

**CANBY CITY COUNCIL
REGULAR MEETING
DECEMBER 18, 1996**

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

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

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

MINUTES OF PREVIOUS SESSION: **Councilman Prince moved to approve as distributed the minutes of regular session December 4, 1996. Motion seconded by Councilwoman Stark and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

AWARD PRESENTATION: Canceled.

PUBLIC HEARING: SPWF Application - Mayor Taylor opened the hearing at 7:32 p.m.

Administrator Jordan explained that this hearing was extended to the public as an opportunity to submit testimony on the subject and was not quasi-judicial.

Curt McLeod, City Engineer of Record, informed the Council that this hearing was to solicit input on the application to the Oregon Economic Development Division for a Special Public Works Fund to extend the Logging Road Industrial Park Project to Phase II and extend S.E. Fourth Street.

Mr. McLeod said the total cost of the project would be \$755,000, including legal matters, engineering, and infrastructure. The major item of the project is the construction of a bridge over the railroad. He said a grant from the Department of Transportation Immediate Opportunity Fund in the amount of \$500,000 will be solicited. The OEDD application is for \$255,000 with half of that amount a grant and the other half a loan.

Councilman Prince asked about a walkway. Mr. McLeod said there would be a walkway, either stairs up over the bridge or a walkway underneath, with sidewalks on both sides.

Mayor Taylor asked if there were any further testimony to be submitted. None was presented. The public hearing was closed at 7:40 p.m.

****Councilman Nolder moved to authorize the Mayor and necessary staff to sign documents on behalf of the City of Canby and submit a final application to OEDD for funding of a portion of Phase II of the Logging Road Industrial Park. Motion seconded by Councilwoman Stark and approved 6-0.**

COMMUNICATIONS: Letter from the Chamber - Mayor Taylor read a letter from the Chamber of Commerce endorsing the efforts of the City of Canby to solicit the industry of Shimadzu.

Councilman Nolder stated that the City should express appreciation to the State of Oregon who aided the City in efforts to encourage Shimadzu to locate in the Canby area.

Pat Allen, OEDD Regional Director for Clackamas and Hood River Counties, briefly addressed the Council commending City staff for their efforts in obtaining the Shimadzu business for the Logging Road Industrial Park. He said the City Administrator, Planning Director and Engineer "made it happen."

Mr. Allen informed the City Council that he had just heard today that the Oregon Transportation Department approved the grant this morning for the proposed project.

NEW BUSINESS: Accounts Payable - ****Councilman Daniels moved to approve payment of accounts payable in the amount of \$104,496.40. Motion seconded by Councilwoman Stark.**

DISCUSSION - Councilman Prince asked about an expenditure for GIS station, with sewer dedicated funds.

Administrator Jordan stated that the City has an employee through the RARE Program, the Americor Program, Clint Chiavarini, to help prepare the basic data and mapping for the Comprehensive Plan Update and his technical expertise is in GIS systems. Mr. Jordan explained that a GIS is a Geographic Information System used to combine data and maps. Mr. Jordan said Clint has been working at the treatment plant on the system with the mapping, one of the big issues of the update. He added that there is \$4000 budgeted for the mapping and between that money and Mr. Hanson trying to get his interests into a system has driven the City toward starting to build the system.

(At this time the Council took a short recess. Youth groups from the surrounding area filled the Council Chambers to sing Christmas Carols.)

Steve Hanson explained that Curran-McLeod is working on the Storm Water Master Plan and since the City purchased the software a number of years ago, he needed a machine to work with the software that is capable of running the GIS software and his control system.

Mr. Hanson said the City has been able to acquire information from the County at no cost. He added that Clint has been exceptional in making the necessary contacts to aid the City in obtaining this type of information. Mr. Hanson said he spends between 8 to 10 hours to develop a sludge site application; and with the GIS system, it will decrease the field mapping by 3/4 or 2/3.

Councilman Prince said his concern was that the GIS was not to be implemented by using funds from a fee based fund. He asked if this was the same system that was being planned for by the City; if it were to be used exclusively for the sewer department it would be fine. However, it is a "gray" area when you mix the funding from fee based dedicated funds. Mr. Hanson said there is a "gray" area since that same base map can be used for any information.

Mr. Jordan said there was a "gray" area, in that, Clint who is actually doing the GIS work is being paid by the Administration and Community Services. He added that in terms of dollars, it is a greater benefit to the sewer department than those spent for the "City." Mr. Jordan added that we are getting a year's worth of Clint's work for \$15,000.

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

Appointment to Planning Commission: Mayor Taylor noted that Mark O'Shea was appointed to the Planning Commission a couple months ago to complete a term and now is the time to appoint him to a complete three year term.

****Councilman Prince moved to appoint Mark O'Shea to a three year term on the Planning Commission, with his term expiring in December 1999. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor reminded the Council that Planning Commissioner Brad Gerber has been elected to the Canby City Council and this will leave a vacancy on the Commission in January. Mayor Taylor noted that Councilman Prince has been the liaison to the Planning Commission and is interested in serving on the Commission.

****Councilwoman Strong moved to appoint Terry Prince to the Planning Commission to complete a term expiring in December, 1997. Motion seconded by Councilwoman Stark and approved 6-0.**

ORDINANCES & RESOLUTIONS: Ordinance No. 960 - Jim Wheeler reminded the

Council that this ordinance was a text amendment to allow, as a conditional use, commercial recreation in commercial zones.

****Councilman Prince moved to adopt, on final reading, 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. Motion seconded by Councilman Harris and approved 6-0, by roll call vote.**

Ordinance No. 961 - Administrator Jordan explained that this ordinance was for engineering. He stated that during the last cycle of Community Block Grants the City received a grant for N. Cedar and S. Fir Streets in the amount of \$150,000 with City matching funds of \$37,500, a portion is in-kind services.

Councilman Prince asked if there would be sidewalks. Mr. McLeod said they would strive to have sidewalks on both sides.

****Councilman Daniels moved that Ordinance No. 961, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC. FOR ENGINEERING SERVICES FOR IMPROVEMENTS TO NORTH CEDAR AND SOUTH FIR STREETS; AND DECLARING AN EMERGENCY be posted and come up for final action on January 8, 1997. Motion seconded by Councilwoman Stark and approved 6-0.**

Ordinance No. 962 - ****Councilman Harris moved that Ordinance No. 962, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MC LEOD, INC. FOR ENGINEERING SERVICES FOR THE LOGGING ROAD INDUSTRIAL PARK PROJECT PHASE II; AND DECLARING AN EMERGENCY be posted and come up for final action on January 8, 1997. Motion seconded by Councilman Prince.**

DISCUSSION - Administrator Jordan explained that Oregon State Purchasing allows the City to purchase without a bid for these type of services. He added that the time line on this project needs to move extremely quickly. Also, Mr. McLeod is very familiar with the range of this project and he is the City's "Engineer of Record."

Councilman Nolder stated that the City is fortunate to have Curt McLeod assist us in these matters and, being a citizen of the community, he has the best interests for the City.

****Ordinance 962 was approved on first reading, 6-0.**

UNFINISHED BUSINESS: None presented.

PRESENTATIONS: Plaque for Councilor Stark - Mayor Taylor presented Councilwoman Stark with a plaque representing the City's appreciation for her service on the Council.

Cheryl Stark thanked the citizens, City Staff and Council for the support they have offered her the past four years. She added that the experience has been rewarding.

Councilman Daniels said it was a pleasure to work with Mrs. Stark and she always voiced her opinion.

Plaque for Councilor Prince - Mayor Taylor presented Terry Prince with a plaque thanking him for his ten years as a Councilman and four years as the Council President.

Councilman Prince thanked the City of Canby saying he always had the best interest of the community in mind in his decision making and he expressed thanks to the Council, current and past members. Mr. Prince specifically thanked Virginia Biddle, Marilyn Perkett, Roy Hester, Karen Rider, Joyce Faltus, Shirley Strong, Dennis Nolder and Roger Harris. He added a special thanks to his wife for her support.

Councilman Daniels noted that if METRO didn't know where Canby was, they do now; after Councilor Prince attended some of their sessions. He added that he has served the City well.

Councilors Strong and Stark both expressed thanks to Terry for his assistance.

Councilman Harris noted that Terry had "an eye for detail" and encouraged him to run for the Council again.

Councilman Nolder added that the Council is a "team" of which Terry is one of the hardest working members.

MANAGER'S REPORT: Economic Development - Mr. Jordan informed the Council that there will be a great deal of work for the City staff to meet the extraordinary deadlines for Phase II of the expansion of the industrial park.

The Clackamas County Economic Development Committee has formed another committee, Oversight Committee, to update the Economic Development Plan. Mr. Jordan and Dirk Borges both serve on this committee. Mr. Jordan added that Canby appears to have the largest contiguous piece of industrial land available in the Metro area.

PGE has offered their employee, Greg Satchell, to do in-kind work on economic

development issues. Mr. Satchell will specifically be working on the Phase II of the Logging Road Industrial Park.

Downtown Revitalization Group - has hired Heidi Henry from Silverton as their project manager.

Measure 47 - The Governor's Group and Joint Legislature Study Committee are working on this issue and developing some language. The calculations regarding losses have faced disagreements.

Budget Preparation - Staff is working on the budget to identify saving measures. A sub-committee is working to develop a public involvement process regarding Measure 47 cuts. The City will also be working with the School District to identify common areas to possibly consolidate.

Community Block Grants - A new cycle in the CDBG is underway. The County has 6 ½ million dollars to delegate in grants and have received 18 ½ million dollars in requests. Two groups, a policy and citizen advisory group, will review the applications.

Hardship Fee Waiver - Mr. Jordan reported that Jim Wheeler has checked with several other communities regarding their policy on waiver of development fees and none grant waivers.

The City has reviewed the Swim Center policy which allows for a 50% waiver if the family meets the criteria for the poverty income level.

Mr. Jordan stated that the Rod Schippee request to waive a land use fee will be continued to the January 15, 1997 meeting.

Councilman Prince commented that he didn't want to see the City "lock out" the common person from being able to go through the development process.

COUNCILORS' ISSUES: Each of the Council members wished everyone a Merry Christmas and Happy New Year.

Mayor Taylor reminded the Council that the next meeting would be January 8, 1996 due to the holiday.

OTHER REPORTS OR ANNOUNCEMENTS: Mayor Taylor noted that there was an article in the newspaper regarding neighborhood meetings that will be scheduled for discussion about the City Budget. He said the meetings would be 1-1/2 to 2 hours long and he urged citizens to call Sarah Jo Chaplen at City Hall to schedule one in their home.

Mayor Taylor reported that a Fun Run for Christmas Lights would begin at Wait Park on Thursday evening at 6:30 p.m.

Councilman Daniels reminded citizens that supplies are still needed for the Holiday food baskets.

- ACTION REVIEW:**
1. Submit the SPWF application to the state for the Phase II of the Logging Road Industrial Park.
 2. Inform Mark O'Shea and Terry Prince of their appointment to the Planning Commission.
 3. Implement Ordinance No. 960, the Text Amendment regarding recreation facilities in an industrial zone.
 4. Post Ordinance No. 961 and 962, and bring back to Council on January 8, 1997.
 5. Continue research on low income fee waiver.

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

Mayor Taylor recessed the regular session at 8:48 p.m. to go into Executive Session. The regular session was reconvened at 9:08 p.m. and immediately adjourned.

EXECUTIVE SESSION
DECEMBER 18, 1996

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

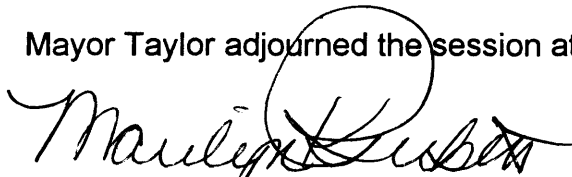
Mayor Taylor called the session to order in the CUB conference room at 8:55 p.m.

ORS 192.660 (1)(h) - The Rinkes litigation case was discussed.

A complaint filed by former employee Rafael Meza was discussed.

The litigation regarding the Maple Street Subdivision was discussed.

Mayor Taylor adjourned the session at 9:07 p.m


Marilyn K. Perrett, City Recorder


Scott Taylor, Mayor