

CANBY CITY COUNCIL
REGULAR SESSION
DECEMBER 2, 1998

Council President Walt Daniels presiding. Council members present: Barry Lucas, Roger Harris, Shirley Strong, and Dennis Nolder. Mayor Scott Taylor absent.

Also present: City Administrator and City Recorder Mike Jordan, City Attorney John Kelley, Community Development Director Jerry Pineau, Recreation Services Director Beth Saul, City Planner Jason Kruckeberg, Project Planner Clint Chiavarini, Police Chief Jerry Giger, Sharon Tramel, Cam Sivesind, Randy Carson, Terry Prince, Nancy Wilmes, Sylvia Pischel, Kathryn Lewelling, David Stepp, Matthew Maurice, Mary Doak, Bob Cryder, Terry W. Tolls, Larry Castle, Bob Trappe, Helen McMartin, Joan Jones, Royann Lund, 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: None

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the regular meeting and executive session, November 18, 1998; accounts payable in the amount of \$168,680.09; and Historic Review Board Appointment. Motion seconded by Councilor Strong, and passed 5-0.

Councilor Harris announced that David Stepp was the person appointed to the Historic Review Board.

PROCLAMATIONS: Toys for Tots Week - Councilor Daniels read the proclamation. He stated he would have Mayor Taylor sign it when he returned. He presented the proclamation to the Canby Kiwanis Daybreakers.

Nancy Wilmes with the Kiwanis Daybreakers introduced herself while they were collecting donations. She also introduced Debbie Hancox, President of the Daybreakers, and Sylvia Pischel. Larry Castle, President of the Canby Kiwanis Noon Club was also present.

Nancy Wilmes thanked the citizens for their input. She stated without their participation, the Toys for Tots program would not be successful. She said on Sunday, December 6, 1998, there was going to be a benefit concert held at the Fine Arts Center for the toy program and the food baskets. There was also going to be local entertainment which included the Canby High Catalinas, Sweet Adelines Pitchpipers, Whiskey Hill Jazz Band and the Barlow Trail Christmas Chorus among others. She invited everyone to participate.

Councilor Daniels thanked Nancy Wilmes for their efforts in the community and everyone appreciated it.

November 3, 1998 General Election - Councilor Daniels read the official count from Clackamas County Elections. He stated for the four-year term, the three successful candidates were Terry Prince, Walt Daniels, and Shirley Strong, and for the two-year term it was Randy Carson. He stated the two annexations that were on the ballot was Measure 3-44, which was the 39.32 acres located on the east side of S. Redwood, south of Township and north of SE 13th passed 2,392 votes to 1,367. Measure 3-39, which was the 4.78 acres located on the west side of N. Redwood just south of NE Territorial, passed 2,499 votes to 1,251.

COMMUNICATIONS: None

PUBLIC HEARINGS: Designation of House at 234 NW 5th Avenue as a Historic Landmark -

Council President Daniels opened the hearing at 7:37 p.m.

Council President Daniels read the public hearing format. He gave a limit of five minutes for each person to speak.

CONFLICT OF INTEREST:

Nolder - No conflict

Harris - No conflict

Daniels - No conflict

Lucas - No conflict

Strong - No conflict

EX'PARTE CONTACT:

Nolder - No Ex'parte Contact

Harris - No Ex'parte Contact

Daniels - No Ex'parte Contact

Lucas - No Ex'parte Contact

Strong - No Ex'parte Contact

STAFF REPORT: Clint Chiavarini read the staff report. He explained a couple of months ago Staff came before the Council to ask them to appoint members to the Historic Review Board. He stated they now had seven members on the board. He explained the Historic Review Board was working with the applicant, Mr. Cryder. The Historic Review Board had the responsibility of reviewing historic homes and proposals for the City, and they would be taking an active role in land use review of properties that would be coming up for demolition in the future to make sure the homes that come before the Planning Staff was not historically significant.

Clint Chiavarini stated that for the purpose of this application, the applicant, Mr. and Mrs. Cryder, had asked that their home which was located at 234 NW 5th Avenue be designated as a historic landmark under the City's Historic Preservation Ordinance. The Historic Review Board formed a recommendation at a public hearing last week to the City Council to approve the application.

Mr. Chiavarini briefly explained the criteria for approval since it was the first one they had done. There were three points, the first being the resource was 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance. He stated the home was built in 1916 by Mr. Stefani, who owned one of the first lumber mills in town, the house was later purchased by the Kiwanis Club and used for several years before being moved to its current location on 5th Avenue. The second approval criteria were that there is historical, architectural, or environmental significance and the third criteria did not apply to this case.

He stated the Historic Review Board chose a point system which was created by Clackamas County Historic Review Board, and they applied the same criteria and point system to this case. He said when the house was at the old location, where the Kiwanis Store now is, in the condition that it was in, scored 41 on the Clackamas County's point system. The Historic Review Board went back and looked at all the criteria and reassigned the points in its new location and after the four years of restoration scored 49 points, which was above the threshold that the County used.

He pointed out what the consequences were of designating the house historic. What would the community be giving up and what would it be gaining. The house currently sat in an area of town that was designated as high density residential in the comp. plan, so by designating the house as historic, it makes the property more difficult to redevelop at a higher density, so they would be sacrificing the ability to increase density in the core area. He said the Review Board and the applicant felt the preservation of this home and other homes like it were of the utmost importance for Canby's heritage.

Councilor Harris asked what the advantages and disadvantages to the homeowner would be to have the designation.

Mr. Chiavarini stated in the ordinance there were two things. One would be that it would open the home up to additional conditional uses that perhaps would not be allowed in a zone. The

second would be that it would reward the owner for all the restoration done on a home like that.

Councilor Harris asked if there were any types of funding for additional restoration. Mr. Chiavarini said at this point there was not. However, the Historic Review Board was working toward that and was trying to become members of a statewide pool, which allowed the City a better chance at grant funding.

Clint Chiavarini explained the City ordinance qualified automatically for designation if it was on a historical, national register which offered tax incentives.

APPLICANT: Mr. Cryder, owner of the house, stated he was astounded to find out what part the house played in the history of the City. He said people had stopped by to plead with them not to tear the house down. He pointed out the structure of the house could not be duplicated today.

Mr. Cryder told the Historic Review Board and also the Heritage League at any time the house would be open for tours.

OPPONENTS: None

Council President Daniels closed the hearing at 8:00 p.m.

QUESTIONS: Councilor Lucas asked if the house would have a plaque. Mr. Cryder answered that yes, it would be named after the people that built the house.

****Councilor Harris moved to approve the request for historic landmark designation of the single family house at 234 NW 5th Avenue and direct Staff to return with written findings, conclusions, and final order of HD 98-01. Motion seconded by Councilor Lucas, and passed 5-0.**

Councilor Nolder wanted to know how many homes there were in the communities that were involved in the program and when the homes would be open to view.

Royann Lund, who was with the Historic Review Board, explained this home was the first involved in the program, and the homes must be open one day per year. She said Mr. Cryder had been very cooperative with the Canby Heritage League about opening up his home for tours.

Clint Chiavarini stated Keith Stewart from the Planning Commission had volunteered to be the liaison for the Historic Review Board.

Adoption of Periodic Review Evaluation Report -

Council President Daniels opened the hearing at 8:05 p.m.

STAFF REPORT: Mr. Kruckeberg explained the issue was acceptance of the City's periodic review evaluation report. They were notified by DLCD to enter into periodic review and given four months to create an evaluation report. The evaluation report was to provide an overview of the Comprehensive Plan and land use regulations in the Land Development Planning Ordinance as they relate to the statewide planning goals and to provide a list of potential work tasks for the City to undertake through a periodic review work program. He explained the work program would allow them to address deficiencies in the land use regulations or policies in the Comprehensive Plan that may be outdated and to update them to current City policy.

Mr. Kruckeberg explained the process of creating the evaluation report. The Planning Commission and City Council had a joint meeting and heard testimony from the public on things they would like to see addressed by the City. They made the report available to interested parties, and received approximately 20-25 letters back reflecting some concerns or interest the public had in the process.

Mr. Kruckeberg explained that in the report, they take the fifteen applicable statewide planning goals and relate them to the policies in the Comprehensive Plan and in the current land use regulations and reflect how their policies are addressing the statewide planning goals. Should the Council accept the evaluation report how it stands now, the next step would be to establish a work program. Mr. Kruckeberg stated they received verbal comments from DLCD that they accepted their recommendation that a full work program was warranted.

Councilor Lucas said the Staff was doing a great job moving forward.

Council President Daniels closed the hearing at 8:13 p.m.

****Councilor Harris moved to accept the evaluation report and the conclusion that a Comprehensive Periodic Review is warranted and direct Staff to begin development of the Periodic Review Plan. Motion seconded by Councilor Lucas, and passed 5-0.**

NEW BUSINESS: None

ORDINANCES & RESOLUTIONS:

Ordinance No. 1012 -

**** Councilor Harris moved to adopt Ordinance No. 1012, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY TELEPHONE ASSOCIATION TO FURTHER EXTEND THE CURRENT NON-EXCLUSIVE FRANCHISE AGREEMENT. Motion seconded by Councilor Strong, and passed by roll call vote, 5-0.**

MANAGERS REPORT: Mr. Jordan asked that the Council arrive at 7:00 p.m. on December 16, 1998 to have photographs taken before the next Council meeting and to remind them that the City Christmas party was going to be held on December 18, 1998 at his home. He also noted the Council would be getting a list of applications they submitted to Clackamas County regarding Community Development block grants at their next meeting.

Mr. Jordan said there was a meeting on December 1, 1998 with numerous property owners from the Industrial Park area, Phases II and III. He said they had a number of questions regarding annexations and a number of other issues. He mentioned there was now an Urban Renewal Task Force. He had met with Stacey Hero, who was the staff person for Representative Darlene Hooley and she was interested in getting the City's ideas for projects she could place into the President's budget for the next fiscal year. Representative Hooley was successful in getting approximately \$200,000 in the last budget.

COUNCILORS' ISSUES:

Councilor Harris said with the regional park not passing in the election, he said everyone he talks to is in favor of parks, and that the park idea should not be forgotten.

Mr. Jordan said they would be looking seriously at trying to do the skate park portion of the regional park and looking at realigning the parking at the end of 3rd Avenue.

Councilor Lucas noted the Parks and Recreation Advisory Board would be coming to the Council with future plans.

Councilor Harris stated there was an interesting article in the Oregonian regarding teen courts.

Police Chief Jerry Giger stated they had all the supporting documents in order to set that up. They were also working on a juvenile justice grant with the Juvenile Department in Clackamas County for those types of processes to be put into place.

Councilor Harris stated since this is the holiday season, people should drive safely. He said they were also in the process of improving the Council Chambers.

Councilor Nolder asked what will be happening with Territorial Rd., between N. Holly and Ivy regarding repaving, etc. Mr. Jordan said it was the responsibility of the contractors who did the sewer work from Juniper to Holly earlier in the year. He explained they would be doing temporary fixes but would not be permanent until the rainy season ends.

ACTION REVIEW:

1. Bringing back written findings on Historic Review 98-01.
2. Sending an evaluation report to DLCD for approval.
3. Doing everything possible to fill street holes in the community.

Councilor Harris asked to see a demonstration and know the details of the mobile computers that were in the police cars.

Jerry Giger stated that four out of the six were in. He stated he would have a car available before the next Council meeting for them to look at.

Councilor Daniels asked Mr. Giger to explain to the viewing audience the purpose of the computers.

Jerry Giger stated they were actual computers. The officers could receive a call from dispatch in print and they could also run people drivers license's, which would cut down the air time spent for the dispatchers. The officers could take either the computer out of the car and into their office or they could do reports in their cars.

****Councilor Harris moved to go into Executive Session under ORS 192.660 1(e) property negotiations and 1(h) pending litigation. Motion seconded by Councilor Strong, and approved 5-0.**

Council President Daniels recessed the regular session at 8:40 p.m.

Council President Daniels reconvened the regular session at 9:35 p.m. and immediately adjourned the session.

**EXECUTIVE SESSION
DECEMBER 2, 1998**

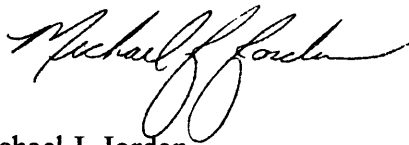
PRESENT: Councilors Daniels, Lucas, Nolder, Harris, and Strong, Councilors Elect Prince, and Carson, City Administrator and City Recorder Mike Jordan, and City Attorney John Kelley, Community Development Director Jerry Pineau, and Cam Sivesind.

Council President Daniels called the session to order at 8:40 p.m.

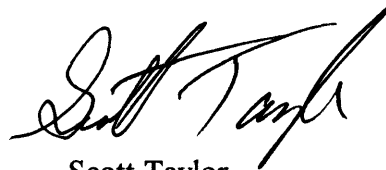
ORS 192.660 (1)(e) - The Council discussed N. Ivy Street.

ORS 192.660 (1)(h) - The Council discussed Rinkes Litigation.

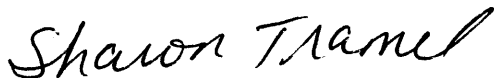
Council President Daniels adjourned the session at 9:35 p.m.



Michael J. Jordan,
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Sharon Tramel,
Office Specialist

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 3, 1998, and

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes as of 10:00 A.M., NOVEMBER 23, 1998:

MAYOR - Scott Taylor 2403

There were 1,588 under votes and a total of 3,991 votes.

CITY COUNCIL - 3 four year terms, 1 two year term

Terry Prince	2248
Walt Daniels	1997
Shirley Strong	1892
Randy Carson	1842
Teresa Blackwell	1727

There were 232 over votes, 5,017 under votes, and a total of 15,964 votes.

WHEREAS, the three people receiving the most votes will be selected to four year terms on the Canby City Council and the fourth person receiving the most votes will be selected to a two year term.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division.

Dated this 2nd day of December, 1998.


Scott Taylor, Mayor

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 3, 1998, to consider the following measure:

MEASURE NO. 3-44

Shall 39.32 acres located on the east side of S. Redwood, south of Township and north of SE 13th be annexed into the City limits?

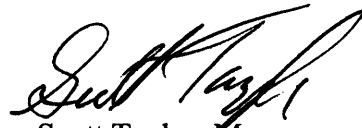
WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes as of 10:00 A.M., NOVEMBER 23, 1998.

YES -	2,392
NO -	1,367

There were 5 over votes, 227 under votes, and a total of 3,991 votes.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented.

Dated this 2nd day of December, 1998.


Scott Taylor, Mayor

PROCLAMATION

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 3, 1998, to consider the following measure:

MEASURE NO. 3-39

Shall 4.78 acres located on the west side of N. Redwood just south of NE Territorial be annexed into the City limits?

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes as of 10:00 A.M., NOVEMBER 23, 1998.

YES -	2,499
NO -	1,251

There were 11 over votes, 230 under votes, and a total of 3,991 votes.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented.

Dated this 2nd day of December, 1998.



Scott Taylor, Mayor

11/17/98 10:40:05

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** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : * DATE OF ABSTRACT : *
* RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE *
* RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

John Kauffman
NOV 20 1998

CITY OF CANBY MAYOR TWO YEAR TERM
A -- SCOTT TAYLOR

CITY OF CANBY COUNCIL POSITIONS VOTE FOR FOUR
B -- TERRY PRINCE
C -- BLAINE OSWALD
D -- TERESA BLACKWELL
E -- RANDY CARSON
F -- SHIRLEY STRONG
G -- WALT DANIELS

Precinct	A	under	total	B	C	D	E	F	G	over	under	total
017	506	307	813	448	193	350	381	380	369	44	1,087	3,252
01	241	152	393	218	105	193	148	194	195	44	475	1,572
012	624	435	1,059	610	267	430	500	504	545	68	1,312	4,236
0125	496	326	822	447	223	356	370	387	411	36	1,058	3,288
0126	536	368	904	525	221	398	443	427	477	40	1,085	3,616
TOTAL	2,403	1,588	3,991	2,248	1,009	1,727	1,842	1,892	1,997	232	5,017	15,964

CITY OF CANBY MAYOR

MISC WRITE-INS 1

RECEIVED

NOV 23 1998

CITY OF CANBY

11/17/98 10:43:00

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** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
* RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE *
* RESULT OF VOTES CAST AT THE ELECTION INDICATED. * NOV 20 1998 *

CITY OF CANBY MEASURE 3-39 MEASURE APPROVING ANNEXATION 4.78 ACRES

A -- YES
B -- NO

CITY OF CANBY MEASURE 3-44 MEASURE APPROVING ANNEXATION 39.32 ACRES

C -- YES
D -- NO

Precinct	A	B	over	under	total	C	D	over	under	total
0122	499	257	2	55	813	457	302	0	54	813
0123	236	130	2	25	393	228	143	1	21	393
0124	653	360	2	44	1,059	638	375	4	42	1,059
0125	542	222	3	55	822	513	255	0	54	822
0126	569	282	2	51	904	556	292	0	56	904
TOTAL	2,499	1,251	11	230	3,991	2,392	1,367	5	227	3,991

PROCLAMATION

WHEREAS, Toys for Tots, originated for the purpose of providing toys for less fortunate children in our community; and

WHEREAS, it is recognized that greater public awareness and involvement is needed to provide and promote joy in each household in this community; and

WHEREAS, the Canby Kiwanis Daybreakers have undertaken the project of collecting and distributing toys to these children, during the time from December 2nd through December 13th; and

WHEREAS, the Kiwanis need your help by providing new and like new articles that may be placed in the Christmas bags; and

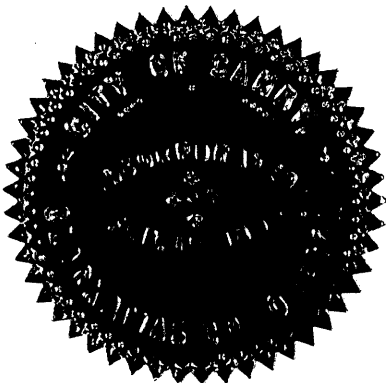
WHEREAS, drop barrels for these donations may be found at the Graham Building, DirectLink of Oregon, Canby Utility Board, Canby Police Department, Canby Fire Department, Canby Telephone Association, and other Kiwanis barrels distributed throughout the Canby business community.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the weeks of December 2-13, 1998 as

TOYS FOR TOTS WEEK

and call upon the citizens of this City to observe this time by participating in this toy drive helping to provide the assurance that each child may have a "twinkle in their eye" this Holiday Season.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 2nd day of December in the year of our Lord One Thousand Nine Hundred and Ninety Eight.





Scott Taylor, Mayor