

**CANBY CITY COUNCIL
REGULAR MEETING
JULY 1, 1992**

Mayor Shawn P. Carroll presiding. Council members present: Terry Prince, Keith Stiglbauer, Maureen Miltenberger, Robert Smith and Walt Daniels. Absent: Scott Taylor.

Also present: Administrator Michael Jordan, City Attorney John Kelley, Police Chief Jerry Giger, Public Works Director Rusty Klem, Librarian Beth Saul, Aquatics Director Scott Nelson, City Planner Robert Hoffman, Assistant Planner Jim Wheeler, City Recorder Marilyn Perkett, Andy Ditommaso, Ron Tatone, Curt McLeod and Cam Sivesind.

Mayor Carroll called the session to order at 7:30 p.m., followed by the flag salute and meditation.

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

MINUTES OF PREVIOUS SESSION: **Councilman Daniels moved to approve as distributed the minutes of regular session, June 17, 1992. Motion seconded by Councilman Smith and approved 5-0.

Mayor Carroll informed the Council that the first Public Hearing, 92-04, Ritter, had been withdrawn. Also, Resolution No. 513, regarding that annexation was removed from the agenda.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

PUBLIC HEARINGS: 92-05, Zacher - Mayor Carroll reviewed the procedure for the hearing.

Mayor Carroll asked the Council if anyone had any conflict of interest on the hearing matter. None was declared.

The Mayor asked if any Councilor had any exparte contact regarding the hearing. None was declared.

Mayor Carroll opened the hearing at 7:34 p.m.

Staff - Jim Wheeler, Assistant Planner, noted that the subject site of applicants, Duane and Bonnie Zacher, is 2.42 acres located on N. Redwood across from 13th Place and joins the Logging Road. The parcel is vacant and can be serviced by all utilities. Mr. Wheeler reported that there has been some concern regarding the stormwater in that area and that drywells are ineffective. Also, there is a traffic concern for impacts on the intersections of 99 E and Redwood and 99 E and Territorial. All other criteria has been addressed. The site has a potential for 8 to 10 lots. The Planning Commission recommends that prior to development: a stormwater plan be in place; land for road widening be dedicated; preserve as many trees as possible; and cooperation among other developers and the City in an overall development regarding services.

Councilman Prince inquired about the planned road width. It currently has a 40 foot right-of-way and is intended for a 60 foot right-of-way.

Councilman Stiglbauer asked if there were any other options for stormwater than drywells. Mr. Wheeler said the applicant has a surface drainage plan to be located about in the center of the parcel; also a possible modified drywell; and a possible plan to drain over to a

pond at the Willow Creek development.

Jim Wheeler said the City would, hopefully, within a year have a stormwater plan for the area.

Applicant - Ron Tatone, representing the owners, indicated that they felt the stormwater was not a significant problem. Mr. Tatone said a "normal" collection system would be the surface drainage plan with surface and street drainage to be collected in an orifice and then discharged in a natural drainage in the center of the property. He said "nature" has taken care of the drainage concerns. He urged the Council's approval of the annexation.

Proponents - None presented.

Opponents - None presented.

Mayor Carroll closed the hearing at 7:50 p.m.

Resolution No. 514 - **Councilman Daniels moved to adopt Resolution No. 514, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS, COUNTY, OREGON, (APPLICATION OF DUANE A. AND BONNIE ZACHER), APPROXIMATELY 2.42 ACRES LOCATED ON THE WEST SIDE OF N. REDWOOD STREET, APPROXIMATELY 1200 FEET NORTH OF STATE HIGHWAY 99E, and to recommend annexation to the Portland Boundary Commission. Motion seconded by Councilwoman Miltenberger and approved 5-0.

COMMUNICATIONS: Block Party Request for Street Closure - Administrator Jordan explained that the Wiesehans and Oswalds of N.E. 14th had requested City approval to barricade N.E. 14th between Locust and Lupine for a block party on July 4th. Mr. Jordan said that he and the City Attorney had discussed the liability issue and felt the City was adequately covered and recommended approval of the request.

Councilman Daniels reported that his daughter lived in that area and the reason for the request was for safety precautions since they planned to be traveling from home to home and there are many children in the area.

Chief Giger reported no problem with the request.

**Councilman Prince moved to authorize the request for a block party on N.E. 14th Avenue. Motion seconded by Councilman Daniels.

Attorney Kelley cautioned that the City is only authorizing the street closure not the party.

**Councilman Prince amended his motion to say, authorize street closure of N.E. 14th at Locust and Lupine with City barricades for the July 4th activities in that neighborhood. Seconded of the motion concurred. Motion passed 5-0.

NEW BUSINESS: Accounts Payable - Councilman Prince reported that he had reviewed the year-end accounts and had signed off on them.

**Councilman Prince moved to approve accounts payable in the amount of \$176,872.12. Motion seconded by Councilman Stigbauer and approved by roll call vote, 5-0.

Committee Appointments - Recorder Perkett informed the Council that there were several committee appointments due, Library Board, Adult Center, Traffic Safety Commission, Swim Pool Board and Budget Committee. Mrs. Perkett indicated that three of those board had recommendations for the vacant positions, the Library, Adult Center and Traffic Safety

Commission; and that the Swim Pool will likely have a recommendation at the next meeting. However, there have been no suggestions for a Budget Committee position as yet.

****Councilman Daniels moved to reappoint Mavourn Stuart and appoint Jean Warren to the Library Board for four year terms, expiring in July, 1996. Motion seconded by Councilman Prince and approved 5-0.**

****Councilman Daniels moved to appoint Kay Ban to the Canby Adult Center Advisory Board for a four year term, expiring in July, 1996. Motion seconded by Councilman Smith and approved 5-0.**

****Councilman Prince moved to reappoint Andy Ditommaso to the Traffic Safety Commission for a three term, expiring in July, 1995. Motion seconded by Councilman Daniels and approved 5-0.**

Mayor Carroll asked that the proper letters be sent to the committee members.

ORDINANCES & RESOLUTIONS: Ordinance No. 877 - Administrator Jordan explained that this ordinance was a part of the budgeting process which allowed the City to receive state revenues. Also, the proper public hearings had been conducted.

****Councilman Prince moved to adopt Ordinance No. 877, AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR 1992-93 FISCAL YEAR. Motion seconded by Councilwoman Miltenberger and approved by roll call vote, 5-0.**

Resolution No. 515 - Planner Hoffman reminded the Council that at the last budget process, the development fees were discussed and the fees he is recommending are what is necessary to meet the projected budget requirements. Mr. Hoffman also noted that in a survey he conducted with other cities, they have recently raised their development fees.

Councilman Prince asked how Canby's fees compare to those he surveyed. Mr. Hoffman used a scenario that showed we were still a little below most cities in our fee schedule. Mr. Prince commented that he hoped these fees could be raised "gradually" in the future, rather than the doubling of the fees which we are now considering.

****Councilman Prince moved to adopt Resolution No. 515, A RESOLUTION SETTING FEES RELATED TO ASSORTED DEVELOPMENT APPLICATIONS. Motion seconded by Councilman Smith, approved 5-0.**

UNFINISHED BUSINESS: None presented.

OTHER REPORTS OR ANNOUNCEMENTS: Sewer Project Update - Curt McLeod presented the Council with the "completed" draft of the Supplemental Facility Plan for the Sewer Project. He commented that the large document was more involved than they had anticipated. Mr. McLeod said the water reuse issue is addressed in this draft document. Mr. McLeod said they are planning on October as the deadline for having plans to DEQ.

Mr. Klem informed the Council that the Stipulation and Final Order was signed and mailed last week to DEQ.

Councilwoman Miltenberger brought the Council up to date on General Canby Day. She reported that more volunteers are needed for that day. Also, people wearing blue shirts that say "General Canby Day" will be present throughout the area to answer any questions. Maureen urged people to also thank these same volunteers that have all worked so long

and hard on this annual activity. Councilwoman Miltenberger also noted that the fireworks area will have limited seating space this year due to the construction process at the high school.

Mayor Carroll urged citizens to attend the 11th annual General Canby Day activities and strongly urged everyone to be very careful with fireworks, specifically with our dry weather conditions.

- ACTION REVIEW:**
1. Recommend to the Portland Boundary Commission the Annexation of the Zacher property, Resolution No. 514.
 2. Inform the Wieseans of approval for street closure for their block party.
 3. Send out letters regarding the various committee appointments.
 4. Forward Ordinance 877 to state regarding State Revenue Sharing.
 5. Implement Resolution 515, increasing development fees.

**Councilman Prince moved to go into Executive Session under ORS 192.660 (1)(d), regarding labor negotiations. Motion seconded by Councilman Stiglbauer and approved 5-0.

Mayor Carroll recessed the regular session at 8:20 p.m., to go into Executive Session. The regular session was reconvened at 9:07 p.m. and immediately adjourned.

EXECUTIVE SESSION
JULY 1, 1992

Present: Mayor Carroll, Councilor's Prince, Daniels, Smith, Stiglbauer and Miltenberger, Administrator Jordan and Herald Reporter Cam Sivesind.

Mayor Carroll opened the session at 8:32 p.m. in the Council Chambers.

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

Mayor Carroll adjourned the session at 9:06 p.m.



Marilyn K. Perkett
City Recorder



Shawn P. Carroll
Mayor