

CANBY CITY COUNCIL
REGULAR SESSION
NOVEMBER 20, 1996

Council President Terry Prince presiding. Council members present: Walt Daniels, Shirley Strong, Cheryl Stark, Roger Harris and Dennis Nolder. Absent: Mayor Scott Taylor.

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Planning Director Jim Wheeler, Police Chief Jerry Giger and Cam Sivesind.

Council President Prince called the session to order at 7:30 p.m. followed by the flag salute and a moment of silence.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSION: None presented.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: None presented.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to authorize payment of accounts payable in the amount of \$153,562.81. Motion seconded by Councilwoman Stark and approved by roll call vote, 6-0.

Contract Amendment Adult Center/County - Administrator Jordan reported that this contract amendment to the Adult Center Contract with Clackamas County Social Services is for an additional \$1900 provided by the Older American Act Title III F funds for exercise and wellness activities.

**Councilwoman Stark moved to authorize signatures on the amendment to the Canby/Adult Center Contract with Clackamas County Social Services for an additional \$1900. Motion seconded by Councilman Daniels and approved 6-0.

Change Order for NE 10th/Locust - Administrator Jordan reminded the Council that they had requested sidewalks on the NE 10th and Locust Realignment Project. This change order for \$3750 would implement that request.

**Councilman Daniels moved to authorize the Change Order 01, for the N.E. 10th Avenue and Locust Street Curb Realignment Project in the amount of \$3750.00 Motion

seconded by Councilwoman Strong and approved 6-0.

Dedication of Right-of-Way from Canby Methodist Church - Jim Wheeler reported that the Canby United Methodist Church has agreed to dedicate land for the extension of N. Ivy Street to Territorial. The offer was with the understanding that the City will waive their annexation application fee and pay the Metropolitan Boundary fee. He added that the dedication is for approximately 20,000 square feet of land and the fees waived are a total of \$2045.00.

Councilman Nolder asked about the paving. Mr. Wheeler said the City will pave a portion of the proposed road and a developer the other portion.

Mr. Wheeler reported that property east of the church was annexed for a six lot subdivision.

Councilman Harris commented that this would allow the City to extend S. Ivy to Territorial. Mr. Jordan stated that ultimately the Transportation Plan may be amended to change N. Holly from an arterial street to N. Ivy.

Councilman Prince noted that Roy Hester started this process a few years ago and it is nice to see it is finalized to extend the needed street through to Territorial.

****Councilman Daniels moved to adopt Resolution No. 629, A RESOLUTION TO ACCEPT DEDICATION OF LAND FOR NORTH IVY STREET RIGHT-OF-WAY PURPOSES. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Harris asked if there has been any resistance from area citizens regarding making S. Ivy an arterial street. Jim Wheeler replied none on the proposed through street. However, a public hearing will be necessary to amend the Transportation Plan to indicate N. Ivy as an arterial street. He added that a stop sign will be placed at 14th Avenue.

****Resolution No. 629 was approved 6-0.**

Community Block Grant Applications - Sarah Jo Chaplen reported that Clackamas County administers the federal monies for the Block Grants on a three year cycle. She added that the grants are funded for the following target areas, seniors, low income and disability. Ms. Chaplen explained that the grant will fund 80% of the project and the City will need to match with 20%. Ms. Chaplen pointed out that on the Township Road application, Clackamas County will match 10% and the City 10% because it is a County Road. Staff is requesting the Council to approve the four applications in a prioritized order for submittal to the County.

Administrator Jordan reviewed some of the past projects funded by Community Block Grant Funds. He added that the match money is available for all of the proposed applications. Mr. Jordan informed the Council that ODOT had contacted him today to inquire what the City plans were for the ISTEAs money of approximately \$54,000.

Council President Prince suggested the following order for prioritizing:

1. 13th Street Park
Cost \$75,00
Match \$15.00
- 2 Township Road Realignment and Improvement
Cost \$309,645
Match \$30,964 (City) County \$30,963
3. N. Ivy Street Improvements from First to Sixth
Cost \$351,347
Match \$70,269
4. S. Pine Improvement
Cost \$204,009
Match \$40,802

Councilman Harris stated that he had difficulty indicating a park as top priority, he preferred having the roads as a higher priority.

Councilman Nolder asked if Township and N. Ivy presented traffic concerns. Chief Giger said, "Always!" Chief Giger reported that due to the development on Township the volume of traffic has dramatically increased.

The majority of the Council prioritized the application list as follows:

1. Township Road
2. N. Ivy
3. 13th Street Park
4. S. Pine

**Councilwoman Stark moved to approve the Community Block Grant Applications to be presented to Clackamas County in the prioritized order of:

1. Township road
2. N. Ivy
3. 13th Street Park
4. S. Pine Street.

Motion seconded by Councilman Daniels and approved 6-0.

ORDINANCES & RESOLUTIONS: Ordinance No. 959 - Administrator Jordan reminded the Council that this was the second reading for a zone change application.

****Councilwoman Strong moved to adopt Ordinance No. 959, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON.** Motion seconded by Councilman Harris and approved by roll call vote, 6-0.

Councilman Harris inquired if there were any details since the title of the ordinance was vague, for the audience.. Mr. Wheeler said there was a dwelling on the parcel located between Onion Electric and Wilco Farmers and the current zone is Low Density Residential and will become Commercial Residential. Mr. Wheeler said the request was in compliance with the Com Plan. No specific use has been designated.

UNFINISHED BUSINESS: None presented. The agenda item had already been taken care of previously.

MANAGER'S REPORT: Measure 47 - Mr. Jordan reported that he had attended a session at the LOC Convention regarding Measure 47 and four of the states financial minds. Jim Scherzinger, Jim Manary, Steve Marks and Bob Muir made up the panel. He noted that even those men know no more than the City staff does about what the affects of Measure 47 will have on municipalities. Mr. Jordan presented two hand outs to the Council regarding Measure 47.

Mr. Jordan said the fee section of the Measure is difficult to understand. He said it is not certain if we will roll back fees to June 1995 or to June 1994. If only to 1995, then it would affect only Swim Center fees and some planning fees. However, if we need to roll back to 1994, it would include the construction excise fees and assessments.

Mr. Jordan said the legislature will decided how the allocations of loss will be distributed. Also, they will indicate the "public safety" issue of the Measure.

Councilman Harris asked where the figure of \$420,000 loss for the City projection came from. Mr. Jordan said it was from the Legislative Revenue Office.

Electric/Telecommunications - Mr. Jordan reported that this was a major topic at the LOC Convention regarding restructuring of franchise fees for electric and telecommunication entities. He noted that customers can buy directly from providers which can make a big difference in franchise fees since they are based on customer use.

Mr. Jordan stated that the City receives approximately \$300,000 in franchise fees from CUB. However, if Johnson Controls, one of CUB's biggest users, buys directly

elsewhere, this would have a great affect on our franchise fee revenue. He added that currently the City of Portland is conducting research in the event their franchise fees are affected by this scenario.

Downtown Revitalization Group - Mr. Jordan reported that Heidi Henry from Silverton has been hired as the project coordinator. She will start in January.

Flood Report - Sarah Jo Chaplen reported that the Fire Department set up an Emergency Operations Center at 9:00 AM Tuesday. Chief Giger was in charge of logistics and Ms. Chaplen was in charge of the media.

Chief Giger indicated that most of the incidences happened out of the City limits. He added that the Adult Center was activated as a shelter and ten people were scheduled to stay there, but they found other shelter.

Councilman Nolder asked if the City experienced any damage. Chief Giger said very little. Mr. Jordan said a sidewalk at Willow Creek had been undermined with water and the Rinkes property experienced some flooding problems. Also, a couple private properties incurred some limited damage.

Councilman Prince asked if the Army Corp of Engineers would be aiding in some reconstruction at River Park. Ms. Chaplen explained that they use an economic formula to determine their projects and Canby will probably not be considered a viable project.

Councilman Harris asked if the pond experienced damage. He was told none.

COUNCILORS'S ISSUES: Councilman Prince informed the Council that he had been asked to sign, on behalf of the City and acting as the Pro-tem Mayor, a Tourism Grant Application for the County for moorage improvements at the Canby Ferry. Councilman Prince stated that this puts the City at no obligation, it was merely using the City of Canby name for the \$100,000 grant application. He added that a copy of that application will be in the next Council packet.

Councilman Harris stated that the Council approved an annexation at the November 6th meeting of priority "B" land and he had second thoughts about voting approval on such an application. He suggested that the Planning Commission consider long and hard before making a recommendation for approval of annexations for anything other than priority "A" land.

Councilwoman Strong agreed with Councilman Harris and said that was why she voted no on the annexation.

Administrator Jordan suggested a workshop with the Commission to discuss the matter. December 4th, 6:00 p.m. was set for this workshop. Mr. Wheeler said that January 15th would be the Transportation Systems Plan workshop.

Councilman Nolder reported that he had received positive comments on the new City street sweeper and the a good job it is doing, specifically with the leaves.

OTHER REPORTS OR ANNOUNCEMENTS: Administrator Jordan asked the Council when they would like to have their first meeting in January since January 1st, the first Wednesday of the month, is a holiday. The Council decided to hold January meetings on January 8 and 15.

Administrator Jordan reported that CUB had received an inquiry from METRO asking that they send a list of all of the CUB customers to METRO for their GIS system. The Council briefly discussed the matter and concluded that they would sit silent on the request.

ACTION REVIEW:

1. Implement Adult Center Contract amendment.
2. Implement Change Order for 10th & Locust Realignment Project.
3. Recorder easement dedication from Methodist Church.
4. Forward prioritized Community Block Grant Applications.
5. Post Ordinance 659 for Zone Change.

****Councilman Harris** moved to go into Executive Session under ORS 192.660 (1)(h) regarding pending litigation. Motion seconded by Councilwoman Stark and approved 6-0.

Council President Prince recessed the regular session at 8:50 p.m. to go into Executive Session. The regular session was reconvened at 9:39 pm and immediately adjourned.

**EXECUTIVE SESSION
NOVEMBER 20, 1996**

Present: Council President Prince, Councilors Daniels, Strong, Stark, Nolder and Harris, Mr. Jordan, Ms. Chaplen, Mr. Kelley and Cam Sivesind.

Council President Prince called the session to order at 8:57 pm in the CUB conference room.

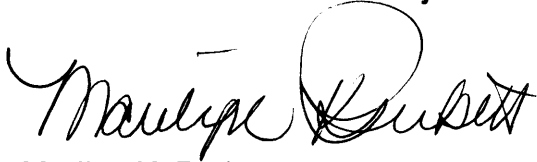
ORS 192.660 (1)(h) - The Council discussed the Knutson vs. City of Canby litigation

case.

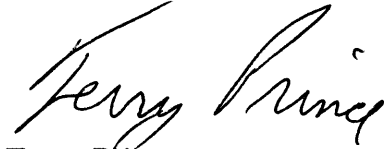
The Rinkes litigation was discussed.

The EEOC complaint was reviewed.

Council President Prince adjourned the session at 9:38 p.m.

A handwritten signature in cursive script, appearing to read "Marilyn K. Perkett".

Marilyn K. Perkett
City Recorder

A handwritten signature in cursive script, appearing to read "Terry Prince".

Terry Prince
Council President