

CANBY CITY COUNCIL
REGULAR MEETING
MAY 1, 1996

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, City Recorder Marilyn Perkett, Police Chief Jerry Giger, Irene Breshears, Jack Murray, Nan Olson, Tracy & Ashlee Heuett, Betty Faist, Mr. & Mrs. Mark Callahan and Mike Duncan.

Mayor Taylor called the session to order at 7:35 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 SESSIONS: **Councilman Prince moved to approve as distributed the minutes of the regular and workshop sessions of April 17, 1996. Motion seconded by Councilman Harris and approved 5-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PROCLAMATIONS: Poppy Month - Mayor Taylor proclaimed the Month of May, as Poppy Month in the City and urged citizens to support the American Legion by buying a poppy. Tracy and Ashlee Heuett passed out poppies to the men and a poppy-corsage to the women.

1996 NALC National Food Drive Day - Mayor Taylor proclaimed Saturday, May 11th as the day when the postal carries will collect non-perishable foods left near mailboxes for the local food bank.

John Dewar, Canby Postal Carrier, informed the Council that this is the first time this event has happened in Canby, however, it has been held nation-wide for three years.

Older American's Month - Mayor Taylor proclaimed the month of May as Older American's Month in Canby and urged citizens to come to the Canby Adult Center to learn more about their programs.

Jack Murray , who has been active in the Canby Adult Center for 18 years, accepted the proclamation on behalf of the center.

PUBLIC HEARINGS: AN 96-02, Callahan - Mayor Taylor opened the public hearing on the proposed annexation at 7:46 p.m. and reviewed the criteria for the public hearing process.

Mayor Taylor asked the hearing body to declare any conflict of interest on the ANN 96-02, Callahan hearing:

Harris - None and will participate.
Prince - None and will participate.
Taylor - None and will participate.
Stark - None and will participate.
Strong - None and will participate.
Daniels - None and will participate.

Mayor Taylor asked the hearing body to declare any exparte contact on the subject matter.

Daniels - None
Strong - None
Stark - None
Taylor - None
Prince - None
Harris - None

STAFF - Administrator Jordan explained that Jim Wheeler, City Planner, was recovering from surgery and is currently on medical leave.

Mr. Jordan reported that the subject property of .33 acres is located in the northeast quadrant at 1478 N. Locust, and is entirely surrounded by City. Owners are Mark and Karen Callahan, their septic system recently failed and they requested annexation so they could connect to the City sewer system. Mr. Jordan noted that they have been allowed connection to the sewer, pending annexation. The Planning Commission recommend approval of annexation.

Attorney Kelley pointed out some corrections that were brought to his attention by Councilman Prince, on page 11 of the packet, under "Findings," it lists the subject project as "Low Density" and R-1, Low Density Residential, the correction should read: **Medium Density and R-1.5 Medium Density Residential**. Also, the words "Territorial Road is an arterial street" should be **DELETED**.

Councilman Daniels questioned the phrasing of dedication in the recommendation. Administrator Jordan said he did not believe there would be any land dedication at this time but would research the matter.

Councilman Harris asked if there is cost related to the annexation. Mr. Jordan said there was the connection fee to the sewer, SDC's and the application cost.

APPLICANT - Mark Callahan, applicant, thanked the City and commended Jim Wheeler for his assistance in the application. He pointed out some of the related costs for the annexation. He also noted that the City installed the sewer and prior to installation the cost was estimated between \$1100 - \$1200, however, after the project was completed they received a bill for \$1800. Mr. Jordan asked Mr. Callahan to contact the Administration Office to discuss this matter.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mayor Taylor closed the hearing at 7:57 p.m.

The Council consensus was to instruct staff to prepare a Resolution for the next meeting for approval of the annexation.

ANN 96-0.1, Tofte -Mayor Taylor asked the hearing body if they had any conflict of interest regarding the proposed subject matter:

Harris - None and will participate.
Prince - None and will participate.
Taylor - None and will participate.
Stark - None and will participate.
Strong - None and will participate.
Daniels- None and will participate.

Mayor Taylor asked the hearing body to declare any exparte contact:

Daneils - None
Strong - None
Stark - None
Taylor - None
Prince - None
Harris - None

Administrator Jordan stated that the proposed annexation is a 38.11 acre parcel located south of S.E. 13th Avenue at S. Pine and known as the Tofte Farm. The proposal is to develop a portion of the property in phases and keep some of the

property in agricultural zoning. Paulisch Duncan Homes is the developer.

Mr. Jordan informed the Council that signalization of S.E. 13th and Ivy has been reviewed with Clackamas County and is a project that will be done this year. He added that grant money will be pursued for this project.

APPLICANT - Mike Duncan, representing the applicant, said he agreed with the staff report and encouraged the Council to approve the annexation.

Councilman Daniels asked if building will start this summer. Mr. Duncan said the goal is to start building streets in August, and no homes will be built until winter.

PROPOSERS - None

OPPOSERS - None.

REBUTTAL - None.

Mayor Taylor closed the hearing at 8:05 p.m.

DISCUSSION - Councilwoman Strong asked if the developer will pay for any of the signalization on S.E. 13th. Mr. Jordan explained that a transportation SDC will be on each home that is built.

Councilman Prince stated that 13 acres will be developed and the remaining will stay in farm use. Mr. Jordan added that the remaining acreage in agriculture use would need a zone change for any future development.

Councilman Harris asked how long it would be before all 38 acres is developed. Mr. Duncan said that it would be 2 to 3 years.

Councilman Harris stated that staff did a good job in providing both negative and positive comments on the proposal. Mr. Harris reviewed the comments and noted that the positive outweigh the negative comments. However, he expressed concern about developing the farm land saying it was a "point of sadness."

Councilwoman Strong stated that she felt most of the residents from the proposed project would travel out of the area by taking S. Pine Street.

Councilman Daniels commented that other owners of priority "A" land have not come forward seeking annexation.

Councilman Prince said it was unfortunate that A and B designation had to be made on parcels, however, he felt the Comprehensive Plan should be complied with and this

annexation approved.

The general consensus of the Council was for approval of the proposed annexation, and authorizing staff to return to the next meeting with a resolution for approval.

COMMUNICATIONS: Letter from Carlin Jackson - Mr. Jordan stated that Mr. Jackson had submitted a letter resigning from the Planning Commission, effective May 15, 1996.

Mayor Taylor, Councilman Prince, Councilman Harris, and a member of the Planning Commission will interview the two applications that have currently been submitted for the position. A thank you letter will be sent to Mr. Jackson.

NEW BUSINESS: Accounts Payable -- **Councilman Daniels moved to pay accounts payable in the amount of \$115,841.90. Motion seconded by Councilwoman Stark.

DISCUSSION - Councilwoman Stark questioned a computer purchase, and was informed it was a laser jet printer for the Library as part of the World Class Library System.

**Accounts payable were approved 5-0, by roll call vote.

ORDINANCES & RESOLUTIONS: Ordinance No.944 - Administrator Jordan reminded the Council that this ordinance was drafted to implement the contract for the cemetery maintenance providers.

**Councilman Harris moved to adopt on final reading, Ordinance No. 944, AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH KEN ROBINSON, DBA KR MAINTENANCE TO PROVIDE SERVICES AT THE CITY OWNED ZION MEMORIAL CEMETERY; AND DECLARING AN EMERGENCY. Motion seconded by Councilwoman Stark.

DISCUSSION - Councilman Daniels asked if there has been a designated time set for evaluation of the maintenance staff. Mr. Jordan said no set time-line, however, there is a 90 days exit clause in the contract, an annual financial evaluation is made regarding sales and filed complaints would be reviewed as an evaluation. There have been no complaints and at this time the current contractors are preparing the cemetery for the Memorial Holiday.

**Ordinance No. 944 was approved by roll call vote, 5-0.

Resolution No. 607 - Administrator Jordan reminded the Council that this resolution was suggested by the Council to support the application for grant funds to signalize S.

Ivy and S.E. 13th.

****Councilman Prince moved to adopt Resolution No. 607, A RESOLUTION SUPPORTING THE CITY OF CANBY'S APPLICATION FOR PETROLEUM ANTITRUST SETTLEMENT GRANT PROGRAM. Motion seconded by Councilwoman Strong.**

DISCUSSION - Councilman Harris questioned how much the actual cost is for the project and how much the application requested. Mr. Jordan said the application request is for \$150,000, which is the suggested cost for the project.

****Resolution No. 607 was approved 5-0.**

Resolution No. 608 - Administrator Jordan reported that this resolution is necessary for the Council to accept dedication of land from Darrell and Darlene Woolhiser N. Maple for right-of-way purposes. He pointed out that one of the options for acceptance could be requiring road improvements, however, staff indicates this is very costly for a single residence.

Councilman Daniels asked if improvements will be made. Mr. Jordan replied that they would be made only if the Council required them. He added that this small portion of road will probably be paved in some type of transition manner and not to its fullest width.

****Councilman Harris moved to adopt Resolution No. 608, A RESOLUTION TO ACCEPT DEDICATION OF LAND FOR NORTH MAPLE STREET RIGHT-OF-WAY PURPOSES. Motion seconded by Councilman Prince.**

DISCUSSION - Mayor Taylor stated that the Council should address the single residence infrastructure improvements and cost for future consideration. This type of development leads to a "patchwork" effect with areas of blanks spots with no sidewalks or curbs, and safety should be a criteria.

Administrator Jordan commented that the City often will ask for a waiver of remonstrance for an LID for future improvements; or at times have provided the installation if homeowners pay for the materials.

****Resolution No. 608 was approved 5-0.**

UNFINISHED BUSINESS: None presented.

MANAGER'S REPORT: County Transportation Plan - Mr. Jordan passed out worksheets regarding the Clackamas County Transportation Plan for the next five years. He pointed out that in this plan the County suggests transfer of ownership of

County roads and bridges to City's for maintenance within the next five years. City Managers will form a committee to try and resolve this issue.

Revenue Hearings - Through May the Senate will hold hearings regarding revenues. One suggestion has been to move \$1.00 of the Measure 5 \$10.00 dollar limit for local government to school funding. Which gives the schools a \$6.00 limit and local government \$9.00. Mr. Jordan stated that this would save tax payers approximately \$22 million in local government taxes and push some cities into compression. However, on the school funding side, it will raise approximately \$200 million dollars from tax payers. The hearings for this particular issue will be May 7th or 14th.

Industry - Mr. Jordan reported that the City is very close to gaining a new industry, JV Northwest which makes stainless steel tanks. He said the industry will be close in size to Sprague Controls and employee about 110-130 people in a 50,000 square foot structure. Administrator Jordan added that industrial property is now \$80,000 per acre.

COUNCILORS' ISSUES: Councilman Prince noted that the proposed \$1.00 school proposed tax change will not put Canby into compression.

Mayor Taylor thanked CUB for the street repair on N. Holly.

OTHER REPORTS OR ANNOUNCEMENTS: Councilman Daniels urged citizens to have a voice in the City Budget by applying for a position on the committee.

Chief Giger informed the Council that four new police officers graduated from the Police Academy last Friday and Jose Gonzales was recognized as a "team leader" which is an honor. The remaining two new officers will now leave for the academy.

Councilwoman Strong commented that she has seen more patrolling by our Police Department recently.

- ACTION REVIEW:**
1. Draft Resolution for the next meeting for ANN 96-02 and ANN 96-01.
 2. Send thank you letter to Carlin Jackson.
 3. Implement Zion Cemetery maintenance contract as per Ordinance No. 944.
 4. Support Petroleum Antitrust Grant with Resolution No. 607.
 5. Accept land dedication with Resolution No. 608.

****Councilman Prince** moved to go into Executive Session under ORS 192.660 (1)(d) regarding labor negotiations; and (1)(h) regarding pending litigations. Motion

seconded by Councilman Harris and approved 5-0.

Mayor Taylor recessed the regular session at 8:45 p.m. to go into Executive Session. The regular meeting was reconvened at 9:17 p.m. and immediately adjourned.

EXECUTIVE SESSION
MAY 1, 1996


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

Mayor Taylor called the session to order in the CUB conference room at 8:50 p.m.

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

ORS 192.660 (1)(d) - The Council discussed Police Department labor negotiations.

Mayor Taylor adjourned the session at 9:15 p.m.


Marilyn K. Perkett
City Recorder


Scott Taylor
Mayor

PROCLAMATION

WHEREAS, the American Legion Auxiliary adopted the Poppy as its Memorial Flower which pays tribute to the war dead, and aids the living veterans and their families; and

WHEREAS, the contributions are used for Children and Youth and Rehabilitation in our local community of Canby.

NOW THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, do hereby proclaim the

**MONTH OF MAY, 1996, AS POPPY MONTH
and May 12 through 18, 1996, as POPPY DAYS in the City of Canby.**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 1st day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Six.

Scott Taylor, Mayor

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PROCLAMATION

WHEREAS, the U.S. Administration on Aging, has once again proclaimed May as OLDER AMERICANS MONTH; and

WHEREAS, the theme this year is "Aging - a Lifetime Opportunity," recognizing the millions of seniors who have made the most of growing older by continuing to make invaluable contributions to society; and

WHEREAS, all of us, regardless of age, are encouraged to view growing older as something we can look forward to and prepare for throughout our lives; and

WHEREAS, the Canby Adult Center will be celebrating OLDER AMERICANS MONTH in May with added and extra special events.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby, Oregon, hereby proclaim the month of May as

OLDER AMERICANS MONTH IN CANBY

and urge the citizens of our community, seniors and non seniors alike, to come to the Canby Adult Center to learn more about its programs.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the City of Canby to be affixed this 1st day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Six.

Scott Taylor, Mayor

PROCLAMATION

WHEREAS, the National Association of Letter Carriers, in conjunction with the U.S. Postal Service, AFL-CIO, United Way and local Food Banks are coordinating a non-perishable **food drive**; and

WHEREAS, St. Patrick's Church, Canby Christian Church and the Seventh Day Adventist Church, Canby's local Food Banks, are in need of food at all times; and

WHEREAS, the local Food Bank shelves are nearly empty due to the recent holidays and weather related need for food; and

WHEREAS, local letter carriers will collect non-perishable food items placed by mailboxes on **Saturday, May 11, 1996**.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby hereby proclaim **Saturday, May 11, 1996**, as

1996 NALC NATIONAL FOOD DRIVE DAY

and urge the citizens of Canby to participate in this worthwhile event by donating non-perishable food items to help our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 1st day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Six.

Scott Taylor, Mayor