

**CANBY CITY COUNCIL  
REGULAR SESSION  
APRIL 20, 1994**

**WORKSHOP:** Present: Mayor Taylor, Councilors Prince, Harris, Nolder, Stark, Strong and Daniels, Administrator Jordan, Sarah Jo Chaplen, Marilyn Perkett, Jim Scharmota and Cam Sivesind.

The Council met in the CUB conference room at 6:00 p.m. to review the April 13th "QuakeX" exercise.

Administrator Jordan also showed the Council a brief video from West Linn regarding "visioning" for that community. After the video presentation, Mr. Jordan reviewed the proposed schedule for the Canby visioning process through September 1994.

**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, City Attorney John Kelley, City Planner Bob Hoffman, Library Director Beth Saul, Parks & Recreation Director Scott Nelson, Assistant to the Administrator Sarah Jo Chaplen, City Recorder Marilyn Perkett, Larry Whitman, Dale Carter, Ray Jackson, Cam Sivesind, Glenn Baars, Melody Johnson and Mary Ginnane, Erik Cave and Bill Schans.

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

Roll call of Council showed a quorum to be present.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Prince moved to approve the minutes of April 6, 1994 as distributed. Motion seconded by Councilman Harris and approved 6-0.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Library Award - Beth Saul introduced Mary Ginnane from the Oregon State Library.

Ms. Ginnane informed the Council that she administered the federal grant programs for the State of Oregon. Ms. Ginnane presented the Canby Public Library with the Library Services Construction Act (LSCA) 1993 Project of the Year Award for their English as a Second Language Project.

Ma. Ginnane noted that the Canby Library had received the LSCA Title 2 Construction Award a few years ago when the new library was constructed.

Dale Carter, Library Board President, was also present. Beth Saul accepted the award and thanked Ms. Ginnane.

Mayor Taylor also expressed City thanks to the state for the award and to Mrs. Saul for her excellent directorship of the Canby Public Library.

**COMMUNICATIONS:** Request for Fireworks Stand - Recorder Perkett reviewed a letter from Erik Cave, Youth Pastor from the Canby Assembly of God Church, requesting approval to have a fireworks stand in the City parking lot on N.W. First near Canby Builder Supply.

Mr. Cave addressed the Council regarding his request for the fireworks stand.

Councilman Nolder asked if insurance was provided. Mr. Cave said they would provide the necessary insurance.

Mayor Taylor expressed a concern that this would set a precedent. The City could have various non-profit organizations making similar requests. Administrator Jordan noted that we have often let other non-profit groups use the parking lot, as well as the area around Wait Park. He felt it could be a "first come-first served" basis.

Councilman Harris asked if there has been any negative responses on this type of thing, specifically from the nearby businesses. He was told that City Hall has received no complaints.

Mayor Taylor asked that Mr. Cave coordinate his set-up of the stand with the Police Department with traffic concerns in mind.

Councilwoman Strong asked how long they would be open. Mr. Cave said approximately one and half weeks prior to July 4th, and someone would be there 24 hours a day, even after closing hours.

Councilman Harris expressed a concern of children being attracted to the stand and the close proximity to the railroad tracks. Mr. Nolder pointed out that the Lions had a similar stand on Highway 99E near the tracks a few years ago.

**\*\*Councilman Daniels moved to grant Erik Cave's request to set up a fireworks stand in the City parking lot on the east end, near Canby Builder Supply, to name the City as an additional insured and to coordinate with the Police Department. Motion seconded by Councilman Prince and approved 6-0.**

**Request to hold Canby Gran Prix - Ray Jackson, promoter of Modified Dirt Kart Racing, requested permission to hold a Grand Prix in Canby near Wait Park on August 28, 1994.**

Mr. Jackson has been promoting such events at Pat's Acres near Canby and the Fairgrounds for several years. He said the necessary insurance is provided, and admission is free. Mr. Jackson implied that this type of event would bring a great deal of money into the City. He also provided a list of signatures of residents that live on the proposed race course. Two semi-trucks of hay bales will be used to line the race course. He also stated that he will use the National Guard for security, or provide his own security. Mr. Jackson noted that the Salem Corvette Club would like to park their vintage cars on N.W. 4th. He stated that 35% of the racing participants are 12 years and under.

Mr. Jackson showed the Council a short video of a Dirt Kart Racing event. He informed the Council that the Nationals for the Dirt Kart Racing will be held at Pat's Acres in August with an estimate of over 1,000 entries. This is a week-long event.

Councilman Daniels asked if other organizations could set up concessions at the event. Mr. Jackson said this would be fine.

Councilman Nolder inquired about the noise level. Mr. Jackson stated that the decibel level is 90, and they have only had one complaint generated from the fairground races.

Councilwoman Strong asked how long the races would last and was told they should be done by 4:00 p.m.

Councilman Harris asked if fire and ambulance services will be provided, where the staging area would be, and how the area residents were informed when signing the petition. Mr. Jackson stated that a Registered Nurse and EMT would be available, plus two-way radios used; the staging area is on N.W. 4th between Grant and Fir. The residents have been told exactly what would be happening, and none of them have expressed concern. However, six more houses have to be contacted.

Councilman Prince asked about security for the homeowners. Mr. Jackson said he would provide the security. Security would wear "yellow" jackets so they would be visible.

Mr. Jackson was advised to contact the school to make sure they could use the area around their building.

**\*\*Councilwoman Stark moved to approve the request to hold the Canby Grand Prix for Modified Kart Racing on August 28, 1994, with designated streets on the map to be blocked off for the race course. The event is to be coordinated with the local Police and Fire Departments, and School District to insure community protection. Motion seconded by Councilwoman Strong.**

Councilman Harris suggested that the approval be contingent on the school approval since their property is involved. Councilwomen Stark and Strong, the motion maker and second, agreed to the amendment to the motion.

Councilman Nolder suggested that a more detailed plan, including pit services, who will provide security, etc., be provided. Mayor Taylor informed Ray Jackson to have a detailed, written plan to the City by July 20, 1994, 30 days prior to the event.

**\*\*The motion was approved 6-0.**

**NEW BUSINESS: Accounts Payable - \*\*Councilman Daniels moved to pay accounts payable in the amount of \$135,054.25. Motion seconded by Councilwoman Stark and approved by roll call vote, 6-0.**

**CTA Request for Comprehensive Plan Amendment - Bob Hoffman reported that the Comp Plan Amendment request by CTA is for approximately 1.6 acres located on south side of S.E. 2nd between S. Ivy and S. Juniper. The request is for a zone change from R-2 to C-2. The current use is for parking, office and warehousing. CTA requested the change so the current use could continue and expand. Mr. Hoffman explained that in 1974 a conditional use was granted with a condition of a living screen and a chain link fence. Currently, there is a fence with slats in it along Third and Knott. The Planning Commission recommended approval of the request.**

Mayor Taylor asked the Council if any member had any conflict of interest on the issue. None was declared, including himself.

Mayor Taylor questioned each Council member about exparte contact. Every Councilor noted that they had listened to the tape to review the record, and none had any exparte contact. Mayor Taylor said he had reviewed the record and had no exparte contact.

**DISCUSSION - Councilman Prince expressed concern about changing R-2 zoning to C-2. He felt there was already a shortage of R-2 Multi-Family Zoning. Bob Hoffman said it is difficult to find R-2 Zoning. The Comp Plan has an adequate supply, but they have not been able to rezone with any consistency. Mr. Hoffman noted that he had pointed out 42 tax lots out of the City limits which were reasonable sites for R-2 Zoning. No action was taken on this scenario.**

Councilman Prince asked why the zone change when we are short of R-2. Mr. Hoffman said the uses are presently there, and economic advantages to the City were expressed.

Councilman Prince stated that we are short on residential sites. Mr. Hoffman said that is a good conclusion, however, the Planning Commission did not draw that conclusion.

Councilman Nolder asked if the screening between CTA property and residential property had been accomplished. Mr. Hoffman said in 1974 a "living screen" was to be present along with a fence. He said only the fence was installed. Attorney for CTA argued that the blacktop goes to edge of the property and to remove it to install a living screen would be very costly. It was not made a condition by the Planning Commission.

Councilman Prince asked if a condition could be added, specifically a living fence. Mr. Hoffman said that could be done.

**\*\*Councilman Harris moved to adopt Resolution No. 556, A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY TO INCLUDE TAX LOTS 7300, 7301 (PART), 7400, 7500 AND 7600 OF TAX MAP 3-1E-33DC, PROPERTY ON S.E. 2ND AT S. JUNIPER, CONSISTING OF APPROXIMATELY 1.57 ACRES, FOR HIGHWAY COMMERCIAL LAND USE. Motion seconded by Councilman Daniels and approved 6-0.**

CTA Request for Zone Change - Bob Hoffman stated this was the same property, and the same facts apply to this request.

**\*\*Councilwoman Strong moved that Ordinance No. 918, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON and to come up for second reading on May 4, 1994. Motion seconded by Councilman Harris.**

**DISCUSSION** - Councilman Prince stated that the Council should add the 1974 condition of providing a living hedge for a buffer zone between the commercial and residential zones.

Councilman Daniels asked if a living fence would be required today, noting that a fence with slats now exists. Mr. Hoffman said the requirement would depend on the situation.

**\*\*Councilman Nolder agreed with Mr. Prince regarding the condition of a living hedge and so moved to amend the original motion. Councilman Prince seconded the motion.**

Councilman Harris asked if the Planning Commission was aware of the 1974 condition. Mr. Kelley pointed out that Mr. Cole made a statement to agree to buffer the storage yard. However, Mr. Hoffman noted that their attorney, Mr. Reif, argued against it. Ultimately, the Commission chose not to make it a condition at this time.

Councilwoman Strong pointed out the financial impact of doing a living fence.

Councilman Nolder stated that the fence goes around the storage yard but does not encompass the entire subject property.

Councilman Harris said he was hesitant to overrule the Planning Commission.

Councilman Prince reiterated his desire for a living fence saying it not only is site obscuring but also a sound barrier.

**\*\*Roll call vote to amend the motion and add a living fence amendment was: Yeas, Prince**

and Nolder; the other four Councilors voted against the motion, therefore it failed.

Councilman Prince suggested that future expansion into R-2 zones should be considered with a "land swap."

Councilman Daniels noted that the City is trying to encourage industries and companies to locate in Canby. To do that would appear to penalize an existing successful business that wants to expand. He added that R-2 areas can be added as per Mr. Hoffman's suggestions.

Mayor Taylor stated that over a period of time he has seen R-2 fade away in a preference for R-1; we should emphasize that we need R-2 Zoning.

Councilman Daniels agreed with Mayor Taylor for new development, however, he reiterated that we need to protect our existing businesses that need to expand.

Councilwoman Stark agreed with Mr. Daniels.

**\*\*Ordinance No. 918 was approved 6-0, on first reading.**

Mayor Taylor asked that Mr. Hoffman relay the discussions to the Planning Commission regarding the living hedge and the R-2 Zoning issues.

Ordinance No. 915 - **\*\*Councilman Prince moved to adopt Ordinance No. 915, AN ORDINANCE AUTHORIZING THE TOWING OF VEHICLES OPERATED BY AN UNINSURED INDIVIDUAL, ESTABLISHING NOTICE REQUIREMENTS, HEARING PROCEDURES AND SETTING FEES AND COSTS. Motion seconded by Councilman Harris and approved 6-0, by roll call vote.**

Ordinance No. 916 - Administrator Jordan reminded the Council that this ordinance was drafted to realign the S. Pine Street (Fairgrounds) intersection off 99E.

**\*\*Councilman Daniels moved to adopt Ordinance No. 915, AN ORDINANCE AUTHORIZING PURCHASE OF REAL PROPERTY FOR STREET PURPOSES FOR REALIGNMENT OF THE INTERSECTION OF S. PINE STREET AND HIGHWAY 99E; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved by roll call vote, 6-0.**

**UNFINISHED BUSINESS:** None presented.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan reminded the Council of the monthly Clackamas County Cities Meeting at Edgewater Inn in Oregon City on April 28th.

Parks & Recreation Department Update - Scott Nelson briefly reviewed his departments:

- \* The Canby Kids and Adult Center contracts are being reviewed for renewing.
- \* Swim Lesson registration at the Swim Center is now into July and August. Rentals are becoming very popular, with a \$45 fee for two hours, including a lifeguard.
- \* Jack Martin, from the Parks crew, has secured a group of McLaren residents to assist in building the trail through the wetlands in Community Park.
- \* Also, they are taking applications for part time help for the summer in the Parks Department.
- \* Sarah Jo Chaplen is coordinating the Japanese Garden project.
- \* A May 4th workshop has been set to discuss the plan and costs for the south side park on S. Locust Street.

- \* S. Recreation District has contracted for services for a telephone survey, with the cost being shared by the City, County and schools. The survey is to find out what people want and what support is available.

Mayor Taylor asked where people could view the Master Plan. Mr. Nelson said they were available in the Community Services office. Also, a June display is scheduled for the library. The Mayor suggested that perhaps they could be put on display in the parks in some type of secure manner.

Administrator Jordan commented on Scott Nelson's busy schedule, specifically since taking over the Parks Department, working with the Adult Center and their additions, and the involvement with the S. Clackamas Recreation District.

The Council decided to hold the May 4th workshop during the regular session to take advantage of the television audience.

Councilman Prince suggested that the City pursue a method to "get the word out" about the new ordinance on towing of uninsured vehicles. Mr. Jordan said we would contact CUB about getting space in their newsletter.

Councilman Nolder recommended that the City considered requesting a DEQ testing station for vehicles in Canby since they plan on including our area in the auto emission control boundary. The Council was urged to attend the May 2, 1994 meeting at the Adult Center regarding this issue.

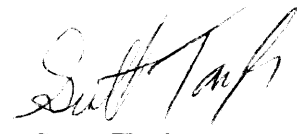
Bob Hoffman informed the Council that he had two meetings regarding the new sign ordinance and both were attended by local businesses.

Mr. Hoffman also reminded the Council of the four applications the City recently submitted for funding from ODOT and LCDC. At this time, he felt we have a good chance of receiving two of those grants: Access Management Study for \$50,000; and the Impacts on the Metro Alternative for \$50,000.

Recorder Perkett reminded the Council that only Councilwoman Stark has a secure position on the Council and need not seek re-election this November. On the November ballot there will be five positions for Council and the Mayor's office. She suggested that the incumbents start collecting necessary petition signatures. The petitions are due into her office on August 22, 1994.

Mayor Taylor adjourned the regular session at 9:22 p.m.

  
Marilyn K. Perkett  
City Recorder

  
Scott Taylor  
Mayor