

CANBY CITY COUNCIL
WORKSHOP SESSION
DECEMBER 4, 1996

Present: Council members Prince, Harris, Nolder, Strong, Stark and Daniels, Administrator Jordan, Assistant to Administrator Chaplen, Planning Commission Members Ewert, Dillon, Stewart, Keller, Hartwell, O'Shea, Gerber, City Planner Wheeler, Assistant Planner Vasquez, and Cam Sivesind.

The workshop session was held in the Canby Public Library at 6:00 p.m., a light dinner was served.

The purpose of the session was to discuss annexation of lands classified as priority "A", "B", or "C".

The session was adjourned at 7:22 p.m.

CANBY CITY COUNCIL
REGULAR SESSION
DECEMBER 4, 1996

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, Library Director Beth Saul City, Planner Jim Wheeler, Assistant Planner Larry Vasquez, Police Chief Jerry Giger, City Recorder Marilyn Perkett, Nancy Wilmes, Debbie Hancox, Rob Petit, and Dan Ewert.

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

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

MINUTES OF PREVIOUS SESSIONS: **Councilman Daniels moved to approve as distributed the minutes of regular session November 6, 1996, and November 20, 1996. Motion seconded by Councilwoman Stark and approved 6-0.

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CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

AWARD PRESENTATION: Recognition for Development of City Computer System - Canceled.

PROCLAMATION: Toys for Tots Week - Council President Prince proclaimed the week of December 8 - 14, 1996 as Toys for Tots Week, and urged the citizens of Canby to give to the toy and food drive during this Holiday Season.

Debbie Hancox, Kiwanis Day Breakers member, informed the Council that Santa Claus will be at the Fire Station on December 7 and 14, from 10:00 am. To 1:00 p.m.; on December 16th Volunteer Firemen will drive through the streets of Canby collecting toys and food; and on December 8, a free Christmas concert will be at the Fine Arts Center.

Debbie Hancox and Nancy Wilmes collected toys and food brought by Council members and City staff.

PUBLIC HEARING: TA 96-02 - Council President Prince briefly reviewed the legislative public hearing process after opening the hearing at 7:38 p.m.

President Prince asked the hearing body to declare any exparte' contact:

- Daniels - none and will participate.
- Strong - none and will participate.
- Stark - none and will participate.
- Prince - none and will participate.
- Harris - none and will participate.
- Nolder - none and will participate.

President Prince asked the hearing body to declare any conflict of interest on the subject matter:

- Daniels - none.
- Strong - none.
- Stark - none.
- Prince - none.
- Harris - none.
- Nolder - none.

STAFF REPORT - Planning Director Jim Wheeler explained that the Text Amendment was a hearing on the record and was to expand the uses in Light Industrial (M-1) zone to include commercial recreation uses. The applicant is Rob Petit, Champion Gymnastics Center.

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Mr. Wheeler reported that at the November 25th Planning Commission meeting the recommendation was for approval of commercial recreation uses as a conditional use in the light industrial zones. This would mean that each individual applicant would be reviewed.

Mr. Wheeler reminded the Council that they could modify, deny or approve the text amendment.

APPLICANT - Rob Petit informed the Council that there are over 30 United States Gymnastics Federation centers, sanctioned clubs, nationally. He said Canby is one of them and nearly all of the USFG clubs are in a light industrial zone in Oregon and this left him no options except to apply for the Text Amendment. If this is approved, then he will apply for the conditional use permit. He added that he had paid \$1500 for the Text Amendment process and it would be an additional \$900 for the conditional use process.

Council President Prince closed the hearing at 7:51 p.m.

Councilman Harris said he thought the zone was appropriate for such a facility and it was a great idea.

Mr. Wheeler pointed out that there was one descending vote at the Commission level because there was concern about employment density and low income being generated and not appropriate for that area. Also, this would not be in compliance with the Canby Vision process.

Councilman Nolder said it would be a benefit to the community for both youth and adults to have such a facility.

Mr. Petit said he needed the space and had no alternative.

Councilwoman Strong asked about parking concerns. Mr. Wheeler said there should be no problem unless there is a great deal of expansion, however, he did not anticipate any parking problems.

****Councilman Daniels moved that Ordinance No. 960, AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE; AND DECLARING AN EMERGENCY be posted and come up for final action on December 18, 1996. Motion seconded by Councilman Harris and approved 6-0.**

Rob Petit reminded the Council that he had spent \$1500 to go through this process and

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was requesting a consideration of waiving the \$900 conditional use permit fee. Also, he was very anxious to proceed and wondered about the time elements. Mr Wheeler suggested that Mr. Petit could proceed with his plans to occupy the facility and if there was a problem on final approval December 18th, the process could be terminated.

****Councilman Nolder moved to accept the \$1500 that has been paid as full payment for both the Text Amendment and Conditional Use Permit process. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilman Harris asked if the fees associated with the various procedures were to cover expenses and if the City would lose money. Mr. Wheeler replied that he did not have a detailed cost analysis but in general, the fees are to cover the cost of providing the service.

Administrator Jordan said the City would probably not lose money in this matter since the process for this specific process was not complex.

****The motion to accept the \$1500 fee already paid was approved, 6-0.**

COMMUNICATIONS: Letter from Viking Properties - Canceled.

Letter from Rod Schippee - Mr. Wheeler explained that the letter from Mr. Schippee was essentially a neighborhood dispute over code violations. He said the issue first started with Mr. Schippee's neighbor having a fence that was over height; and then the neighbor countered with a complaint regarding Mr. Schippee's pond being too close to the property line. Mr. Wheeler said a structure over 30 inches is to be three feet from the property line and the pond in question is right on the property line.

Mr. Wheeler said a Text Amendment or a Variance is recommended to solve the problem. He added that Mr. Schippee is requesting a waiver of application fees. Staff suggests that if the request is approved, then proof of indigence be required.

Councilman Daniels asked how long this particular problem had been in violation. Mr. Wheeler said approximately three years, and Mr. Schippee indicated the pond was in place when he purchased the house. Mr. Wheeler added that this frequently happens, because a lien search does not always turn up such code violations.

Councilman Nolder said that a variance appeared to be the viable option, however, he questioned what criteria was necessary for waiver of fees on indigence. Mr. Jordan replied that the Swim Center has a policy for waiver of some fees and they use an income figure that the County uses. Also, proof is required.

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Councilman Harris commented that it might appear that the City is taking sides in a neighborhood dispute if they waive the \$900 fee.

Councilman Nolder suggested that if a citation were issued, then the matter would be resolved in court by the Municipal Judge.

Mr. Jordan stated that the proper procedure has been followed to date, with the Code Enforcement Officer sending a letter after the code violation was detected.

Mr. Jordan cautioned the Council about waiving the fee since it creates a system where anyone can pursue the fee waiver process. However, if the Council does consider the fee waiver then "extraordinary circumstances" should be detailed.

The Council suggested that research be done in the minutes to see what was actually discussed when the Swim Center set their policy for hardship cases and return to Council with this information, including the policy, prior to making a decision on the Schippee matter.

Staff will return to the Council at the next meeting with information regarding policy for hardship considerations on City fees.

NEW BUSINESS: Accounts Payable - **Councilman Daniels moved to approve payment of accounts payable in the amount of \$522,521.54. Motion seconded by Councilwoman Strong.

DISCUSSION - Councilman Daniels pointed out that \$212,000 was payment for sewer bonds, and \$82,000 was to purchase odor control equipment for the sewer plant. Mr. Jordan also noted that we have paid the annual OEDD loan.

**Accounts Payable were approved 6-0, by roll call vote.

Abstract of Votes for General Election - **Councilman Daniels moved to accept the official abstract of votes for the November 5, 1996 election as submitted by Clackamas County. Motion seconded by Councilwoman Stark and approved 6-0.

Council President Prince congratulated Roger Harris on his re-election to the Council; Brad Gerber and Barry Lucas as new Council members; and Scott Taylor for his re-election as Mayor. Mr. Prince thanked the many citizens who supported him throughout his campaign.

ORDINANCES & RESOLUTIONS: Resolution No. 630 - Attorney Kelley stated that Steve Hanson had informed him that the sewer plant sludge truck needed to be

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replaced on an emergency basis. He added that the engine had been replaced four times and during a routine service by the City Mechanic they found "pieces of piston rings and bearing material" in the oil pan of the 20 year old truck. Mr. Kelley pointed out that ORS 279.015 provides an exemption from the bidding process for emergency situations.

The resolution provides for purchase of the sludge truck from Northside Ford, at a five year lease program of \$15,105.00 annually.

Steve Hanson said that the truck requires a specific frame not available in local dealerships, but was found at Northside Ford in Portland. Actually, two such trucks were ordered for another entity that did not take them.

Councilman Prince asked if they were doing sludge applications now. Mr. Hanson said the fields were too wet now and so they are putting the sludge in storage.

Councilman Nolder asked if replacement on a 20 year old truck was foreseen. Mr. Hanson said he had saved \$10,000 a year the past four years for replacement, currently providing \$40,000 available in the fund.

Council President Prince pointed out that the bid process allows the City to get the "best buy."

Councilman Harris asked about replacing the engine. Mr. Hanson said the truck is actually being used for much heavier duty than it was designed and it would be dangerous to continue such usage.

Councilwoman Stark said she would like to know if this is the best price the City can get. Mr. Hanson said that Bruce Gulleff, from the Motor Pool, made the contacts to find the proposed purchase.

Councilwoman Strong said she preferred the bid process.

Council President Prince agreed that the bid process would be the best process. Steve Hanson said the sludge would have to be stock piled and there is the chance and liability that the truck would blow up if we waited for this process that could be four months.

Administrator Jordan said the bid process involves preparing the specs, publishing in the Daily Journal of Commerce for bids, and direct notice to some agencies. He said the turn around time should only be a couple weeks.

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Councilman Daniels noted this was an emergency situation, and asked what would happen if the bidder wanted to make delivery in 60 days.

Councilman Harris agreed to pursue the bid process as fast as possible.

Councilman Nolder stated that this was not an emergency, but a maintenance situation and he preferred the bid process.

Councilman Daniels disagreed, saying this was an emergency and sludge would be stock piled.

Councilman Harris asked when Mr. Hanson could get back into the fields to distribute the sludge. Mr. Hanson said he had a place to haul sludge in January.

All budget members were polled and stated that a bid process was needed.

Councilman Daniels pointed out that during the budgeting process, staff is continually asked to cut back in spending and this could be the result.

Staff indicated that they hoped to return the matter to the Council within two to four weeks.

UNFINISHED BUSINESS: None presented.

MANAGER'S REPORT: Measure 47 - Administrator Jordan reported that there are numerous meetings scheduled to discuss Measure 47. December 12th is the first notice of a meeting in Oregon City. The Library Levy, which ends June 30, 1997, will no doubt be a topic of discussion to decided how to approach the reauthorization of the levy.

Industrial Park - Mr. Jordan reported that a business is interested in moving to Canby and the announcement will be made Friday. The business will purchase 15 acres in phase two of the Industrial Park which will require annexation prior to a building being constructed for their target date of occupancy, September 1, 1997. The City will do everything possible to expedite their process. The infrastructure to serve the development will be a key issue and will require an overpass because of the railroad spur and difference of grade. The proposed cost of the overpass, as well as providing services to the area would be three quarters of a million dollars (\$75,000,000). Two state departments, ODOT and Economic Development are working to help the City provide funding for the infrastructure. Mr. Jordan added that the process will need to be pursued on a rapid time line to meet the September deadline.

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Councilman Harris asked how many this firm would employ. Mr. Jordan replied 50 at first, but ultimately they plan to employ 100 to 150. He said they assemble "high-end" lab measuring devices.

ODOT Meeting - Administrator Jordan said the City has been meeting with ODOT regarding the Fairgrounds crossing and access to the southeast corner of that intersection where a business wants to relocate. Mr. Jordan added that the Access Management Plan will soon be forwarded to the Council.

Drainage Problem - Mr. Jordan reported that he had spoke with Curt McLeod about scheduling a workshop for the drainage problem in the northeast quadrant.

COUNCILORS' ISSUES: Councilwoman Stark reported that she recently attended a Boy Scout meeting and was impressed with their activities to collect food and toys for the Holiday Season. She reminded citizens to become involved in this annual event.

Councilman Daniels encouraged citizens to attend "The Wonderful World of Christmas" on Sunday, December 8th at the Fine Arts Center. It is a benefit for the Christmas Basket Program and admission is toys, money or canned goods.

Councilman Prince reported that the budget subcommittee for the City Budget has discussed sending a questionnaire to citizens for their budget priorities in light of Measure 47.

OTHER REPORTS OR ANNOUNCEMENTS: None presented.

ACTION REVIEW:

1. Ord. 960, will be posted and returned to the Council for final action at the next meeting.
2. Research information for a possible hardship fee reduction.
3. Proceed with bid process for sludge truck for the sewer plant.

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

Council President Prince recessed the regular session at 9:15 p.m. to go into Executive Session. The regular session was reconvened at 9:43 p.m. and immediately adjourned.

EXECUTIVE SESSION

December 4, 1996

DECEMBER 4, 1996

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

Council President Prince called the session to order in the CUB conference room at 9:22 p.m.

ORS 192.660 (1)(h) - The Council discussed the following pending litigation cases:

Rinkes vs. City of Canby


Knutson vs. City of Canby (Maple Street development)

Possible litigation by Johnson regarding an issue of their property near the river off of Baker Drive.

Impounded vehicles, regarding security measures.

Council President Prince adjourned the session at 9:42 p.m.


Marilyn K. Perkett, City Recorder


Terry Prince, Council President

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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 Chapter of Kiwanis Clubs has undertaken the project of collecting and distributing toys to these children, during the time from December 8th through December 14th; and

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

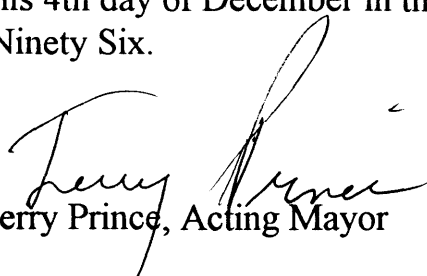
WHEREAS, drop boxes for these donations may be found at the Canby Public Library, Canby Utility Board, Canby Police Department, Canby Fire Department, North Willamette Telecom, Canby Telephone Association and other Kiwanis barrels distributed throughout the Canby business community.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the week of December 8 - 14, 1996 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 4th day of December in the year of our Lord One Thousand Nine Hundred and Ninety Six.


Terry Prince, Acting Mayor

11/20/96 14:03:53

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** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 5, 1996

* 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
* November 22, 1996 *

CITY OF CANBY MAYOR TWO YEAR TERM

A -- SCOTT TAYLOR
B -- TERRY PRINCE

CITY OF CANBY COUNCIL POSITIONS VOTE FOR THREE

C -- ROGER K HARRIS
D -- PETE KELLEY
E -- BARRY A LUCAS
F -- BRAD L GERBER

Precinct	A	B	over	under	total	C	D	E	F	over	under	total
0122	313	411	1	142	867	349	370	369	488	12	1,013	2,601
0123	238	211	1	88	538	276	229	261	277	3	568	1,614
0124	571	481	0	194	1,246	610	552	655	615	9	1,297	3,738
0125	440	365	1	172	978	457	414	444	480	15	1,124	2,934
0126	495	374	1	168	1,038	544	437	535	563	6	1,029	3,114
TOTAL	2,057	1,842	4	764	4,667	2,236	2,002	2,264	2,423	45	5,031	14,001

CITY OF CANBY COUNCIL

MISCELLANEOUS WRITE-INS 2

RECEIVED

NOV 25 1996

CITY OF CANBY