

CANBY CITY COUNCIL
REGULAR SESSION
SEPTEMBER 2, 1998

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

Also present: City Attorney John Kelley, City Planner Jason Kruckeberg, Police Chief Jerry Giger, Sharon Tramel, Steven Amick, Curtis Gottman, Ray Baldwin, Randy Carson, Anna Phillips, Jean Tallman, Ray Hoen, Delbert Hemphill, Ken Palke, Bob Zimmer, Troop 266, Duke Dickinson, Tom Kendall, Betty Faist, and Terry Prince.

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

CITIZEN INPUT ON NON-AGENDA ITEMS:

Ray Hoen, 309 SE 1st, Canby - He stated that as a representative for the Canby Business Revitalization Group, they had a full time director starting September 8, 1998, who was going to be introduced to the Council.

Mr. Hoen thanked Mr. Jordan for all his input, he has been a great help to them and the Board appreciated all of his efforts.

Mr. Hoen stated that the new manager's name was Ken Palke, he has been the current chamber manager in Silverton, he has worked with the downtown group in Woodburn. He said the last Tuesday in October they were having an annual meeting for all of their property owners to bring them up to date on what was going on.

Ken Palke - He announced he was pleased to meet everyone, he was happy to be in Canby. He stated they had a really committed business group and city group. He appreciated everyone's support.

Councilor Daniels welcomed Mr. Palke aboard.

CONSENT AGENDA: **Councilor Harris moved to adopt the consent agenda: minutes of the special workshops, August 10, 1998 and August 20, 1998; regular meeting, August 19, 1998; and accounts payable in the amount of \$74,072.66. Motion seconded by Councilor Lucas, passed 5-0.

NEW BUSINESS: Canby Adult Center/AAA Clackamas County Contract Amendment - Mr. Jordan stated there was a memo on page 17 of their packet from Clackamas County. He stated that Anna Phillips, who was the new director at the Canby Adult Center, was here this evening.

Anna Phillips said she was pleased to have the opportunity to come back to work in the community she lives in and was looking forward to working closely with the City on issues that pertain to the seniors and how to better serve their needs.

Councilor Daniels welcomed her to Canby.

Mr. Jordan explained the issue before the Council was an amendment to the contract. He stated the reimbursement the Adult Center receives is based on the number of clients they serve, which change from time to time. He stated it was a raising of reimbursement funds to the Adult Center. He explained it would be appropriate if the Council wishes to amend the contract by motion.

****Councilor Harris moved to amend contract no. SSD21-98/99 to allow maximum compensation as presented, seconded by Councilor Strong, passed 5-0.**

ORDINANCES AND RESOLUTIONS:

Ordinance No. 1008 - Jason Kruckeberg explained the ordinance would amend Title 16 of the Municipal Code which is the land development and planning ordinance; the planning development code was to include an industrial overlay zone chapter. He stated that the approval tonight would come up again for second reading at the September 16, 1998 Council meeting.

Councilor Harris asked if anyone was objecting to the plan?

Jason Kruckeberg said there was a lot of interest regarding the financing issue.

****Councilor Harris moved to adopt Ordinance No. 1008, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE TO ADD AN INDUSTRIAL OVERLAY ZONE CHAPTER INCLUDING DESIGN STANDARDS AND GUIDELINES be posted and come up for final action on September 16, 1998. Motion seconded by Councilor Lucas, passed 5-0.**

Ordinance No. 1009 - Jason Kruckeberg explained that the current properties within the city limits in the Industrial Master Plan area are to be rezoned to the industrial overlay zone. He said that Ordinance No. 1009 would effectively rezone seven tax lots, which were presently in the city limits to the industrial overlay zone.

****Councilor Lucas moved to adopt Ordinance No. 1009, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON TO ADD AN INDUSTRIAL OVERLAY ZONE TO PROPERTIES WITHIN THE INDUSTRIAL MASTER PLAN AREA GENERALLY BOUND BY SE 1ST AVENUE AND HIGHWAY 99-E TO THE NORTH, MULINO ROAD TO THE EAST, SE 13TH AVENUE TO THE SOUTH AND THE MOLALLA FOREST ROAD TO THE WEST (TAX LOTS 700, 900, 901, 1000, 1100, 1700, AND 3400 OF TAX MAP 3-1E-34) be posted and come up for final action on September 16, 1998. Motion seconded by Councilor Strong, passed 5-0.**

Resolution No. 680 - Jason Kruckeberg explained the resolution was in relation to the annexation of the Faist property, 97-06. He stated that the annexation went directly to the Portland Metropolitan Boundary Commission, which recommended approval. The Council directed the Planning Commission to draft a resolution which would object to that decision and put the annexation on the upcoming ballot.

John Kelley stated that he received a phone call from the Faists' attorney. She indicated that they may want to bring up some of the issues concerning the language within the Explanatory Statement and the Notice of City Measure Election.

Tom Kendall, who was representing Oregon Development and the Faists', stated the only problem they had, which he thought was clarified, was the Explanatory Statement for the Voter's Pamphlet. He read the last sentence of page 43 of the packet.

John Kelley pointed out that the Council had received the corrected version of the language within the Explanatory Statement.

****Councilor Harris moved to adopt Resolution No. 680, A RESOLUTION OBJECTING TO A MINOR BOUNDARY CHANGE BY THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVING OF THE ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON OF TAX LOT 2000 OF TAX MAP 4-1E-3, LOCATED ON THE NORTH SIDE OF SE 13TH AVENUE EAST OF S. REDWOOD STREET AND SOUTH OF SE TOWNSHIP ROAD (PMALGBC File No. 3935). Motion seconded by Councilor Strong.**

Councilor Harris stated for clarification that since the Boundary Commission said they were approving the annexation, it satisfies the requirement to have it go on the ballot. He said that if they did not do this, the Boundary Commission's decision would be final. He said by submitting the objection, the annexation would have to go through the vote of the people.

Councilor Lucas said the way the annexation was filed, it would probably be the first and hopefully, the last vote by the people that the citizens of Canby are paying for.

Councilor Lucas asked if the Boundary Commission were done accepting applications?

Mr. Jordan answered that they can accept applications for minor boundary changes through September 11, 1998.

Motion to adopt Resolution No. 680 passed 5-0.

Resolution No. 681 - John Kelley stated this resolution was authorizing the City Recorder to certify to the Election Department, the measure referring it to the ballot. He pointed out, that attached to the resolution, there was a Notice of City Measure Election along with the Explanatory Statement for Voter's Pamphlet. He stated that by adopting Resolution No. 681, they would be incorporating the language in Notice of City Measure Election and also the Explanatory Statement for the Voter's Pamphlet.

****Councilor Lucas moved to adopt Resolution No. 681, 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 39.32 ACRES DESCRIBED AS TAX LOT 2000 OF TAX MAP 4-1E-3 LOCATED ON THE SOUTHEAST EDGE OF THE CITY, SOUTH OF TOWNSHIP ROAD, EAST OF SOUTH REDWOOD STREET AND ON THE NORTH SIDE OF SOUTHEAST 13TH AVENUE 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 NOVEMBER 3, 1998 GENERAL ELECTION. Motion seconded by Councilor Strong, passed 5-0.**

Resolution No. 682 - Mr. Jordan stated the joint meeting between BHRD and City Council regarding the regional park project, the funding, and other recreational activities within the City. The Council wished to look at a resolution which would establish a formal support for the BHRD seeking a permanent rate for operating taxes.

****Councilor Harris moved to adopt Resolution No. 682, A RESOLUTION SUPPORTING THE EFFORTS OF THE BLUE HERON RECREATION DISTRICT TO SEEK A VOTE TO ESTABLISH A PERMANENT RATE LIMIT FOR OPERATING TAXES. Motion seconded by Councilor Nolder.**

Councilor Lucas wanted to add that the Blue Heron Recreation District Board of Directors and the Canby Park and Recreation Advisory Committee along with the City Council voted to back the ballot measure.

Councilor Nolder stated the resolution was supporting their efforts.

Motion to adopt Resolution No. 682 passed 5-0.

UNFINISHED BUSINESS:

Results Regarding South Side Parking - Police Chief Jerry Giger stated that the request from the Traffic Safety Committee was to restrict parking on one side of 2nd Street between Grant and Elm and put up to two lanes of traffic on the street. He stated the decision was made to restrict parking at the intersections because of the school bus issue. The main issue addressed was the intersection of 2nd and Elm. He said the request of the City Council was to come back with two things. One was what could be done with the bus routes of School Bus Services. In addition, what could be done with the parking and the movement of traffic by McDonalds and the intersection of SW 2nd and S Birch. Secondly, was the turning radius and parking restrictions at the intersection of 2nd and Elm. He referred to a diagram on page 47 of the packet. It showed the distances from the apex of the intersection, the parking would have to be restricted in that area in order for a 40-60' single unit vehicle to be able to turn at those intersections. He explained at the other end of the street, the Street Department suggested that they restrict parking for any vehicles within the first 50 feet next to School Bus Services and also restrict parking next to the stop sign between the driveway and the stop sign next to McDonalds on 2nd Street.

Jerry Giger again addressed the bus routes and how they could accommodate some of the concerns of the citizens. He referred to the background on page 46 of the packet. He stated that in the early morning the buses leave the lot and go to the various areas throughout the districts this time is not an issue. The problem is arising in the afternoon when the buses have to go to one location to pick up all of the students.

Jerry Giger said they will now be able to go in front of the high school on 4th Street, then use the highway and turn on 2nd Street at Elm now that the radius has been opened up. He said they would still run six Carus buses up 2nd Street. The Carus route was 2nd Street to Ivy to Township.

Councilor Harris said that buses going down 2nd Street to get to Township were not to use the highway because it was too hard to make the turn at Ivy. He asked if Township was accessible by going down Pine.

Jerry Giger stated that the State Highway Department asked School Bus Services to not send all their buses on the highway because they go so slow and get backed up so much that it completely messes up the traffic on 99E.

Councilor Harris asked by restricting the parking at the SW 2nd and Elm intersection, who would be opposed to it? He said maybe Whitman's Towing which has trucks parked there.

Jerry Giger answered that presently there is no parking on either side of Elm between 2nd and the highway. There was also no parking from the bank lot to the highway. Parking in front of the phone booth at Whitman's Towing would also be in violation because it is within 20 feet of a crosswalk.

Jerry Giger said the resident across Elm from Whitman's Towing is possibly objecting because on-street parking is backed up ten or twelve feet from the intersection thereby limiting the available parking space. At Witman's corner on 2nd, there was no change because there are only driveways from the street to his building. Parking was already restricted along the bank property on 2nd because there was just enough room for about 50 feet of space and two driveways. On the north side of 2nd headed towards Grant, there was no restricted parking but it should be considered for the first 20 feet. Mr. Baldwin who lives at the corner of 2nd and Elm is the only resident affected by the change causing him to park his vehicles further back from the intersection.

Councilor Lucas stated that Ryder Transportation was very cooperative in trying to figure everything out. He asked if the issue of the large trailers being parked in front of Modcom were being addressed.

Jerry Giger answered that it would be coming back at the September 16, 1998 Council meeting. The street department was going to take the twelve-hour parking off of that street and will go to regular time limit parking.

Councilor Strong asked about the parking between the two driveways at Pacific Pride.

Jerry Giger said that issue will be coming back to the Council because in addition to changing the time limit, the Street Department would like to put up "no truck parking" signs.

Ray Baldwin, 210 S. Elm, Canby - He was upset with what transpired out of the June 3, 1998 meeting. He acquired a tape from the City. He quoted Mayor Scott Taylor from the end of the June 3, 1998 meeting that no changes would be made from Elm Street to Grant from 2nd Street. He said that on 2nd Street there was not going to be any change and they ended up taking 25 feet. He was upset that they put up no parking signs that looked ridiculous.

Mr. Baldwin requested the signs be taken down, and he also wanted to get six more feet on Elm Street.

Councilor Daniels asked what signs he was referring to.

Mr. Baldwin said he was objecting to all of the no parking signs, one on Elm Street and two on 2nd Street.

Councilor Strong asked where his driveways were located?

Mr. Baldwin answered that he had a driveway on Elm Street and one on 2nd Street.

Councilor Strong asked which one he used more?

Mr. Baldwin said he primarily used the one on 2nd Street.

Jerry Giger went to the chalkboard to show the parking restriction.

Councilor Harris said that those distances marked on the street, were what the Street Department said it had to be in order for the buses to make the turn.

Councilor Nolder said the changes were for the school buses and the larger vehicles. He stated they would not need the full 50 feet back from that corner to provide a vehicle to make the left turn onto 2nd Street from Elm. He stated it would allow Ray Baldwin more parking space on 2nd Street and still give a normal vehicle the room to turn.

Jerry Giger stated the street department would have to determine that. He stated that you could not park 20' within a stop sign.

Councilor Daniels said Mr. Baldwin was asking for one more space on 2nd Street and the one on Elm Street moved forward five or six feet.

Councilor Strong felt they should not change anything on Elm Street but allow Mr. Baldwin more space on 2nd Street.

Mr. Jordan said it was the Council's decision to allow Mr. Baldwin the extra space.

Councilor Lucas said they should leave Elm Street alone and talk to the Traffic Safety Committee and see if they can give Mr. Baldwin an additional six feet before his driveway. He also suggested that the Council take a look at the street signs.

Mr. Jordan stated they would be looking at the turning radius issues and make sure the numbers Jerry Giger has are necessary for the buses turning and giving Mr. Baldwin another six feet before his driveway as well as the issue of the signs.

Mr. Jordan said they would look at the issues Mr. Baldwin has brought forward on his corner and bring it back along with the 2nd Street parking issue at the September 16, 1998 Council meeting.

Findings and Conclusions of Industrial Area Master Plan CPA 98-01 - Jason Kruckeberg stated that the findings and conclusions would amend the Comprehensive Plan, adding some text, and also modifying the Comprehensive Plan land use map to reflect the industrial overlay zone designation.

****Councilor Harris moved to adopt the Findings, Conclusions and Final Order CPA 98-01 (Industrial Area Master Plan). Motion seconded by Councilor Strong, passed 5-0.**

Findings and Conclusions of Proposed Amendment to Annexation Criteria (Faist CPA 98-05) -

Jason Kruckeberg explained that the findings and conclusions on page 52 of the packet which was a request by the Faists' and Oregon Development for an amendment to the Comprehensive Plan to modify annexation criteria for properties that were within an advanced financing district. He stated the motion at the last meeting was to deny the annexation criteria. He said that this motion would be to deny the request of CPA 98-05.

****Councilor Lucas motioned to approve the Findings, Conclusions and Final Order CPA 98-05 (Faist/Oregon Development). Motion seconded by Councilor Strong, passed 5-0.**

MANAGERS REPORT:

Mr. Jordan thanked the Mayor, Council, Staff, and numerous citizens in the community for the support shown to him regarding his father's passing.

Mr. Jordan set up a meeting for September 15, 1998, which would be a joint, educational field trip for the Council and Planning Commission to view retail facilities in other communities, because they would be facing the largest land use application they have seen in the community in a long time. He stated the Local Area Community Solutions Team, made up of State Agency Staff offered their expertise to organize a viewing of some facilities. He said they were going to get a bus for about 20 people to view facilities at Newberg, Sherwood, Tualatin. He stated a meeting room would be scheduled in Tualatin for them to hear from the State Agency Staff.

He reminded the Council that City Hall would be closed September 18, 1998 for a cleanup day.

Mr. Jordan stated the Council had a notice regarding the Clackamas Cities Association dinner on September 24, 1998 in Happy Valley.

He told the Council they made a contingent offer to a person for the Community Development Director position. He wanted to have a 6:00 p.m. workshop on September 16, 1998 for the person to come and meet with the Council. He explained there was an advertisement out for the Associate Planner position. He stated they closed on both the Information Services and the Office Specialist Position.

He said the Classification and Compensation Committee is arranging a meeting for the week of September 21, 1998.

Mr. Jordan stated that he received one proposal regarding an urban renewal feasibility study and a plan development. He said that on September 15, 1998 would be the first meeting of the Citizen Advisory Committee.

Jason Kruckeberg stated there were three applicants for the Planning Commission. He stated two resided outside of the city limits, one lived within the city limits. He asked the Council how they wanted to handle them.

Mr. Jordan said the code stated there was no residency requirement for the Planning Commission.

Councilor Harris said why would someone who lived outside of the urban growth boundary want to be on the Planning Commission.

Councilor Strong said she had a problem with people living outside of the urban growth boundary, because she felt someone who lived in another city would not have a real interest in Canby.

Councilor Harris stated there was a lot of space outside of the urban growth boundary, but people would still be interested in what happens in Canby.

Councilor Lucas wanted to interview all three candidates.

Mr. Jordan stated the Committee would consist of the Mayor, Councilor Lucas, and a representative from the Planning Commission.

Mr. Jordan reviewed the progress of the different road projects that are being done in town. He said the sewer project at Territorial Road is finished. As far as the underground work was concerned, the connection of the Juniper piece was not done yet. He stated the road work would be done this fall for the Ivy St. connection from 14th to Territorial. He said the Township Road project would not be done this year; it would be started next spring. He said the S. Fir construction will be done this year. Knights Bridge Road needs some utility work done. The overlay of the Logging Road pedestrian path from Territorial to 13th needs considerable underground work. The delivery date for the bridge at the Township crossing was November 1998. He stated there will be an overlay for the Adult Center/Swimming Pool parking lot, and the last project would be the school administration office paving project for the parking lot.

COUNCILORS' ISSUES: Jerry Giger stated the Traffic Safety Commissions from Clackamas County were getting together through the County and doing a traffic safety campaign for back to school.

Councilor Daniels acknowledged the lighting at Wait Park was very nice.

Councilor Harris noted there would be openings on the City Budget Committee, so he was looking for volunteers who wanted to be involved in the finances of the city. He said there will be a delegation from our sister city in Japan next month.

ACTION REVIEW:

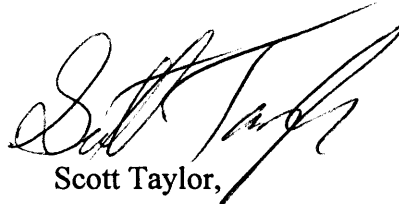
1. Forwarding Adult Center contract to Clackamas County.
2. Bringing back Ordinances 1008, 1009 for 2nd reading.
3. Forwarding Resolution No. 680 objection to the Faist annexation, to the Metro Boundary Commission.
4. Filing title and caption summary to Clackamas County for the Faist annexation, Resolution No. 681.
5. Passing along support to Blue Heron Board for their permanent tax rate, Resolution No. 682.
6. Bringing back at next meeting S. 2nd and Elm parking issue.
7. Recording decisions on the findings and conclusions for the two comprehensive plan amendments.

There was no Executive Session

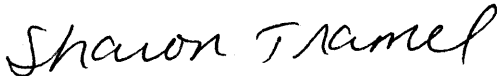
Council President Daniels recessed the regular session at 9:05 p.m.



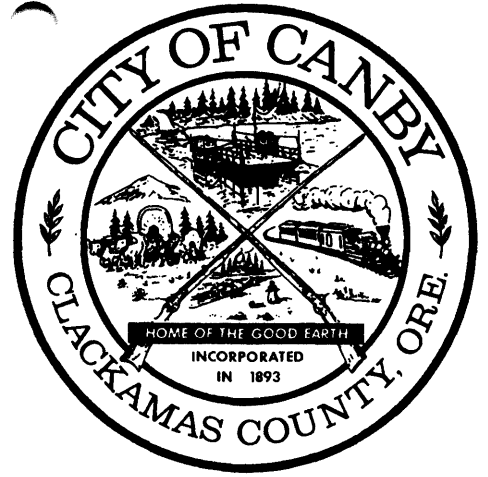
Michael J. Jordan
City Recorder pro tem



Scott Taylor,
Mayor



Prepared by Sharon Tramel,
Office Specialist



NOTICE

The CANBY CITY COUNCIL will meet in a JOINT WORKSHOP SESSION with the PARKS and RECREATION ADVISORY BOARD and BLUE HERON RECREATION DISTRICT on THURSDAY, AUGUST 20, 1998, at 7:00 P.M. in the Canby Public Library Conference Room.

The workshop has been scheduled to discuss possible funding through a tax levy

Scott Taylor

Scott Taylor

Mayor