

**CANBY CITY COUNCIL**  
**OCTOBER 18, 1995**

**WORKSHOP: PRESENT** - Mayor Taylor, Councilors, Nolder, Harris, Prince, Stark, Strong and Daniels, Administrator Jordan, Assistant to the Administrator Chaplen, Dale Carter, Lance Lyon, Pat Ewert, Tom Keenan, Carol Meeuwsen, Barry Lucas, John Falkenstein, Scott Nelson, Dorothy McCormick, Michael Burke, Kurt Schrader, Mark O'Shea and Trish Conrad.

The City Council, Blue Heron Recreation Group and City Budget Committee met at 6:00 p.m., in the Library Conference room.

The purpose of the workshop was to discuss proposals for a recreation district and various services for the next ten (10) years.

The group was receptive to the concept presented. However, there was some concern about the financial mix, and expenditures for capital improvement.

Another workshop session may be scheduled.

This session was adjourned at 7:20 p.m.

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

Also present: Administrator Michael Jordan, Assistant to Administrator Sarah Jo Chaplen, City Attorney John Kelley, Police Chief Jerry Giger, Library Director Beth Saul, Assistant Planner Jim Wheeler, City Recorder Marilyn Perkett, Jonathan Miller, Virginia Biddle Mike & Irene Breshears, Paul & Barb Podhora, Dorothy Remington, Vernon Hepler, Lyle Read, Betsy Ross, Eugene Cole, Robert Root, Lyle Hilley, Patti Flagg, Wanda Craff, Bill Davies, Ron Holm, Larry Castle, George Wilhelm, Roger Reif, Belva Clark, Gordon Wanner, Shirley Regan, JoAnn Burleson, Karen Haring, Don Peterson and Ken Stuart.

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

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 regular meetings September 20, 1995 and October 4, 1995. Seconded by Councilwoman Strong, The following corrections were noted: September 20, 1995, page 2, the correct number for yes vote on the Street Levy should read: **YES-1,142**; and

on October 4, 1995, page 11, last sentence, the vote on the motion should read: **4-0** (Councilman Harris left during the Executive Session.).

**\*\*Motion to accept the minutes as corrected was for approval, 6-0.**

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Bill Davies, 1091 N. Hawthorne Court, addressed the Council with a written statement. Mr. Davies noted that he had been in the telephone industry for almost 30 years. He emphasized that all Canby citizens are owners of the Canby Telephone Cooperative, stating that CTA has always been progressive in providing services at the lowest rate in the state. He added that, as owners of CTA, they will do whatever is necessary to protect their investments. Mr. Davies said if the City's technical plans have merit, they can be incorporated into the current CTA network. He urged that the project plans be abandoned, if the main concern is to condemn telephone property to raise money from the citizens.

Vernon Hepler, 26740 S. Barlow Road, stated that CTA has approximately 8,051 member/owners. He stated that the Council minutes of October 4, 1995, stated there would be a decision on the Telecommunity Project, he said the board will remain in the Council Chambers until a decision has been reached.

Steve Hanson, City Wastewater Plant Supervisor, read a letter from the Northwest Pollution Control Association announcing that Canby was the recipient of the 1995 Municipal Water Protection Award.

Mayor Taylor returned the plaque to Mr. Hanson and said it should be displayed in Steve's office. He congratulated Steve and his crew for winning the award.

Mike Breshears, Chairman of the World War II Commemorative Committee was presented with a video copy of the World War II Parade, and an appreciation plaque from the City.

Mr. Breshears presented the following certificates: to Mayor Taylor, a certificate of appreciation and participation, and a commemorative coin; certificates of appreciation to Mike Jordan, Sarah Jo Chaplen, Shirley Strong, Walt Daniels, Roger Harris, Dennis Nolder, and Beth Saul.

Certificates of participation were presented to Jonathan Miller, Jim Mickelson (absent), David Cole (absent), Betsy Ross, Ken Stuart, Dorothy Remington, John Zeig (absent), Jerry Giger, Cheryl Stark, Terry Prince, Ace Wehus (absent), Ken Hagen (absent), Dixon Custer (absent), Virginia Biddle and Irene Breshears

The following certificates and plaques of appreciation were presented by Mike Breshears: to Paul Podhora, who arranged for a great deal of the military transportation units in the parade; to Matt Knoblauch of Mangus Variety for allowing their two front windows to be a display area for World War II memorabilia, a plaque and certificate; to Marilyn Perkett for assisting

the committee, plaque and certificate; and Coldwell Bankers for sponsoring the parade with special thanks to JoAnn Burleson and Karen Haring who worked very hard to make the parade a success.

Ken Stuart informed the Council that he had been informed of a newspaper in Iowa that carried a story about a local citizen, Loren Porter, who was holding a reunion of his "bomber" crew, and specifically a co-pilot, who is now a Monk, in Iowa.

Mike Breshears announced that the Congressional Medal of Honor, Grand Marshal of the Canby Parade, informed him that Canby was the most enthusiastic community he had been in regarding the commemoration.

Mayor Taylor called for a short recess at this time to allow time for audience members to exit prior to continuing on with the agenda.

**PROCLAMATION:** Kiwanis Worldwide Service Day - Mayor Taylor proclaimed October 21, 1995, as Kiwanis Worldwide Service Day in the City of Canby. Larry Castle accepted the proclamation and urged the citizens to become more aware about iodine deficiency disorder in children and to support this campaign.

**APPEAL:** SUB 95-04, Township Village 8 - Mayor Taylor read the appeal procedure, and then asked the Council if anyone had any conflict of interest regarding the issue:

Nolder- None, and will participate.

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 next asked the Council to declare any exparte contact regarding the appeal matter:

Daneils-None.

Strong-None.

Stark-None.

Taylor-None.

Prince-None.

Harris-None.

Nolder-None.

**STAFF REPORT** - Jim Wheeler informed the Council that Township 8 is the last phase of development for Township Village. Mr. Wheeler stated that the Planning Commission had approved phase 8 by a 5-2 vote, without a right-of-way dedication at the corner of S.E. 10th

and S. Larch Street. Mr. Wheeler pointed out that the Transportation Plan adopted by the Council, requires a connection to S. Ivy from S.E. 10th Avenue.

Staff is appealing the Planning Commission decision based on criteria number 1, "the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan or other requirement of law," in that they did not include a right-of-way requirement showed in the adopted Transportation Systems Plan. He added that the Transportation Plan should be followed by the Commission in decision making since it has been adopted. Mr. Wheeler noted that this is only a right-of-way, road development is not requested at this time, but could happen in the future. He added that there was some discussion about safety concerns about the connection to Ivy Street at that specific site. He added that the dedication could be vacated in the future if it is deemed that it is not necessary. Mr. Wheeler pointed out that the two residential lots adjacent to the proposed right-of-way, will be reduced to approximately 9,000 square feet. Mr. Wheeler stated that staff is requesting the Council overturn the Planning Commission decision and approve the right-of-way at that subject site.

Councilman Prince stated that the Planning Commission passed the subdivision on two occasions without the right-of-way. Mr. Wheeler said that was correct.

Councilman Prince added that he understood that the right-of-way criteria in the Transportation Plan was in the second five-year increment of the Plan.

Councilman Prince asked when the right-of-way was introduced to the Township project. Mr. Wheeler said, it was this last phase.

Councilman Daniels asked if 13th was considered for an exit. Mr. Wheeler said after phase 1, a connection to S.E. 13th Avenue was developed.

Councilman Harris asked if a pedestrian access will still be designated in the subject area. Mr. Wheeler said that was correct.

Councilman Prince said he didn't remember a discussion about an access to Ivy. Mr. Wheeler said in previous phases it probably was not considered, only during phase 8.

George Wilhelm, Engineer for the project and representing Regan Enterprises, owners, informed the Council that the Regan's first purchased 40 acres (using a map he pointed out the site), and he noted that at that time the only access to Township Village was off Township Road. He noted that during phase 1, the Planning Commission suggested another access, at which time the Regan's purchased an additional 30 acres, next to the original 40 acres, to satisfy the alternate access to S.E. 13th Avenue. Mr. Wilhelm said they believed the Planning Commission adequately considered all criteria in making their decision, and there are no grounds for appeal.

Jim Wheeler reiterated that the criteria for appeal is the adopted Transportation Plan as a part

of the Comprehensive Plan.

Councilman Prince said it was his opinion that the Planning Commission left the decision up to the Council whether or not that particular access was needed.

Councilman Harris said his interpretation was that the Commission made a decision to **not** include the right-of-way, however, they asked City staff to appeal this to obtain Council's interpretation.

**\*\*Councilman Prince moved to uphold the decision of the Planning Commission to not require a right-of-way to S. Ivy off of S.E. 10th Avenue for phase 8 of Township Village. Motion seconded by Councilman Daniels.**

**DISCUSSION** - Councilwoman Stark said she was concerned about the future need an of access, so she would not vote for the motion.

Councilman Harris expressed the same concern, of losing the opportunity of having the right-of-way, if necessary. He added that residential developments generally like access to a collector street within 1/4 mile, if there is no access at the subject site this would create 1/2 mile distance to a collector.

Councilman Prince said he remembered the discussion during the SDC meetings, and the discussion was to approve the Transportation Plan and revise it later, if necessary. He said this would turn it into a major arterial without a light at that intersection, noting that traffic would "dump" on the curve and it is unsafe. He added that the 13th Avenue access is adequate.

Councilwoman Strong stated that the right-of-way access should be maintained, we could always vacate it in the future. She added that the subdivisions across the street have several accesses onto Ivy.

Councilman Prince pointed out that the subdivision across the street does not have an access coming out on the curve.

Councilman Harris pointed out that prior to development, an engineer would make a recommendation for safety purposes. Again, he urged that the right-of-way be maintained for future use, if necessary.

Councilman Nolder and Councilman Daniels both agreed that the Transportation Plan should be followed.

Councilman Prince argued that all through the development of Township Village this right-of-way proposal was never discussed and he felt this would be an impact on the homeowners in the area.

**\*\*The motion to uphold the Planning Commission decision was denied, 1-5, with only Councilman Prince voting for approval.**

**\*\*Councilwoman Stark moved to overturn the Planning Commission decision on SUB 95-04, adding that the Commission did not interpret the requirements of the Comprehensive Plan and the application should be approved with the added condition of a forty (40) foot right-of-way at the platted extension of S.E. 10th Avenue and S. Larch Street and shall end at the southwestern corner of the property. Motion seconded by Councilman Nolder and approved 5-1, with Councilman Prince voting nay.**

**COMMUNICATIONS: Letter from CUHS - Administrator Jordan reviewed a letter from Lacey Hachenberg, 1995 Homecoming Noise Parade Chair, requesting permission to use the City streets for the Homecoming Parade on Friday, October 20th.**

**\*\*Councilman Daniels moved to grant the CUHS request to hold the Homecoming Parade on October 20, 1995, at 6:00 p.m., according to the parade route and coordinate the activities with the Police Department. Motion seconded by Councilman Harris and approved 6-0.**

**Letter from Donna Jean McManamon - Mrs. McManamon tendered her resignation from the City Budget Committee, effective immediately, due to personal reasons. She thanked the City for allowing her to serve the Community.**

Mayor Taylor commented that the City will truly miss Mrs. McManamon as she was a very enthusiastic supporter of government issues. He noted that the City now has two opening on the budget committee and urged citizens to call City Hall to apply.

**County Gas Tax - Mayor Taylor reminded the citizens of the ballot that would be mailed on October 20, for the November 7, 1995, mail-in election for the proposed County Three Cent Gas Tax. He urged citizens to support the measure noting that Canby will be the recipient of a portion of those funds.**

**NEW BUSINESS: Accounts Payable - \*\*Councilman Daneils moved to approve accounts payable in the amount of \$155,714.24. Motion seconded by Councilwoman Strong and approved 6-0, by roll call vote.**

**Request for Hardship Mobile Home Permit - Jim Wheeler informed the Council that the applicants Richard & Cathy Campagna, 1440 S.E. 12th Loop, are requesting permission to allow their Grandmother, who has Alzheimer disease, to have living quarter in a motor home to be parked at the side of their residence. Mr. Wheeler stated that the proper notifications were mailed to surrounding residents, with no request for a public hearing. The duration of the request will be until April 30, 1996, and a new permit will be required each year. Homeowners adjacent to the site submitted a letter expressing no problem with the request. Homeowners to the rear of the Campagna home, expressed some concern with the motor home being located towards the rear of the lot. However, the Campagna's have, since that**

time, relocated their 5th wheel to the rear portion and moved the motor home up to the front area of their residence.

Councilman Harris asked if the complaint from the neighbor was satisfied with the switching of the two recreational vehicles. Mr. Wheeler stated that he could not be certain of that issue.

Staff recommended approval of SP 95-02, with the following conditions:

1. The approval for the use of the motor home as a temporary living unit shall be valid until April 30, 1996. Use of the motor home as a temporary living unit next fall shall require another hardship permit.
2. An affidavit agreeing to remove the motor home or desist the use of the motor home as a temporary living unit either upon the termination of the medical hardship or by April 30, 1996, shall be submitted to the City.
3. The motor home shall be connected to City water, and electricity in a manner which meet code requirements, and shall be approved by the utility service providers.

**\*\*Councilman Daniels** moved to accept the recommendation of staff for the SP 95-02, request for a hardship mobile home permit at 1440 S.E. 12th Loop with the conditions as outlined in the staff memo dated October 10, 1995. Motion seconded by Councilman Harris and approved 6-0.

**ORDINANCES & RESOLUTIONS:** Resolution No. 593 - Administrator Jordan explained that the City's Street levy, which failed, would have raised approximately \$190,000 for street repair and improvements. If the County three cent gas tax measure passes in November, the City will receive approximately \$139,000, and additionally, the County roads within the City will be repaired including parts of Township, Territorial and N. Pine, as well as a signalization project at S.W. 13th and Ivy.

**\*\*Councilman Harris** moved to adopt Resolution No. 593, A RESOLUTION SUPPORTING THE CLACKAMAS COUNTY PROPOSED THREE-CENT GAS TAX FOR MAINTENANCE, PRESERVATION AND SAFETY PROGRAMS, IN THE SPECIAL MAIL-IN ELECTION ON NOVEMBER 7, 1995. Motion seconded by Councilman Prince.

Councilman Harris noted that both Washington and Multnomah Counties have a similar tax, therefore local gas prices should still be compatible with surrounding areas; and our streets certainly need improvements and repair.

Councilman Prince concurred with Mr. Harris and also stated, "pay now or pay later."

Councilman Daniels commented that often complaints about certain streets are actually streets that are County roads within the City., he encouraged everyone to vote on the measure.

**\*\*Resolution No. 593 was approved 6-0.**

Resolution No. 594 - Ms. Chaplen reminded everyone that the "visioning process" started last February, and many local citizens participated in the process. She stated that the purpose was to create a desirable City for the future. Mayor Taylor noted that some groups are still working on their tasks, however, this is a means of officially acknowledging what has been to date.

**\*\*Councilman Daniels moved to adopt Resolution No. 594, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY TO ADOPT THE VISIONING PROJECT OF CANBY BY DESIGN THAT HAS BEEN DEVELOPED BY THE COMMUNITY. Motion seconded by Councilwoman Strong and approved 6-0.**

Resolution No. 595 - Administrator Jordan explained to the Council that Resolution No. 594 was drafted to replace Resolution No. 591, which was sent to the County Assessor's Office in September. The Assessor asked that we include the figure from the serial levy of \$207,172, this does not change the total levy figure.

**\*\*Councilman Prince moved to adopt Resolution No. 595, A RESOLUTION TO LEVY TAXES FOR THE 1995-96 FISCAL YEAR. Motion seconded by Councilwoman Stark and approved 6-0.**

**UNFINISHED BUSINESS:** Dr 95-12 Findings - Jim Wheeler informed the Council that conditions of approval which were discussed at the last meeting for DR-12, were taken from his staff report of September 20, 1995, were in error and not from the supplemental staff report dated July 21, 1995. Mr. Wheeler briefly reviewed the revised conditions

**\*\*Councilman Harris moved to adopt the revised Findings, Conclusions & Order Site for DR 95-12, applicant Ron Holm/Chevron. Motion seconded by Councilwoman Stark.**

Councilman Nolder asked Mr. Holm if the revised Findings met with his approval. Mr. Holm said they did.

Mayor Taylor expressed concern about Number 1, under "Findings and Reasons," regarding monotony. He suggested that the first two (2) sentences in Number 1 be eliminated and leave only the last sentence.

Councilman Harris, maker of the motion, and Councilwoman Stark, the second of the motion, both agreed to the suggested amendment by the Mayor.

**\*\*The DR 95-12, Findings, as amended, were approved 6-0.**

**MANAGER'S REPORT:** Administrator Jordan reported the following, under this new agenda item:



1. Berg Parkway - Industrial Seating, a business in the area, has applied for a partition of their property, therefore the citing of a route for a street extension to S.W. 13th will need to be reviewed. Currently, staff is meeting with all the business in that area to design a road through that area to S.W.13th.
2. Downtown Revitalization Group - this will be discussed later in the agenda.
3. METRO 2040 - is close to adopting their concept, and their population figures are closely related to the figures that are projected in the City Comprehensive Plan for the year 2015.
4. Management Compensation Committee - will meet Thursday, October 19th, and will soon have information for the Council on this subject.
5. Director of Planning - the interview process has begun for six candidates.
6. Police Hiring - four police positions, as well dispatchers positions will soon be hired. 140 applications were received, 72 applicants participated in the written and physical tests, and the top applicants from this process will proceed to the oral interviews.

**COUNCILORS' ISSUES:** Councilman Prince suggested a workshop for Staff/Council relations in the near future (noting he had previously gave the Council a hand-out he prepared);in responding to Mr. Jordan's METRO comments, he reiterated that he did not envision becoming involved with METRO, but remain a City on our own; and he asked that the Council be notified of the final three applicants for Planning Director.

Administrator Jordan stated that two dates have been scheduled for Council/Staff workshops, he suggested that Councilman Prince's concerns be incorporated into those sessions.

Mayor Taylor polled the Council regarding reviewing Planning Director applicants. Councilwoman Strong suggested that Councilman Prince be involved with the Planning Director final review since he is the liaison to the Planning Commission, the Council concurred with her suggestion.

Councilman Harris asked if there would be any Council action involving the remaining audience. Mayor Taylor replied that the Council will be going into Executive Session and the group planned to stay for a decision regarding issues involving Canby Telephone.

**OTHER REPORTS OR ANNOUNCEMENTS:** Downtown Revitalization Report - Administrator Jordan presented a variety of architectural concepts, prepared by OTAK, to visualize what the downtown core area of Canby could look like in the future. He reported that approximately 50 are involved in the meetings regarding this issue. The conceptual drawings included a large amount of trees, groundcover and greenery; pedestrian

improvements, including wider sidewalks and social areas; street furnishings, including benches and light poles; building materials, including colors, windows and awnings; and special plans for areas like the Holly Mall parking lot which could be used on weekends for a "farmers market" event, and regular parking during the week.

Mr. Jordan reported that the group is now discussing financial strategies.

- ACTION REVIEW:**
1. Work with CUHS for Homecoming Parade on October 20.
  2. Send thank you letter to Donna Jean McManamon
  3. Prepare Findings for overturned Planning Commission decision on SUB 95-04.
  4. Authorize hardship mobile home permit, Sp 95-02.
  5. Authorize support of County Three Cent Gas Tax, as per Resolution No. 593.
  6. Adopting Canby by Design concepts by Resolution No. 594.
  7. Authorize Tax Levy for 95-96, as per Resolution No. 595.

At this time, Jim Wheeler passed out tapes and a staff report for the annexation hearing scheduled for November 1, 1995. He also distributed the Neighboring Cities 2040 Study, paid for by a grant.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d), regarding labor negotiations; (1)(e), regarding real property transactions; (1)(f), regarding exempt documents; and (1)(h), regarding litigations. Motion seconded by Councilman Harris and approved 6-0.**

Mayor Taylor recessed the regular session at 9:34 p.m. to go into Executive Session . The regular session was reconvened at 11:38 p.m.

Mayor Taylor stated that the Council has decided that phase I of the investigation of different ways of doing business regarding utilities and franchises has been completed. Council has instructed staff to review the North Willamette Telecom competitive access agreement. Due diligence demands that an investigation be done and to contact CTA and North Willamette Telecom to begin those information discussions.

Mayor Taylor adjourned the session at 11:39 p.m.

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**EXECUTIVE SESSION  
OCTOBER 18, 1995**

Present - Mayor Taylor, Councilors Nolder, Prince, Harris, Stark, Strong and Daniels, Administrator Jordan, Sarah Jo Chaplen, Attorney Kelley, Gayle Henry and Attorney Jack

Hammond.

ORS 192.660 (1)(h) - Attorney Kelley reviewed the Kahut LUBA case; and the Rinkes case.

Attorney Kelley left at 9:45 p.m.


ORS 192.660 (1)(d) - The announcement was made that labor negotiations are over.

ORS 192.660 (1)(e) - Purchase of the railroad parking lot property was discussed.


At this time 9:55 p.m. Gayle Henry and Jack Hammond joined the meeting.

ORS 192.660 (1)(f) - The Council discussed a document related to the Telecommunity Project.

Mayor Taylor adjourned the meeting at 11:35 p.m.



Marilyn K. Pekett  
City Recorder



Scott Taylor  
Mayor

# PROCLAMATION

WHEREAS, more than 1.5 billion people around the world are at risk of iodine deficiency disorders, and 500 million of them are children; and

WHEREAS, iodine deficiency disorders are the leading preventable cause of developmental disabilities in the world today; and

WHEREAS, more than 8,500 Kiwanis clubs around the world have dedicated their Worldwide Service Project to the virtual elimination of iodine deficiency disorders by the year 2000; and

WHEREAS, Kiwanis International and UNICEF, the United Nations Children's Fund, have declared October to be **Iodine Deficiency Disabilities Month** to increase public awareness of this major world health problem; and

WHEREAS, Kiwanis clubs and their sponsored youth groups, Circle K Clubs, Key Clubs, and Builders Clubs, are devoting the day of **October 21, 1995**, to raising funds for the campaign against iodine deficiency disorders.

NOW, THEREFORE, I, Scott Taylor, Mayor of the City of Canby Oregon, declare October 21, 1995, to be

## **KIWANIS WORLDWIDE SERVICE DAY**

and encourage all citizens of Canby to support the Kiwanis campaign to eliminate iodine deficiency disorders as a world health problem.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Canby to be affixed this 18th day of October in the year of our Lord One Thousand Nine Hundred and Ninety Five.

Scott Taylor, Mayor

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