hwy 99E, and a train was coming through, the signal says no right turn. He wanted to know what people were to do. Should they turn right even though the sign said not to, or stop in the right lane of traffic.

Jerry Giger said that signal was a traffic control device required by both the Oregon Department of Transportation highway division and also the PUC railroad because of the danger of driving up to the train. Technically you should keep going, you should not stop in the lane of traffic when the signal is green.

Councilor Prince said he had attended a Metro meeting last week. He thought Metro had signed the green space agreement between Canby and Oregon City, and between Canby and Wilsonville, but they actually postponed it for two weeks. In the interim, they had brought up some more information. Mr. Prince attended the meeting that evening and spoke in favor of it and they voted 6-1 to approve it.

ACTION REVIEW:

1. Rescinding permission to the Assembly of God Church for selling fireworks on the railroad property and working with them and the Music Boosters for alternative locations.
2. Implementing Wastewater Treatment Plant Change Order No. 1.
3. Bringing back the Agricultural Building issue to the March 17 meeting, with more information and a report from Bob Godon.
4. Bringing back a letter of concern to next meeting, to be signed by the Council and then sent to Representative Kurt Schrader and Senator Rick Metsger.
5. Submitting an application to form an advance financing district for North Ivy Street.
6. Implementing Amendment No. 1 for engineering services for the wastewater treatment plant.
7. Have the Mayor execute a fund exchange agreement with ODOT on behalf of the City.
8. Entering into a personal services agreement with Mike Swanson for administrative consulting services.
9. Bringing back the Industrial Area Association issue with more information to the March 17 Council meeting.
10. Certifying the annexation measures to the Clackamas County Clerk.
11. Bringing back a resolution regarding insurance for juvenile community service workers.

****Councilor Harris moved to go into Executive Session under ORS 192.660 1(e) property negotiations, and 1(f) exempt public records. Motion seconded by Councilor Prince, and approved 6-0.**

Council President Daniels recessed the regular session at 11:20 p.m.

Council President Daniels reconvened the regular session at 11:56 p.m. and immediately adjourned the session.

EXECUTIVE SESSION MARCH 3, 1999

PRESENT: Councilors Daniels, Lucas, Strong, Harris, Carson, and Prince, Acting City Administrator Beth Saul, and John Kelley.

Council President Daniels called the session to order at 11:17 p.m.

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

ORS 192.660 1(f) - The Council discussed confidential attorney communications.

Council President Daniels adjourned the session at 11:56 p.m.

Chauncey F. Seifried

Chauncey Seifried,
City Recorder pro tem

Scott Taylor

Scott Taylor,
Mayor

Sharon Tramel

Prepared by Sharon Tramel,
Office Specialist