

CANBY CITY COUNCIL
REGULAR SESSION
MARCH 17, 1999

Mayor Scott Taylor presiding. Council members present Walt Daniels, 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, Building Official Bob Godon, Police Chief Jerry Giger, Todd and Susan Wood, Steven Amick, Cam Sivesind, Curtis and Lila Gottman, John Molamphy, George Abbott, Buzz Weygandt, Bob Zimmer, Roy Zimmer, Phil Lapin, and James and Julie Griffiths.

Mayor Taylor called the session to order at 7:33 p.m., followed by the opening ceremonies.

CITIZEN INPUT ON NON-AGENDA ITEMS: There was none.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the workshop, February 24, 1999; minutes of the regular meeting and executive session, March 3, 1999; accounts payable in the amount of \$317,294.96; extension of Walker & Macy contract to include a skate park construction phase; fireworks booth for ER Youth Ministries; and liquor license change of location, classification with greater privilege, and correction of tradename for the Gold Dragon. Motion seconded by Councilor Strong.

Councilor Harris said the Liquor License change of location and classification was in regards to the Gold Dragon restaurant, currently next to the Comfort Inn. They were relocating to SW 2nd, right behind the Highway Marketplace, and with that relocation, they were requesting the OLCC grant them an upgrade in their liquor dispensing privilege. As it stood now, it was a category where they served food and could serve alcohol along with food, but they had to serve food with the alcohol. They were requesting a liquor license which allowed them to serve alcohol by itself.

Councilor Prince asked if the Golden Dragon was on the form? Ms. Wood said the OLCC had it as the Golden Dragon, and they wanted to change it to the Gold Dragon, which was actually its name. Councilor Prince asked if they formally wanted to change their name. Ms. Wood said yes.

The motion to adopt the consent agenda passed 6-0.

COMMUNICATIONS: Operation Listen - George Abbott was a member of a citizens based transportation program that had been in effect for one year. With the program, they had many meetings throughout the county and many people were involved. They wanted to go from the County to the citizens to find out where the transportation problems were. He invited everyone to four meetings they were going to have in the area. The first was on March 18, 1999, at the

Canby Adult Center at 6:30 p.m. They were going to bring back the items they believed they heard the community say. Also at the meeting there was going to be an electronic key pad system that they would be able to vote on. Some of the issues on the agenda were land use transportation, growth, planning, strategy and policy, transportation funding, transportation capacity, demand and congestion, Clackamas County transportation services budgeting priorities, transportation quality and safety, communications, citizen involvement, and customer service. They wanted a lot of participation and maybe they would set policy that night. The policy would then be handed over to the Clackamas County Commission and they would follow up on the recommendations of the citizens.

Mayor Taylor said he appreciated the group that had pushed for this and their attempt to get actual input from citizens. The fact that the meeting was held in the evening so people could come and participate was great and if they did not have anyone from Canby, they would have no cause to complain later.

Donations to 1999 Slice of Summer - Ms. Saul said that one of the last things Mr. Jordan told the Council about was Slice of Summer celebrating its 10th anniversary this year. They did a survey of citizens to find what their favorite groups had been over the years and they wanted to call back the top hits of Slice of Summer. However, all the groups charged more money than they used to. They were looking for a special one time dispensation from the City as a partner with them to bring those groups back.

Mayor Taylor asked if they had the ability to meet Carol Meeuwssen's request in the budget? Ms. Saul said yes, for the amount she was requesting.

Councilor Harris said the amount she was requesting was a cap of \$5,000, but it was not a request for \$5,000 because they were not sure what was going to be charged. She was asking the Council to authorize up to \$5,000.

****Councilor Lucas moved to give up to \$5,000 for a one time only ten year special Slice of Summer concert series. Motion seconded by Councilor Harris.**

Councilor Harris said the program this year should be very good, and in the past, the City helped sponsor the programs, but in the last couple of years, they could not afford it. This was a great attraction to the City.

The motion passed 6-0.

Ms. Saul said the Mayor got a letter from Nickelodeon. Mayor Taylor read the letter, which was regarding a call Nickelodeon received from kids in Canby stating that they wanted to help at a Big Helpathon for kids to volunteer at the City's parks. Mayor Taylor agreed to send away for a Big Help In A Box kit. He thought it was great that kids took the time to ask for the help.

Mayor Taylor announced that a bridge had recently been constructed in Canby on the logging road and now people could go all the way from 13th to Territorial and eventually it would hook up to the City's entire bike path system that was in the master plan. They asked some folks to put together an event and they provided the Council with information regarding the event that night. They were proposing the event for May 22, 1999, and it would involve a ceremony out at the bridge, cutting a ribbon, doing some speechifying, and a run, walk, ride, etc., over the new bike path.

Councilor Daniels said the whole logging road would be cleaned up and re-paved for the event as well.

Mayor Taylor said they had a special event fund in which they would fund some of the event, they were hoping for some sponsors, and they would have t-shirts, certificates, etc.

The Council agreed to go ahead with this project. Mayor Taylor thanked Lila Gottman for her work on this event.

NEW BUSINESS: Application SP 99-01, Temporary Hardship Permit - Jason Kruckeberg said this permit would allow for a placement of a manufactured dwelling on a lot in the downtown commercial zone. The applicant was Sharon Devereaux. She would like to house her elderly parents in the temporary dwelling to take care of them. New dwellings were not outright permitted in the downtown commercial zone. The applicant was a nurse and she had a letter from Doctor Kerry Kuehl from OHSU which stated her parents needed nursing care and the fact that she was a nurse was an optimal way to take care of her parents. Section 16.44.100 of the Canby Municipal Code outlined the process for temporary hardship permits. The staff notified the property owners within 100 feet of the proposed location, which was 382 N. Juniper where Ms. Devereaux's house was located and the adjacent lot at 370 N. Juniper was where she would like to place the manufactured dwelling. The property owners were given 10 days to request a public hearing, and they did not get any requests.

The Municipal Code allowed for the City Council to issue permits for mobile homes, trailers, and/or motor homes to be used in hardship situations. There were five criteria the Council had to look at in these cases. The application had to prove there was no adverse impacts on the value of the nearby properties, and there were no significant impacts expected. It was a vacant separate lot next to a parking lot across from a church. The second criteria was the property had to contain sufficient areas to house the additional unit, and there was 5,000 square feet of vacant lot. The third criteria was the temporary unit be connected to all required utilities, and at their places he put an extra list of three conditions staff would recommend along with the recommendation in the staff report. One of those was that all utility providers requirements were met at the time of hooking up to City services and facilities. The fourth requirement was the placement of the unit needed to meet set back requirements, and there were no set backs in the downtown commercial zone. The fifth condition was the hardship situation was legitimate, and there was enough information that showed the need. There was an extra request from the applicant that the City

waive the SDC's in this case since the dwelling was temporary. The Code did not mention any possibility of waiving the fees in the temporary hardship case.

In summary, staff recommended that a temporary hardship permit be granted. In the past ten years there had been only six hardship permits issued. There were several ways that these permits had been reviewed. One way was for the applicant or staff to appear before the Council on an annual basis and ask for renewal if the hardship situation persists. The other option was a letter could be signed on an annual basis by the property owner or applicant which stated that the medical hardship still existed and they needed to keep the unit where it was. They recommended that the applicant and/or staff come before the Council on an annual basis. Staff recommended approval with the conditions that it was re-authorized every year as the hardship situation persists, the foundation meet building code requirements, that the unit would be connected to all City utilities as required by utility providers, and that the applicant signed an affidavit that the manufactured dwelling would be removed when the hardship situation was no longer necessary.

Councilor Carson asked what it meant to meet the foundation requirements? Mr. Kruckeberg said that would be determined at the time of the placement. Mr. Godon said a typical manufactured dwelling installation would be on concrete block piers with a skirting around it. This would be a manufactured dwelling code minimum standard for the state.

Councilor Harris said the applicant requested that they waive the SDC's, how much would that amount to? Mr. Kruckeberg said the various sewer SDC's would be about \$1000, Canby Utility Board would have SDC's for water and electric, for parks SDC's they charged \$347 per bedroom, there were 3 bedrooms shown, so a little over \$1000 there, and excise tax was charged per square foot, so about \$350 there. Councilor Harris asked what they had done in the past? Mr. Kruckeberg said there was no mention of SDC charges in the ones that had been approved. A lot of them were done before SDC's were implemented.

Mayor Taylor said he did not remember ever addressing this issue before in previous hardship requests.

****Councilor Lucas moved to approve SP 99-01, and authorize staff to issue a temporary hardship permit for the proposed dwelling on a one year renewal basis and with the recommendations of staff and to waive the SDC requirements. Motion seconded by Councilor Prince.**

Councilor Harris said they had not seen any financial backing for why the SDC's should be waived, it was just part of the application. He felt that by waiving the SDC's, they would be setting a precedent, or if they had adequate reason to waive those. Mayor Taylor said normally SDC's were paid for future use and planning, and they were going to tear the place down at the end. There may be some concern as to how long it would go on and rather than waiving it, they could hold in abeyance charging the SDC's, and at each year review they could reconsider it. The reason for SDC's was for future growth.

Councilor Lucas said the applicant was going to a lot of expense to care for some people who needed the help, and SDC's were a charge for the long term and this was not the case. He wanted to leave the motion as it was.

Councilor Prince said because this was temporary, and he would hate to have it holding over their head every year since they had a lot of expenses already.

Councilor Daniels asked if they had a policy that they had so many days to remove the manufactured home when it was no longer needed? Mr. Kruckeberg said there was no specific date limit, the affidavit they would sign would simply be when the hardship situation was no longer there, and that was as far as they went. The worst case was that at the annual authorization, the applicant would have to prove that the hardship case still existed. The one year lag time would be as much as they would get on being able to enforce it.

Mayor Taylor said he assumed that once the residents of this particular hardship case were not in there, it was not available for any one else's use.

The motion to approve SP 99-01 passed 6-0.

Finalizing City Administrator Profile - Mayor Taylor said the agreement with the League of Oregon Cities was that they would be provided with this profile and if they had questions or concerns, they could let Mr. Townsend know. Mayor Taylor said he thought the profile read very well. The Council agreed to go with the profile as it was.

Mayor Taylor said they had put in place a timeline which called for a screening of the applications, narrowing it down to a list, and then scheduling interviews sometime in April. Mayor Taylor asked if they were going to work with Mr. Townsend or were they going to design an assessment center? Ms. Saul thought it was going to be Mr. Townsend. Mayor Taylor said the materials regarding previous assessment centers should be sent to him and he assumed they would have one other meeting with Mr. Townsend before they implemented this so they could talk about what he put together as the exercises.

Mayor Taylor said they also wanted representation of the Council and other community members to be a part of or being there at the time of the assessment center exercises. They would be sending out requests to some of the local organizations, but if anyone really wanted to participate in an exercise that would help them hire a new City Administrator, to contact City Hall. Mayor Taylor said they should invite the School Board, Planning Commission, Chamber of Commerce, Adult Center, Canby Kids, and other major interactors.

Mayor Taylor said he was asked to take the application for annexation by the City for the Industrial Area Association off of the agenda for discussion that night.

ORDINANCES & RESOLUTIONS:

Ordinance No. 1017 -

****Councilor Daniels moved to adopt Ordinance No. 1017, AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO NORTH WILLAMETTE TELECOM TO PROVIDE CABLE SERVICE WITHIN THE CITY OF CANBY be posted and come back for second reading on April 7, 1999. Motion seconded by Councilor Harris.**

Mayor Taylor said they had a franchise agreement with North Willamette Telecom and had been in negotiation with them for a long period of time and were now in the process of finalizing that negotiation and agreement.

The motion to adopt Ordinance No. 1017 passed 6-0 on first reading.

Ordinance No. 1018 -

****Councilor Harris moved to adopt Ordinance No. 1018, AN ORDINANCE AMENDING THE MUNICIPAL CODE FOR THE CITY OF CANBY, OREGON, BY REPEALING CHAPTER 5.08, "CABLE TELEVISION COMMUNICATION SYSTEMS" be posted and come up for second reading on April 7, 1999. Motion seconded by Councilor Prince and passed 6-0 on first reading.**

Mayor Taylor said the Council had met and discussed this over a period of time and were familiar with the topic.

Resolution No. 694 -

John Kelley said at the last Council meeting he asked if they were interested in having community service performed within the City of Canby by juveniles. The juvenile department had no money to pay for the requirement that worker's compensation be in effect for the kids doing community service. The Council wanted to pick up that charge to enable the juvenile department to make those assignments to the Canby area, and they could monitor the community service that was performed in the area by children that were Canby residents.

****Councilor Lucas moved to adopt Resolution No. 694, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO PROVIDE WORKER'S COMPENSATION COVERAGE FOR JUVENILES PERFORMING COMMUNITY SERVICE WITHIN THE CITY OF CANBY. Motion seconded by Councilor Strong.**

Councilor Harris asked about the cost of this, they would perform community service at an assumed wage of \$800 per month. Did that mean anyone who worked a number of hours that was equivalent to \$800 would be covered or was that \$800 what it cost for insurance? Mr. Kelley said they were assuming to be working at a wage of \$800 for the purposes of assessing the amount of worker's compensation.

Mayor Taylor said the normal amount of community service was 40 to 80 or more hours.

Councilor Daniels said this came about because of a request from the juvenile department that covered some youth who were picked up for doing some graffiti on the new bridge in Canby. He wanted to let everyone know if you were caught, you would be doing the repainting in the City and this was the result from adopting this Resolution. In future cases, they would use all the juveniles they were given to paint the graffiti.

Mayor Taylor said they had also tried to work on the adult side to do a variety of the work they had in the community, and it would be the same type of opportunity. Those who did things in Canby would also have the opportunity to repair them in the community.

Councilor Harris said the way the Resolution was worded, it was not exclusively people assigned by the juvenile department. It also included volunteer groups working in the parks. Mr. Kelley said it could include those if they wanted it to, because they were volunteers.

Councilor Daniels asked if that was another issue since it was not spelled out in this Resolution. Mr. Kelley said this particular Resolution came from the insurance company. If they protected all of the volunteers, including community service workers, that worked for the City, but they especially wanted to cover the juvenile department referrals.

Councilor Lucas said this was a drop in the bucket in comparison to hiring people and paying benefits. This was a good deal, the City wanted to be covered and wanted them to do the work.

The motion to adopt Resolution No. 694 passed 6-0.

Resolution No. 695 -

Jerry Pineau said there was no Resolution to pass out to them that night because they were not quite ready to do that yet. This resolution was in regards to House Bill 2657, which if adopted, it preempted the City from imposing the current construction excise tax on new construction. They found that the City of Fairview also had a construction excise tax and they wanted to join them in opposing this bill. There was some language in the bill that needed to be clarified, because at face value it looked like any type of a fee that had to do with construction, the City would be preempted from collecting it. Right now the bill had not had its second hearing, it was in the local government committee, and was not scheduled to come out in the next few weeks. When it did come out, it required a 36 hour notice. He proposed that the Council authorize the Mayor to write a letter if it becomes necessary to oppose the adoption of House Bill 2657. He intended to bring back Resolution No. 695 opposing it to the next meeting on April 7. The Council agreed.

****Councilor Daniels moved to authorize the Mayor to write a letter opposing the adoption of House Bill 2657 should it become necessary before the regularly scheduled April 7, 1999, Council meeting. Motion seconded by Councilor Harris, and passed 6-0.**

Mayor Taylor said if it became necessary, he would personally appear also.

Mr. Pineau also discussed House Bill 2841, which raised the threshold for cities up to 15,000 to petition for withdrawal from Tri-Met. Representative Schrader's office sent the latest version of the bill and Representative Schrader was trying to talk to Representative Montgomery, who was the Chairman of the Transportation Committee, to schedule it for a hearing. The hearing cut off for this year was April 23, so it needed to be scheduled before then. He proposed to come back on April 7 and bring back more formal support for Representative Schrader.

Mayor Taylor asked if Mr. Pineau had any concern about this moving fast as the other House Bill they just discussed? Mr. Pineau said he was calling every day and there would be a 36 hour notice. Also this bill would take two hearings and it would be difficult to get two hearings out before April 7.

Mayor Taylor said this was an issue they had been after for a long time, Representative Schrader was trying to help them get it passed, and they moved things very quickly. You got one shot and he would hate to lose out on this. He wanted to have a contingency plan. He said theoretically this could be like the other House Bill, and could have come and gone before they could come back as a Council to do an official letter or response. He wanted to make a similar motion as they did for the previous House Bill.

****Councilor Harris moved to authorize the Mayor to write a letter in favor of the adoption of House Bill 2841 should it become necessary before the regularly scheduled April 7, 1999, Council meeting. Motion seconded by Councilor Lucas.**

Councilor Lucas wanted to make sure everyone would be notified if it came up so they could testify if they wanted to.

Mayor Taylor said on either of these letters it would say on behalf of the Canby City Council.

The motion passed 6-0.

UNFINISHED BUSINESS:

Extension of a Special Permit for Canby Telephone Association -

****Councilor Daniels moved to approve CTA's extension request for one year, with the requirement that a building permit application be submitted by March 19, 2000, or the matter must be brought to the City Council to verify the continued need for the special permit. The original conditions of the special permit should continue to apply. Motion seconded by Councilor Strong.**

Councilor Strong asked how long this had been extended and when did they plan to proceed?

Mr. Kruckeberg said it started in 1997 and the letter from Mr. Molamphy from CTA stated that they expected to apply for a building permit in the third quarter of 1999.

Councilor Harris said there had been some level of frustration with this the last time. On the surface there did not seem to be any reason not to grant this extension, because the building was not visible from the street, neighbors were not complaining, there was no safety problem, etc. But the Council was bothered that nothing seemed to be happening. Mayor Taylor said the difference was that this time they had a permit being applied for. Mr. Kruckeberg said they did not have an application yet, but they had seen preliminary drawings of the permanent building. They also stated they would apply for a building permit in the latter part of this year.

Councilor Harris said he wanted to pass on a message to CTA that a year from now they would remember what CTA said they would do.

The motion to approve an extension to CTA passed 6-0.

Regulation of Agricultural Buildings in the City Limits - Ms. Saul said the Council requested that Mr. Godon be there to answer any questions for them that night.

Mr. Kruckeberg said at the last Council meeting there had been an informational memo in their packet regarding the regulation of agricultural buildings as they came into the City through annexation. Typically when properties were annexed, existing farm buildings were demolished to facilitate new development. They had received several annexations recently where agricultural buildings were intended to remain on the property. Mr. Godon wanted to forward the possibility of regulating those buildings to the uniform building code.

Mr. Godon said Mr. Kruckeberg passed on three questions the Council had previously, and he wanted to address those right at the start. The first question was how many buildings were in the City limits now? There were a few greenhouses that just came in on 13th and Ivy, and the only other one was near the transfer station and JV Northwest, Hanson had a garage/office type of building next to his house. The second question was what constituted a dangerous building? There was a City Ordinance that controlled dangerous buildings, and there were many definitions as to what constituted a dangerous building, such as electrical safety, structural damage and deterioration, etc. The third question was if there was any other information they should consider other than Mr. Kruckeberg's memo? Mr. Godon talked with the fire marshal and he was concerned about the buildings also. The problem was that they were not regulated by the County except for their location. The logic behind that was they were in a rural area and were not near any density of population, but when they moved into the City, and especially if they were going to develop part of the property and leave the buildings there, they became very close to the development, which might create a problem. They could regulate dangerous buildings with the Dangerous Building Ordinance. If the owners wished to keep using those buildings, then every other building in the City was regulated by the Uniform Building Code and therefore they would have to conform to the code. It was a gray area in the code what to do with an agricultural

building since it was not built to the UBC, what to do with it in the future when it was not on a farm anymore.

Councilor Daniels said when they were talking about the greenhouses, there was not much of a problem there. But when they talked about the annexation of the whole Industrial Park, there were many buildings there and if they were required to bring them up to code, that would be a mess. He used an example of a pole building, would they need to be put under foundation if they were going to be used, or would they allow the buildings to come in, but allow no further expansion?

Councilor Harris said they had some discussion over the Faist property where they were continuing a farming operation and developing just part of the property, did they resolve that if it was continuing as farm use, it did not apply?

John Kelley said the statute made the distinction between non-farm and farm buildings. What the City could regulate was non-farm buildings, those were buildings not used in the farming practice. If it was a farm building and they continued to farm, the City could not regulate that. Mr. Kelley read the statute.

Mayor Taylor said the basic premise was what standard would they like to use as a City when bringing these buildings in, should they require the Uniform Building Code, or just use the Dangerous Building Ordinance?

Mr. Godon said there might be a middle ground. Going to a full UBC might be cost prohibitive to bring a building up to code. The fire marshal was concerned about bringing development up close to those buildings. He said they could create a splash zone, which would take into consideration the building height plus half again for a splash zone if it fell over. Then they could use the existing Dangerous Building Ordinance if there was an imminent danger instead of using the Building Code.

Councilor Daniels asked how Mr. Godon would view a pole building that was used for farm use, and then annexed into the City, and was now used for rv storage. Would that be included in the middle ground option? Mr. Godon said yes, if it was a sound building.

Councilor Carson said he thought the middle ground was a good option, especially that those buildings were not by new houses and gave room in case of a fire or the building fell down. He also agreed that if the building was bad, it should be taken down. The only question he had was a grandfather clause, it would be hard to say to people already annexed in that they should have met the other codes.

Mayor Taylor said right now they did not have any of those situations. Mr. Godon said what prompted this was the greenhouses on 13th and Ivy.

Councilor Carson asked what about the Burden's greenhouses that they just asked to be annexed in, were they a problem? Mayor Taylor said with the middle ground option, they would go out and look at them to see if they were dangerous, and if they were not dangerous, they could not build anything within the splash zone.

Councilor Carson said if they were to modify them for any other use, they would have to meet all of the building code requirements. Mr. Godon said that was correct.

Councilor Daniels said if a building was within 20 feet of the property line, would they hold off asking them to tear it down until development would take place? Mr. Godon said he would not ask them to tear down the building. What the County did to regulate them had nothing to do with the building code, they just asked for a plot plan to make sure it met their set back requirements and that they were not located on the property line. If it was legal in the county, it should stay legal in the City.

Councilor Prince said they were not just talking about a 20 foot set back, they were talking about an option based on the height of the building. Mr. Godon said it would be at least 20 feet, if it was a taller building, it would be more than that.

Councilor Prince said they had the choice of either full UBC or the partial UBC? Mr. Godon said they would just go with their Dangerous Building Ordinance and then have the policy that the Planning Commission would not approve any development within the splash zone.

Councilor Harris gave an example that if he was a property owner and had an old barn on his property that was 20 feet high and 20 feet away from the fence line, and there was no development beyond the fence line, but whoever owned that property wanted to develop it, then what happened with the obligation? Could they not develop that? Mr. Godon said this only affected your property, that if you wanted to develop part of your property, you would have to keep your development away from that building. What happened on the neighboring property would have no bearing. If it was a dangerous building, they would take it out at the time it came into the City.

Mayor Taylor said the concern was that two people owned property, and one owner's property abutted an old farm building. Someone owned the land and wanted to develop that, they could not build within 20 feet of this. They were talking about people who wanted to bring in land and wanted to leave an existing structure. Did Mr. Godon know of a situation where they would have that condition? Mr. Godon said he did not, and was not sure of what the County's set back requirement was. As long as it was legal in the County for an existing property line, he did not see why they would need to regulate it differently.

Mayor Taylor said the situation they were discussing was two properties came into the City and were now under our jurisdiction, and there was this barn ready to fall down next to someone who wanted to build a development, and one of them could not have their way.

Councilor Harris asked which one loses? If you had the barn, did it mean your neighbor could not develop or would the City tell you to tear the barn down? Mr. Godon said neither, the neighbor could build a house next to your barn if it was legal in the county.

Councilor Lucas said if the barn was not dangerous, that scenario would work, but if it was dangerous, it would be torn down. It sounded like these scenarios were covered under their Dangerous Building Ordinance or the Planning Commission had a policy.

John Kelley said they did not have a policy yet.

Mr. Godon said according to current regulations, they could create a property line next to a detached accessory building 3 feet from the building and then build a house 7 feet from the lot. They would end up with a house 10 feet from the barn in the worst case scenario.

****Councilor Carson moved to instruct the Planning Commission and staff that the policy of the City when bringing such property in was that they would apply the existing Dangerous Building Ordinance, and would not require the Uniform Building Code to those buildings, and where appropriate they would establish a splash zone, a splash zone meaning the height of the building plus another half. Motion seconded by Councilor Daniels.**

Councilor Harris asked when there was an annexation, did existing buildings get inspected? Mr. Godon said no, they usually all are taken off of the property. Councilor Harris asked if this motion was a good clarification? Mr. Godon said yes.

Councilor Strong asked if the existing buildings that were already inside the City limits would fall under this or were they going to be grandfathered in? Mayor Taylor said when they were inspected, if they were dangerous buildings, they would be taken down. If they were not dangerous buildings, they could stay and if they decided to develop that piece of property, they could not build closer than what the greenhouses might fall over to, twenty feet minimum.

Mr. Godon said except those buildings were new, and what they were looking for was if they were legal in the County before they came into the City, which they were by one day. Otherwise they would have asked them to remove them.

John Kelley said they were legal in the sense that they were used for agricultural storage, not for public use.

The motion passed 6-0.

Requirements for Buildable Lands Analyses - Ms. Saul said a letter had been drafted at their request for the Council to sign and be sent along to Representative Schrader and Senator Metsger. The idea was the Council wanted to recommend they use ten to fifteen years for buildable lands analysis, instead of five years, hoping that would be more realistic.

Councilor Prince thought it was a concise letter and hopefully Representative Schrader and Senator Metsger would try again to pass this. The Mayor and Council signed the letter.

Mayor Taylor repeated that the discussion of the application for annexation by the City for the Industrial Area Association was taken off the agenda.

Phil Lapin, resident of 267 S. Walnut, had been involved in the Industrial Area Association issue. He wanted to know how the process was occurring with that group working with the city, was it a recognized association, or what was it? Mayor Taylor said they had some folks come before the Council and ask if they could become a neighborhood association. They talked about what they had to do to become one. At that point, they indicated that they had formed an association and had everyone signed up for that. At that point, they were talking about bylaws and other issues. The intent was when they went to work out there, the Council thought that a unified voice would be a good way to go. The Council was not buying into an establishment of a neighborhood association because they did not have any yet. At the last Council meeting there was a discussion regarding if they could as a City on behalf of that group start the annexation process. The representation, because of the letters and comments they received, showed that the Council may not be as confident as they were that everyone was represented and it spoke for the neighborhood. It represented a population, and the request to take this issue off the agenda was for some local discussion and organization, so when it was represented to them, they would know what percentage was involved and who else might want to give them their opinion.

MANAGER'S REPORT: Ms. Saul said in the information in their packet was a letter from Susan Wood regarding their request to publish Council agendas in the newspaper and OCTS. Mike Dawson from OCTS was putting it on Channel 5 now. However, the newspaper would have a cost attached to it. The cost would be \$20 to \$30 per add, a minimum of \$720 a year. Councilor Prince thought it was a good idea because more and more they needed to let the public know what they were doing. It was money well spent.

****Councilor Prince moved to direct staff to work with the Canby Herald to publish the full agenda. Motion seconded by Councilor Daniels, and passed 6-0.**

Councilor Daniels asked if the agenda was posted at the library as well? Ms. Saul said yes, it was posted at the Library, Post Office, City Hall, and the billboard in front of Planning and Building.

Mayor Taylor said this would be a good thing to post on the City's web page. Ms. Saul said that would be another area where it would be found.

Ms. Saul announced that the Urban Renewal Task Force had invited the Mayor, Council, and Planning Commission to come to their meeting on April 1, 1999, to hear what they were doing, how their planning was going, and to get an overview of the urban renewal analysis report and plan. The meeting would be at 7 p.m. in the Council Chambers.

COUNCILORS' ISSUES: Councilor Daniels announced that the Community Concert series was coming up for its sixth season. They had four concerts lined up. It was an excellent opportunity to hear some good music at a reasonable price. He would leave some flyers at City Hall for those interested. Last night there were two individuals from New York, the pianist and trumpeter, who spent the day before the concert with Canby's high school band teaching them some techniques. This helped encourage to keep the arts in the schools, one of the things they needed to work at.

Mayor Taylor said part of what was neat about this program was the performers came in the day ahead of their concert and worked with the students in the high school. You could look at this as kind of a donation to the future of the children of Canby for the arts.

Councilor Daniels said the quality of the programs had increased each year due to the fact that the more members they had, the more they could afford to provide better programs.

Councilor Prince said they received a letter from Vern Keller, a member of the Planning Commission, that for personal reasons he was going to step down from the Commission. There was now another opening on the Commission. He had served with Mr. Keller when he was on the Planning Commission, and Mr. Keller was a very qualified Commissioner, and they would miss him very much.

Councilor Harris said Mr. Keller was also previously a Budget Committee member, and they all appreciated the dedication Mr. Keller put in these volunteer positions for the City to help keep the community going.

Councilor Daniels wanted staff to send a thank you letter to Mr. Keller for all of his work for the City.

Councilor Carson again extended the invitation from the Urban Renewal Task Force to the Council to come to their meeting on April 1, 1999. There was a lot they had for everyone to look at and see the progress the task force had made.

Councilor Lucas said there was an opening on the Parks & Recreation Advisory Committee as well. Anyone interested in this position could contact City Hall.

ACTION REVIEW:

1. Signing the extension of the Walker and Macy contract to include a Skate Park construction phase.
2. Notifying ER Youth Ministries of the approval for use of City property for their fireworks stand.
3. Forwarding a recommendation to the OLCC regarding the Liquor License for the Gold Dragon.

4. Notifying Slice of Summer of the Council's approval of the City being a partner in their big 10 year bash.
5. Notifying the Bike & Ped Committee of the Council's approval of planning the bridge opening ceremony in May. They would also be working with the Parks & Rec Advisory Committee and parks staff for that event.
6. Sending the Mayor's fax back form to Nickelodeon to get the Big Help box.
7. Notifying the appropriate people of the approval for the temporary hardship permit and waive the SDC's.
8. Notifying Mr. Townsend of the approval of the City Administrator profile and set up another meeting with him to work on the assessment center.
9. Working on a list of representatives in the community who want to be involved in the assessment center.
10. Bringing back Ordinances 1017 and 1018 on April 7, 1999, for second reading
11. Notifying the City's insurance company of the approval of Resolution No. 694 regarding the worker's compensation coverage
12. Preparing a draft letter regarding the construction excise tax for the Mayor if necessary and notifying the Council if there was an opportunity to testify, and doing the same for the mass transit issue.
13. Notifying Canby Telephone of the Council's approval of their special permit extension.
14. Notifying the Planning Commission and staff of the policy direction that the City use existing Dangerous Building Ordinance for structures coming into the City instead of the full UBC and establishing a splash zone in case they wish to develop.
15. Sending a letter regarding buildable lands analyses to Representative Schrader and Senator Metsger.
16. Working with the Canby Herald to publish the full agenda.
17. Reminding the Council of the meeting on April 1, 1999, for the Urban Renewal Task Force.
18. Sending a letter of thanks to Vern Keller for his service to the City.
19. Advertising the openings on the Planning Commission and the Parks & Rec Advisory Committee.

****Councilor Daniels moved to go into Executive Session under ORS 192.660 1(b) dismissal, disciplining of, or hear complaints or charges brought against an employee, 1(e) property negotiations, and 1(h) pending litigation. Motion seconded by Councilor Harris , and approved 6-0.**

Councilor Lucas reminded them that on April 14, 1999, at 7 p.m. in the Adult Center, there was going to be another downtown parking meeting.

Mayor Taylor recessed the regular session at 9:03 p.m.

Mayor Taylor reconvened the regular session at 9:45 p.m. and immediately adjourned the session.

EXECUTIVE SESSION
MARCH 17, 1999

PRESENT: Mayor Scott Taylor, Councilors Daniels, Lucas, Strong, Harris, Carson, and Prince, Acting City Administrator Beth Saul, City Attorney John Kelley, Cam Sivesind, and Pat Johnson.

Mayor Taylor called the session to order at 9:10 p.m.

ORS 192.660 1(b) - The Council discussed dismissal of Ray Fillis, Police Officer.

ORS 192.660 1(e) - The Council discussed the Cutsforth's Project.

ORS 192.660 1(h) - The Council discussed Moore Excavation.

Mayor Taylor adjourned the session at 9:42 p.m.



Chauncey Seifried,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Susan Wood,
Office Specialist