

**CANBY CITY COUNCIL  
REGULAR MEETING  
MAY 4, 1994**

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, Police Chief Jerry Giger, City Recorder Marilyn Perkett, City Planner Bob Hoffman, Assistant to Administrator Sarah Jo Chaplen, Parks & Recreation Director Scott Nelson, Greg Kroeplin, Betsy Ross, Nancy Wilmes, Maureen Miltenberger, Bo Nevue, Ben Ngan, Joni Crampton, Karen Sasse, Jack Martin 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.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Nancy Wilmes, Sister City Association, addressed the Council to show them a drawing of a proposed draft of the "Japanese Friendship Garden" which Kurisawa is presenting to the City in commemoration of their centennial year. It will take ten years to mature. The garden will be located on a small triangular plot on N. Holly Street at Knights Bridge Road.

Mrs. Wilmes read a paragraph from a letter from Mayor Yamada which extended greetings to Canby.

It was expressed by the Mayor and Mrs. Wilmes that their hope is the "friendship garden" will be free from vandalism.

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Prince moved to approve as distributed the minutes of the regular meeting April 20, 1994. Seconded by Councilman Harris.

Councilman Prince said that on page 3, last paragraph, he thought he had mentioned that there was a shortage of R-2 multifamily zoning in that area only, not in the City as a whole. Also, on page 4, Mr. Prince said he thought he remembered asking Mr. Hoffman if we were short of R-2 Zoning and he said No. He also pointed out that he went on to say we were short of residential sites, which means R-1, not R-2.

\*\*Question was called and the motion to approve the minutes, as corrected was approved, 6-0.

**PROCLAMATIONS:** American Legion Poppy Month - Mayor Taylor proclaimed the month of May as Poppy Month in the City of Canby. Accepting the proclamation was Karen Sasse, Legion Auxiliary member. Mrs. Sasse gave all the Council a poppy and encouraged citizens to support the cause by purchasing a poppy. She noted that all revenues stay within Oregon for use with Veteran projects.

Worldwide Kiwanis Prayer Week - Mayor Taylor proclaimed May 8-14, 1994 as Worldwide Kiwanis Prayer Week in Canby. Betsy Ross accepted the proclamation and welcomed people to participate in the Prayer Brunch on May 9th, noon, at the Cottage Kitchen. She also pointed out that National Prayer Day is tomorrow and a vigil outside City Hall will be held.

**COMMUNICATIONS:** Letter from Chief Giger - Mayor Taylor read a letter from Chief Giger stating that the Oregon State Elks Association Trust, through Mr. Chris Waud of Oregon City, issued the City a check for \$3,250 to be used for the Drug/Canine Program. Mayor Taylor expressed the City's gratitude for the generous donation.

Letter from Dale Carter - Mayor Taylor read a letter from Dale Carter tendering his resignation from the Canby Library Board. Mr. Carter cited health problems. Mayor Taylor thanked Mr. Carter for his past service and wished him a healthy recovery.

**NEW BUSINESS:** Accounts Payable - \*\*Councilman Daniels moved to approve accounts payable in the amount of \$102,295.16. Motion seconded by Councilwoman Stark and approved by roll call vote, 6-0.

Request for Temporary Trailer Permit - Bob Hoffman reported that Orval Denniston, 408 S. Elm Street, had requested a temporary trailer permit until December 31, 1994, citing medical assistance as the need criteria.

Mr. Hoffman noted that Municipal Code 16.44.100 sets for the five applicable conditions: no significant adverse impacts on nearby properties; subject property has sufficient area for reasonable amount of open space after trailer placement; utilities requirements meet code; unit placement will meet setback requirements; and a hardship situation is legitimate and necessary.

Mr. Hoffman stated that staff recommendation was for approval with four conditions: The duration of the approval for occupied trailer shall end December 31, 1994; an affidavit agreeing to remove or cease using the trailer upon the death or relocation of the Denniston's; the trailer shall be located such that it meets the setback requirements of the zone; and the trailer shall be connected to City sewer, water and electricity to meet code requirements. Mr. Hoffman pointed out on the map that the proposed trailer location does not meet the setback requirements and the applicants had a concern regarding this issue.

Notices were mailed to nearby neighbors, the only comments returned to the Planning Department were of a positive nature.

Mrs. Osborne, proposed resident of the trailer, informed the Council that the current location was due to the plumbing hookups, and placing it to meet setbacks would cover up the windows of the house. Also, the current location allows the occupant more privacy.

Councilman Daniels asked why the permit was only until December, 1994. Mrs., Osborne said that was to comply with the code, however, they would reapply if the medical need was still necessary.

\*\*Councilman Nolder moved to approve the request of Skye Osborne, 408 S. Elm Street, for a Temporary Trailer Permit and to accept the staff recommendations for approval, with the exception of the waiver of the setback requirements. Motion seconded by Councilman Harris.

Discussion - Mr. Nolder reported that he had drove by and looked at the subject site and felt the trailer was not noticeable.

\*\*Motion was approved 6-0.

Proposed Fees for City Parks Covered Areas - Scott Nelson reminded the Council that the City has been charging a fee to use the Gazebo in Wait Park for about a year now, by reservations. Mr. Nelson was proposing a fee to reserve the covered area in Maple and

Canby Community Parks. Mr. Nelson said a sign (neon paper) would be posted two days prior to the reserved date.

Councilman Prince said he felt the Gazebo was a special situation and the demand was the criteria for a fee. He felt the general areas in the park should not merit a fee for the citizens who have already paid taxes to use it. Mr. Nelson said since there is a demand to reserve the covered areas for special functions, we designed a fee and reservation schedule.

Administrator Jordan reminded the Council that we have a high demand for reservations for the covered areas in the parks.

Councilman Prince expressed a concern about restricting the parks to citizens who financially cannot afford the fee.

Councilman Daniels reminded everyone this refers only to the covered area not the entire park.

Mr. Nelson informed the Council that we currently use an application for financial assistance at the Swim Center and it could be expanded to cover this issue.

Councilman Nolder suggested we only reserve one covered area at time, leaving the other open for "first-come, first-served." He also suggested that the \$25 could be earmarked for a fund to build additional covered areas.

Councilman Harris said he was in favor of reserving the areas in our public parks, however, he did not like the fee.

Mayor Taylor noted that this is similar to the state park systems, we are beginning to pay user fees for things we pay taxes on.

Recorder Perkett informed the Council that City Hall receives many phone calls from out of town people requesting to reserve the covered areas, usually for company picnics or family reunions. However, we do have some local call to reserve the areas for children parties.

Councilman Daniels felt it might increase the usage, if citizens knew they could reserve the areas. Also, the reservation fee might be an incentive for people to "keep" their reservations.

Councilwoman Stark pointed out that "user fees" are becoming more prevalent in government agencies. She suggested a time limit be placed on the reserved use.

Councilman Harris said he didn't like to see our City parks become a revenue source to have a picnic. He felt this would frustrate many citizens who have to pay to have a picnic in the covered areas of City parks. Although he didn't like a fee, he suggested a minimal fee of \$10.00.

Councilwoman Strong suggested that local citizens pay no user fee, only reservations from out of town people.

Councilman Nolder also suggested a refundable fee if the park is left neat and clean.

**\*\*Councilwoman Stark moved to accept the recommendation from Mr. Nelson and implement a reservation schedule for Maple and Community Parks covered areas with \$25.00 for local citizens and \$50.00 for out of town citizens, limited to five (5) hours.**

Motion seconded by Councilman Daniels. Vote was a 3-3 tie. Voting nay were Prince, Harris and Strong; and voting yes were Nolder, Daniels and Stark.

Councilman Prince reiterated his opposition to the fee.

Councilwoman Strong wanted only out of town residents to pay.

Councilman Harris said either a refundable or reduced fee.

**\*\*Mayor Taylor cast the tie breaking vote of YES. Motion passed 4-3.**

**ORDINANCES & RESOLUTIONS:** Ordinance No. 918 - Bob Hoffman reminded everyone of the Comp Plan amendment regarding the area on S.E. 2nd and the result of a zone change with this ordinance. The change is to rezone from R-2 to C-2, to permit the current telephone company uses.

**\*\*Councilman Daniels moved to adopt Ordinance No. 918, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON. Motion seconded by Councilwoman Stark.**

Discussion - Councilman Prince stated the Council discussed at the last meeting, the fact that the City was short of R-2 Zones. Mr. Hoffman agreed. Mr. Hoffman said the Commission did not make that finding.

Mayor Taylor stated that this was a question, "are we short of R-2?" Mr. Hoffman said in terms of property available for purchase, there is very little property.

Councilman Prince asked, "according to the Comp Plan, are we short?" Mr. Hoffman said in regards to the Comp Plan, "we no longer have what the Comprehensive Plan proposed." Mr. Prince asked if he was referring to this specific area. Mr. Hoffman asked for a clarification on the question. Mr. Prince asked if we were short R-2 in the general area (referring the S.E. 2nd area) not the City as a whole. Mr. Hoffman said we have inquiries everyday from people who are looking for R-2 land to purchase throughout the City. Throughout the City we have less land zoned than the Comprehensive Plan proposes, the Comp Plan is now short by the amount of land changed the last time there was a zone change.

Councilman Daniels asked if there is a potential for more R-2 land available outside the City. Mr. Hoffman said in the Planning Commission discussion he showed them approximately 42 tax lots outside the City limits on major streets with good accessibility. The lots were reasonable places to encourage R-2 zoning.

Mr. Prince asked if the suggested 42 lots were in R-1 areas. Mr. Hoffman said no, they are outside of the City limits. However, the Comp Plan currently designates the areas as R-1. Councilman Prince said a year and a half ago City staff said we were already short R-1. Mr. Hoffman said the City was short residential lands for the total number units proposed. Again, Mr. Prince asked why we would want to take away from R-1, if we are already short and change it to R-2. Mr. Hoffman said the Planning Commission concluded that a greater need for business development was shown for this particular site, rather than for residential development, because of the current operation and the applicant said he needed it for future expansion. Mr. Prince asked if the Planning Commission felt we were short on R-2 (I believe he meant R-1, tape says R-2.). They did not take action on that question, according to Mr. Hoffman.

Mayor Taylor noted that we are currently out of balance between R-2 and R-1 land at this

time. Mr. Hoffman said that as land is annexed into the City it automatically comes in under the designation of the Comp Plan and everyone of the proposed 42 lots would be annexed as R-1 properties.

Mayor Taylor asked if the living hedge had any action. Mr. Hoffman said it was not a part of any action on the issue.

**\*\*Roll call for approval of Ordinance No. 918, 6-0.**

Ordinance No. 917 - Curt McLeod informed the Council that on April 13th bids were opened for the Logging Road Industrial Park. Nine bids were received, low bid was from Parker Northwest Paving for \$572,197, and they recommended awarding the contract to them. Mr. McLeod commented that we are about \$70,000 less than anticipated for this project.

Councilman Prince asked about the bid tabulation with Parker Northwest and Canby Excavation. Mr. McLeod said the two firms are sub's to each other. Parker Northwest would sub underground work to Canby Excavating, and in this case, Canby Excavating also chose to be a prime contractor with Parker Northwest as a sub for paving. This is why their two bids were so very close.

**\*\*Councilman Nolder moved that Ordinance No. 917, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY; AND DECLARING AN EMERGENCY and come up for final action on May 18, 1994. Motion seconded by Councilman Harris.**

Councilman Prince asked if street sealing could be included in this project a few years down the road to extend the life of the street. Mr. Jordan said this would happen through the normal street maintenance budget. Mr. Prince encouraged the City to include street sealing as a part of the bid process in the future. Mr. McLeod said that street sealing will soon become a "standard spec" for all developments to allocate funds to seal streets after a certain number of years. In this project, Mr. McLeod felt the cost for street sealing in a few years could be taken from the Advanced Financing.

Mr. Jordan pointed out that the Advanced Financing District was based on cost estimates, if there is a significant difference in the funding we may have to "re-allocate" costs. However, this will not be done until the end of the project.

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

Ordinance No. 919 - Mr. Jordan informed the Council that the OEDD required an ordinance authorizing the City to enter into an agreement to accept the OEDD loan for the Logging Road Industrial Park. Mr. Jordan noted that the Financial Assistance Award Contract and Loan Agreement were received late yesterday. Attorney Kelley had reviewed the documents. Mr. Jordan stated that the initial loan was \$635,000 and \$80,000 of grant money. The loan amount is now \$565,001, however, we lost the grant money because the cost of the project was lowered.

**\*\*Councilman Daniels moved that Ordinance No. 919, AN ORDINANCE FOR THE CITY OF CANBY, OREGON AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A LOAN CONTRACT WITH THE OREGON ECONOMIC DEVELOPMENT DEPARTMENT AND DECLARING AN EMERGENCY be posted and come up for final action on May 18, 1994. Motion seconded by Councilwoman Stark.**

Councilman Prince asked if the Attorney had approved the document and was told he had. Also, Mr. Prince asked about the first security issue. Mr. Jordan explained that rather than OEDD take first position in the stormwater fund, we asked they take parody position and they agreed to do this. However, the ORS does not allow us to pledge securities from enterprise funds, therefore we are making a commitment of a general obligation for the City to repay the loan.

**\*\*The motion on the floor was approved 6-0.**

**WORKSHOP:** At this time, 8:40 p.m. Mayor Taylor recessed to go into a workshop session with the architects for the proposed S. Locust Street Park, Parks Committee and City staff. The regular session was reconvened at 9:07 p.m.

**UNFINISHED BUSINESS:** None.

**OTHER REPORTS OR ANNOUNCEMENTS:** Administrator Jordan asked the Council if they would like to meet with the Utility Board for a workshop session regarding some of their issues. Mayor Taylor suggested that the CUB workshop be in July, since he wanted to meet with City Department Heads in a workshop. However, if CUB is willing, they will meet with them in workshop session on June 1st,

Administrator Jordan suggested that the Council consider the budget for the proposed south side park.

Mr. Nelson said that the SDC fund had \$165,000. Mayor Taylor asked if the projected cost of \$166,842 would come down if we could solicit volunteer assistance. Mr. Nelson said it would, he reviewed the total prices for the Council.

Administrator Jordan reminded the Council that this is an estimate and when an ordinance comes back to the Council after a bid, a closer cost analysis will be provided at that time.

Mayor Taylor asked that the Council make adjustments at this time of items they would like to see omitted, specifically for financial reasons. No adjustments were voiced.

Mayor Taylor suggested that staff could proceed with the bid process and prior to bid award the Council can pursue any volunteer assistance they feel might be advantageous.

A poll of the Council showed that they unanimously approved going out for bids for the south side park.

Mayor Taylor asked the architects if they were available for presentations if necessary and they agreed to the request.

Mayor Taylor reported that some City officials will be at Cutsforth's on May 14th to solicit input from the community children on their "vision" of Canby's future.

**ACTION REVIEW:**

1. A temporary trailer permit will be issued to Orval Denniston at 408 S. Elm St.
2. New Park fees for the covered areas will be implemented.
3. Amend the Zoning Map regarding the CTA application with Ordinance No. 918.
4. Post Ordinance 917 and 919 for final reading on May 18th.

Scott Nelson asked if the Council wanted to offer financial assistance for the park fee schedule. The Council said that was the intent.

**\*\*Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(e) to negotiate real property; and (1)(d) labor negotiations. Motion seconded by Councilwoman Stark and approved 6-0.**

Mayor Taylor recessed the regular session at 9:25 p.m. to go into Executive Session. The regular session was reconvened at 10:07 p.m.

Mayor Taylor informed the Council that the purpose for meeting with department heads in workshop session is because of his concern about department heads standards for communicating some of their problems, specifically the levels of services that the departments can provide within budget limits.

Councilman Prince said the "chain of command" is for a department head to contact the Council prior to making public statements about the budgetary shortcomings. He reiterated if service levels cannot be provided, then a policy statement should come from the Council not the department head.

Mr. Jordan reminded the Council that a letter signed by all department heads had been presented to the entire budget committee at the beginning of the process. The letter indicated the distress of the department heads about level of service that can be provided because of the growth. Mr. Jordan said he had encouraged department heads to let the committee know what was happening in their department because the "measures" don't communicate the needs in a justified manner.

In regards to land use issues, Mr. Jordan said this should be a policy decision and not department head decision. However, most departments have a "gray area" as to what "adequate service" should mean.

Councilman Prince stated that the outcomes and measures were supposed to reflect what services were available.

Mayor Taylor felt that many department heads are still experiencing "turmoil" with the process since we are so new in the measures and outcomes process.

Mr. Jordan said that most department heads have a perception that the City is almost at the "adequate level" line. However, most staff do not know how to articulate this to the Council. Mr. Jordan reminded the Council that it is their job to define "level of service."

Councilwoman Stark pointed out that she is personally having trouble understanding the measures and outcomes and felt a conversation with department heads would be advantageous.

Councilwoman Strong said she was concerned about the fact that the school district influenced the City in decisions concerning building and development.

Mayor Taylor said he met with Steve Miller, Roger Reif, Mike and Mr. Kelley regarding the schools position on "adequate" in regards to servicing new development. Mr. Taylor said they tried to make it clear to the school district what type of information the City is seeking in land use issues.

Administrator Jordan cautioned the Council about discussing the Pizzuti development issue since it may be appealed to the Council.

Mayor Taylor informed the Council that he had received a letter from an attorney regarding an incident with a City employee and it needed to be scheduled for executive

session to discuss performance evaluation.

Mayor Taylor adjourned the session at 10:20 p.m.

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EXECUTIVE SESSION  
MAY 4, 1994

Present: Mayor Taylor, Councilors Daniels, Strong, Stark, Prince Harris and Nolder, Administrator Jordan, Sarah Jo Chaplen, Cam Sivesind and Chief Giger.

Mayor Taylor called the session to order at 9:28 p.m. in the conference room at CUB.

ORS 192.660 (1)(d) - The Council discussed Police Department labor negotiations. Chief Giger left the session at 9:47 p.m.

ORS 192.660 (1)(e) - The Council discussed two real property issues: the Holum property; and Pine Street at the Logging Road Industrial Park.



Marilyn K. Perrett  
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, 1994, AS POPPY MONTH**  
and May 25 through 28, 1994, 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 4th day of May in the year of our Lord One Thousand Nine Hundred and Ninety-Four.

Scott Taylor, Mayor

# PROCLAMATION

**WHEREAS**, Kiwanis International and the Kiwanis Club of Canby have long rendered altruistic service in an attempt to build better communities and have, through their programs of service, made Canby a better place in which to live; and

**WHEREAS**, the first of the Objects of Kiwanis International is to give primacy to the human and spiritual, rather than to the material values of life; and

**WHEREAS**, Kiwanis International and the Kiwanis Club of Canby have designated the week of May 8 - 14, 1994, as **WORLDWIDE KIWANIS PRAYER WEEK**.

**NOW, THEREFORE**, I, Scott Taylor, Mayor of the City of Canby, Oregon, hereby proclaim that the week of May 8 - 14, 1994 shall be observed within the City as

## **WORLDWIDE KIWANIS PRAYER WEEK**

**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 May in the year of our Lord One Thousand Nine Hundred and Ninety-Four.

Scott Taylor, Mayor