

**CANBY CITY COUNCIL
REGULAR MEETING
JANUARY 20, 1993**

Mayor Scott Taylor presiding. Council members present: Maureen Miltenberger, Dennis Nolder, Terry Prince, Cheryl Stark, Walt Daniels and Joe Driggers.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, City Planner Robert Hoffman, Librarian Beth Saul, City Recorder Marilyn Perkett, Aquatics Program Director Eric Laitinen, CUB Manager Dirk Borges, Larry Townsend and Wayne Scott.

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

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSIONS: **Councilman Daniels moved to approve as distributed the minutes of regular session, January 6, 1993; and special session, January 12, 1993. Motion seconded by Councilman Prince and approved 6-0.

CITIZENS INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Wallflowers Request to Paint Mural - Larry Townsend, Wallflowers Gallery, requested approval from the Council to pursue a project of painting a historical mural on the eastern 50 feet of the north wall of the Police Department building. Mr. Townsend said the project would be a cooperative effort with the Canby Art Association. He also noted that a professional mural artist would be pursued. Mr. Townsend passed out sample photos of Oregon City historical murals, as well as a pamphlet with murals by a professional named Kangus. The estimated project cost is \$9,000 to \$10,000. The Art Association has applied for a \$2,500 grant from the County Tourism Development Council.

Council Daniels inquired about additional funding. Mr. Townsend said they would put collection boxes for donations in local businesses. Businesses may be approached for larger donations if their money goal is not reached with the collection boxes.

Councilman Driggers suggested that the project be discussed with the Canby Utility Board since their entity directly faces the site.

Councilman Nolder asked if the project could be done a portion at a time and who would maintain the mural. Mr. Townsend said the mural would be permanent and he expected little, if any, maintenance. Also, the wall must be in "good shape" prior to painting. Mr. Townsend felt the mural could be done in stages, depending on the design.

Administrator Jordan informed the Council that the quality of the wall surface is an issue at this time and must be addressed prior to beginning a mural design. Mr. Jordan suggested the Council reserve final approval after the design is presented to the Council.

**Councilman Daniels moved to allow Wallflowers to pursue the project of painting a mural on the Police Department north wall with the conditions that they review the project with the Canby Utility Board; the surface of the wall be in the appropriate condition; and the design come back to the Council for final approval. Motion seconded by Councilwoman Miltenberger and approved 6-0.

Letter from Aurora Police Chief - Chief Giger read a letter from the Aurora Police Chief commending Officers Dan Postlewait, Ed Stelle and Mark Nunn, and Dispatcher Julie Schoenfeld for their participation in a recent pursuit incident. Mr. Giger said that copies had been put in the respective personnel files.

Letter from Laurie Gustafson - Mayor Taylor read a letter, dated January 19, 1993, from Laurie Gustafson tendering her resignation from the Canby Planning Commission due to her employment commitments.

Mayor Taylor thanked Ms. Gustafson for her past service on the commission.

NEW BUSINESS: Accounts Payable - **Councilman Prince moved to approve payment of accounts payable in the amount of \$167,573.67. Motion seconded by Councilwoman Miltenberger and approved by roll call vote, 6-0.

CUB/City Intergovernmental Agreement - Administrator Jordan reminded the Council of the joint session held with the Utility Board last Tuesday when they discussed a pending litigation case regarding water SDC charges. This issue prompted the proposed Intergovernmental Agreement between the City and CUB regarding the delegating of authority to operate the City water department. Administrator Jordan said that the CUB members approved this agreement last Tuesday. The agreement is extended indefinitely with a one year written notice for revocation by either party.

**Councilman Driggers moved to approve the Cooperative Intergovernmental Agreement between the City of Canby and the Canby Utility Board, motion seconded by Councilman Daniels.

Administrator Jordan introduced Dirk Borges, CUB Manager, who offered to answer any questions.

**Motion was approved by the Council, 6-0.

CUB Appointment - Mayor Taylor noted that the Council had several appointments to make this evening. At this time, Mayor Taylor nominated Nancy Kopelk to the Utility Board.

**Councilman Prince moved to accept the Mayor's nomination and appoint Nancy Kopelk to a three term, expiring in February, 1996, on the Canby Utility Board. Motion seconded by Councilman Nolder and approved 6-0.

Planning Commission Appointments - Mayor Taylor informed the Council that there would be four vacancies on the commission, this includes the resignation letter from Ms. Gustafson. The Mayor reminded the Council that a committee of Councilmen Prince and Driggers, with Planning Commission Vice-Chair, Linda Mihata interviewing several candidates. The committee is now ready to make recommendations.

**Councilman Prince moved to re-appoint Tamara Maher and Wade Wiegand to three terms and appoint Bob Gustafson to a three year term, expiring in December, 1995; and Stan Elliot to complete Laurie Gustafson's term that expires in December, 1994. Motion seconded by Councilman Daniels and approved 6-0.

Planner Hoffman noted that commission agenda packets would be delivered tomorrow and encouraged the new members to attend the meeting on Monday, January 25th.

Mayor Taylor also thanked all the other candidates and hoped to be able to contact some of these citizens for future City appointments.

Liquor License Application - Administrator Jordan reported that Michael and Gay Nardi were in the office today to process this application for the Lost Dollar Saloon which they have purchased. This is a recommendation to the OLCC for approval of the license. Both the Police and Fire Departments have approved the application.

****Councilman Prince moved to recommend approval to the OLCC for a liquor license for the Lost Dollar Saloon new owners Michael and Gay Nardi. Motion seconded by Councilwoman Miltenberger and approved 6-0.**

ORDINANCES & RESOLUTIONS: Resolution No. 527 - Planner Hoffman reported that when the Planning Commission approved the Willow Creek Estates development they were concerned about a potential traffic problem on 99E and Territorial and a light was warranted for that site. Staff, and others, met with state and county regarding the issue and concluded that it will take some time prior to a light installation. Therefore, the Planning Commission adopted a resolution requiring the developer to participate in funding a proportional share or a cash contribution. Mr. Hoffman said the light has been placed on the improvement list for the state within the next five years. Wayne Scott, developer, offered \$2,850.90. Mr. Hoffman worked out a methodology for the "fair share" contribution by determining trips from that development through that intersection and using a Traffic Engineer's report. The contribution for Willow Creek is 2% of the total volume of estimated traffic trips at the subject site, resulting in 2% of the estimated \$200,000 cost of the signal. Staff recommends that Council accept the proposed \$4,000 fair share cash from Willow Creek.

****Councilman Driggers moved to adopt Resolution No. 527, A RESOLUTION TO ACCEPT AN OFFER OF \$4,000 FROM WILLOW CREEK AS A "FAIR SHARE" CONTRIBUTION for a proposed traffic light at 99E and Territorial. Motion seconded by Councilman Daniels.**

Councilman Driggers asked if the base traffic methodology would be used for other prospective developers. Mr. Hoffman said subsequent developments would use the same base.

Councilman Prince asked for a clarification on the 2%. Mr. Hoffman said it basically was the estimated number of trips from Willow Creek using a Traffic Engineers report.

Councilman Driggers asked if the Planning Commission was comfortable with the formula and dollar amounts. Mr. Hoffman said this did not go to the commission, however, he spoke to the Commission Chair and he felt it met their expectations.

****Motion was approved 6-0.**

Resolution No. 529 - Mr. Hoffman reported that within the Willow Creek subdivision there is a stream corridor and a wetlands. The state has concluded where the wetland boundaries exist and, along with the Army Corps of Engineers, have approved the preservation with a few mitigation steps because of the need to cross the stream and preserve the corridor. Also, this area should be protected because it will be involved with the future storm water drainage system for the northeast area of Canby. Mr. Scott has offered the dedication of wetlands to the City, with the subdivision providing the maintenance for the site.

****Councilman Daniels moved to adopt Resolution No. 529, A RESOLUTION TO ACCEPT DEDICATION OF WILLOW CREEK WETLANDS. Motion seconded by Councilman Nolder.**

Councilman Driggers asked what restrictions would apply if we did not accept the

dedication. Mr. Hoffman said the state approved this development with the stipulations that these wetlands would be preserved and developed to the prior state of wetlands that it once was and no other type of development is in the foreseeable future. Mr. Hoffman said we would be assured of the right-of-ways for the storm water system, as well as preserving the area.

Councilman Nolder asked what maintenance was expected and if the association bylaws allowed for this. Mr. Hoffman said there would be next to none in the wetlands, but some type of maintenance near the roadway will need to be done. Attorney Kelley interpreted the bylaws as providing maintenance for "common areas" and once the City accepts the dedication, then it is no longer a common area and he suggested a separate maintenance agreement be prepared.

Councilwoman Stark asked if it would be "indefinite" maintenance and was told by Attorney Kelley that was how he intended it to read.

Councilman Driggers asked if they would bear the costs of maintenance even if the City asked for a large dollar amount project. Mr. Hoffman pointed out that Mr. Scott quoted in a letter (page 12 of the packet) that the association would maintain the wetlands.

Wayne Scott, developer, pointed out that maintenance does not mean to improve, but to maintain the wetlands in the condition that currently exists. He also said there would be maintenance on the adjacent jogging trail and some plantings that needed to be provided.

Mayor Taylor asked how they would correct an erosion problem. Mr. Scott said the state would not allow for fill in that scenario. Actually, the state is very specific on what can be done in that area.

Rusty Klem said the only problem he could foresee was to maintain the flow of the stream.

Wayne Scott wanted to maintain the site as it is now, and if the City creates problems with a future storm water system then he suggested the City would have to take care of those problems.

Councilman Driggers asked what the revenue impact would be, taking this off the tax role. Mr. Hoffman said it is undevelopable land and the revenue would be minimal. Mr. Scott said they paid \$80 in taxes on that parcel last year.

Councilman Driggers questioned the liability transfer of the pond. Mr. Jordan said it would be under our general liability policy. Mr. Scott noted that it is fenced with a brick six foot fence.

Councilman Driggers inquired about the parcel to the west of the wetlands. Mr. Hoffman said it is owned by Walt West and he will be dedicating a small hummock, with a bridge to it, to the City for park use.

Mayor Taylor asked if this parcel is public land. Mr. Kelley said it is public, however, that does not mean we could not close it to public use, and perhaps post it. Mayor Taylor said if it is not to be accessible to the public it should be made clear. Mr. Hoffman said the state engineers eliminated the jogging trail from their approval.

Councilman Prince questioned the last "Whereas" in the resolution and it was decided to eliminate that section. John Kelley also suggested that in the section "Now Therefore," to add " **by separate agreement.**"

****Councilman Daniels amended his motion to strike out the last "Whereas"; and add in the**

last paragraph, "by separate agreement." Councilman Nolder, second to the motion, agreed. Motion was approved 6-0.

Resolution No. 528 - Planner Hoffman noted that this was a similar resolution for the "fair share" contribution for a development by David Herman's Valley Farms, known as the Tofte property, and would be for a proposed traffic signal at 13th and S. Ivy. The same methodology used for Willow Creek was implemented for this area. However, due to the fact that railroads would not be involved, the projected cost of the light is less, \$100,000. Mr. Herman's projected cost would be \$5,000.

****Councilman Prince moved to adopt Resolution No. 528, A RESOLUTION TO ACCEPT AN OFFER OF \$5,000 FROM VALLEY FARMS AS A "FAIR SHARE" CONTRIBUTION.** Motion seconded by Councilman Nolder and approved 6-0.

UNFINISHED BUSINESS: Swim Center Fees - Administrator Jordan reminded the Council that the budget committee had requested that the rates be adjusted at the Swim Center to help make the facility self sufficient in the way of revenues; and to reduce a tax inequity as far as support, in regards to pool users inside the City that pay taxes and outside City pool users who do not pay tax support to the facility. This year, Mr. Nelson was able to reach approximately 50% of the goal of being self sufficient and is hoping to reach 65% for cost recovery.

Mr. Jordan noted that Eric Laitinen, Swim Center Program Coordinator, was present to answer any questions.

****Councilman Nolder moved to accept the Swim Center new rate schedule dated January 6, 1993.** Motion seconded by Councilman Daniels and approved 6-0.

Councilman Nolder commented that he often uses that facility and within the last few years it has become a very nice facility and well maintained.

OTHER REPORTS OR ANNOUNCEMENTS: Planning Department Update - Bob Hoffman, City Planner, first reviewed the department function and staffing: 2 planners, 1 secretary, 1 building official and 1 part time clerk; advance and current planning is the main function; and building code enforcement. He also used a color coded map showing the recent annexations and developments in the community.

- * new Design Review and Solar Ordinances have been implemented which has resulted in improved landscaping projects and a 20% fuel savings due to the solar ordinance.
- * business approvals are encouraged and recent ones have been McDonalds, Payless, 3 offices and one industrial park.
- * new schools have been approved for construction, as well as expansions.
- * 84 new homes have been built, 10 new apartment units and 8 subdivision approved; this is a potential for 600 total new dwelling units.
- * we have protected two (2) major wetlands.
- * we have acquired 7 acres in park land and collected \$40,000 in park SDC money.
- * encouraged broader perspectives and longer range decisions by providing data, trends and impacts.
- * facilitate application process.
- * serve as staff to the Planning Commission.
- * staff has been working with the Historic Task Force.
- * maps have been brought up to date.
- * up to date Comp Plan and development ordinance.

Mr. Hoffman reviewed a few "problem areas":

- * providing a balance between regulating, facilitating and proposing, which sometimes causes tension.

- * Mr. Hoffman said he is becoming more familiar with "Canby's values", however, with the influx of new people to the community this is changing; census figures say that more than half of our citizens have moved within the last five years.
- * continue to develop relationship with county and region; Metro has developed a plan with three alternatives and all three impact Canby, we must spend some time in reviewing this for protection.
- * need a Geographic Information System.
- * the population trend of need for smaller residential units needs to be reviewed, specifically defining the term "compatibility".

Councilman Daniels asked why landscaping in downtown is not encouraged. Mr. Hoffman said he hopes to see significantly more, however, the present process doesn't encourage this and he felt we could encourage downtown landscaping.

Councilman Nolder asked if the development process would be faster if we had a Design Review Committee. Mr. Hoffman said we need people with those skills for a separate committee, however, it is presently overloading the Planning Commission. Mr. Hoffman said it doesn't slow down development but it slows down doing some higher priority functions.

Councilman Prince noted that we have a 60 day turn over, the state allows 120 days. Mr. Hoffman pointed out that this also provides for an appeal period, however, they may review this time frame.

Mayor Taylor said he had met with Kurt Schrader, Planning Chair, and they intend to have some joint meetings between the Council and Planning Commission to discuss some problem areas.

Bob Hoffman said the commission is "a great one", in working with more then ten commissions in his career he felt this is the best one he has worked with and is proud of them. Mayor Taylor went on to reiterate the commission duties and responsibilities, as well as limited planning staff, and their admirable performance.

Administrator Jordan reminded the Council of the Clackamas Cities meeting on January 28th and invited Council to attend.

Rusty Klem reported that they will be trimming and thinning the trees on N. Locust and 12th Avenue.

Beth Saul thanked the Canby Herald for the assistance in publicizing our Centennial, which is rapidly approaching. Mrs. Saul reported that they have received a grant for English as a second language which included materials and software. This also included materials in Spanish for our Hispanic citizens.

Mayor Taylor reported that the County Children Youth Council is seeking volunteers and urged citizens interested to contact City Hall. Also, the Mayor reported on a February 8th meeting, scheduled at the Adult Center, 7:00 p.m., to meet with various group leaders to discuss the formation of a community cooperation group.

- ACTION REVIEW:**
1. Work with Wallflowers & Canby Art Association on a mural design for Police Department building.
 2. Implement CUB/City Intergovernmental Agreement.
 3. Notify new appointees: CUB, Nancy Kopelk; and Planning Commission, Bob Gustafson, Stan Elliot, Tamara Maher and Wade Wiegand.
 4. Recommend to OLCC approval of liquor license for Lost Dollar Saloon.

5. Implement "fair share" contributions for Willow Creek and Valley Farms, Resolutions No. 527 & 528.
6. Accepting dedication of Wetlands, Resolution NO. 529.
7. Implementing new Swim Center fees.

****Councilman Prince moved to go into Executive Session, under ORS 191.660 (1)(d), regarding labor negotiations and (1)(h), to discuss pending litigation. Motion seconded by Councilman Driggers and approved 6-0.**

Mayor Taylor recessed the regular session at 9:07 p.m. to go into Executive Session. The regular session was reconvened at 10:12 p.m.

Mayor Taylor noted that the Council members may be contacted individually regarding the OCA proposed City charter amendment and he suggested the Council not official take a stand on the proposal at this time.

Administrator Jordan said an OCA representative has been in City Hall to present their proposed text and notice to gather signatures. We gave them a deadline of April 21, 1993, to have their petitions at City Hall so we can proceed with our ordinance requirements prior to a county filing date.

Councilman Prince requested a new list of City government committees, including phone numbers.

Councilman Driggers reported that he has spoke with Larry Cole regarding a community wide "voice network", and it would cost around \$20,000 to \$30,000, which is outside our budget range. However, Mr. Cole offered to provide a Council voice network for six months with no charge, providing we report feedback on how it works. Mr. Jordan reported that staff has been pursing this issue. Councilman Driggers went on to explain how this voice mail works and some of the various options.

Mayor Taylor thanked the committee that interviewed the Planning Commission candidates, realizing they expedited the process.

Mayor Taylor adjourned the regular session at 10:30 p.m.

Executive Session
January 20, 1993

Present: Mayor Taylor, Council members Miltenberger, Nolder, Prince, Stark, Daniels and Driggers, Administrator Jordan, Attorney Kelley and Cam Sivilisend.

Mayor Taylor called the session to order at 9:22 p.m. in the Police Department Conference Room.

ORS 192.660 (1)(h) - Attorney Kelley discussed to pending litigation cases: Watson vs. CUB/City and a tort case filed by Mr. Sanchez.

ORS 192.660 (1)(d) - Labor negotiations were discussed for the Police Association.

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


Marilyn K. Perkett, City Recorder


Scott Taylor, Mayor