

**CANBY CITY COUNCIL  
REGULAR MEETING  
MAY 15, 1991**

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

Also present: Public Works Director Rusty Klem, City Planner Robert Hoffman, Swim Center Director Scott Nelson, Librarian Beth Saul, City Treasurer Virginia Biddle, City Recorder Marilyn Perkett, Chris Curran, Morris Holum, Steve Hanson Maynard Nofziger, Frank Morris, John Watson, Jeff Wuorio, Chuck Zickefoose, Brian Paulson, Ray Bartlett, Juanita Gunder and Karen Sasse.

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

**MINUTES OF PREVIOUS SESSION:** \*\*Councilman Daniels moved to approve as distributed the minutes of regular session, May 1, 1991. Seconded by Councilman Smith and approved 5-0.

**PROCLAMATION:** Poppy Month - Mayor Carroll proclaimed May as Poppy Month and May 22 through 27, 1991, as Poppy Days and encouraged citizens to buy poppies from the American Legion Auxiliary.

Police Week - Mayor Carroll proclaimed May 13 through 18, 1991, as Police Week in the City, encouraging citizens to show their appreciation to our local department.

**PUBLIC HEARINGS:** 1991-92 State Revenue Sharing - Mayor Carroll reviewed the procedure for the public hearing process. The hearing body was asked if anyone had a conflict of interest; none was voiced. Mayor Carroll asked the hearing body if there was an ex parte' contact; none was voiced.

Mayor Carroll opened the hearing at 7:39 p.m.

Rusty Klem gave the staff report, noting that the City would receive \$30,000 in State Revenue Sharing funds for the next fiscal year.

No proponents or opponents spoke.

Mayor Carroll closed the public hearing at 7:40 p.m.

Rusty Klem explained that an ordinance accepting the state revenues will be on the June 5th agenda.

Annexation of 4.7 Acres, John Watson Applicant - Mayor Carroll again asked of the hearing body about any conflict of interest or ex parte' contact, none was voiced.

Mayor Carroll opened the public hearing at 7:42 P.M.

Staff Report: Robert Hoffman, City Planner, pointed out the proposed location on the map, Tax Lot 700 of approximately 4.7 acres east of Pine and south of 99E, owned by Harold and Yvonne Wodtli; the applicant is John Watson who plans to develop the site. The site is designated for High Density Residential in the Comprehensive Plan and can be served by all utilities. The Planning Commission held a public hearing on April 22, 1991, and there were no objections to the request. Mr. Hoffman said the Planning Commission

recommended approval of the annexation with four conditions: 1. all development and recording costs to be borne by the developer when the property is developed; 2. all city and service provider regulations to be adhered to at time of development; 3. any subsequent development must be preceded by a Conditional Use Permit and Site and Design Review or PUD or Subdivision review to ensure all public facility improvements are made; and 4. all extensions of service will be the responsibility of the developer, this does not preclude an LID or Reciprocity Agreement.

Mr. Hoffman also informed the Council that Richard Kraxberger, owner of a small tax lot (Tax Lot 600) just north of the subject site has petitioned for annexation and this will be scheduled for a public hearing on June 5th.

Councilman Prince asked what ordinance the manufactured home court would apply under. Mr. Hoffman said it would be a conditional use.

No proponents or opponents addressed the matter before the hearing body.

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

**\*\*Councilman Smith moved to adopt Resolution No. 472, A RESOLUTION APPROVING ANNEXATION TO THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON (APPLICATION OF JOHN WATSON) OF APPROXIMATELY 4.7 ACRES. Motioned seconded by Councilman Daniels and approved 5-0.**

**WORKSHOP:** Sewer Facility Plan and Rate Study (*Minutes are not required or maintained for workshop sessions. However, this was tape recorded.*) The workshop session started at 7:52 p.m. and ended at 8:30 p.m.

**COMMUNICATIONS:** Request to Provide Sidewalk Service - Mr. Klem reviewed a memo resulting from requests by Parsons Canby Pharmacy and Canby Ice Cream to provide sidewalk service in front of their respective businesses. Staff reminded Council that a few years ago we allowed the bakery to put a couple small tables with chairs in front of their business for sidewalk service. Staff also recommended that the City be provided proof of liability insurance with the City named as an additional insured.

**\*\*Councilman Daniels moved to grant the request of Canby Pharmacy and Canby Ice Cream to put two small tables with two chairs per table in front of their respective businesses for the purpose of serving food or drink; and to provide proof of liability insurance with the City of Canby named as an additional insured. Also, to direct the City Attorney to prepare amending language to the existing Municipal Code regarding sidewalk obstruction. Motion seconded by Councilwoman Miltenberger.**

Councilman Daniels asked if we would address each request separately if other businesses requested the same. Attorney Kelley suggested that we do each on an individual basis until the ordinance is amended.

Councilman Prince questioned if we should limit the area that is taken up by the tables. Attorney Kelley suggested that it not inhibit the flow of pedestrian traffic.

Councilman Prince suggested that the amendment set a three foot limit to be taken up and also prohibit the use of umbrellas and more specifically advertising, such as are on the present umbrellas..

Councilman Stiglbauer said he had stopped by the Ice Cream store and felt there was no problem with what they had set outside their business. He indicated that the City garbage cans that are on the sidewalks are almost as big as the tables.

Councilman Daniels also suggested that the ordinance amendment limit the area to be in front of the store frontage.

**\*\*The motion passed 5-0.**

**NEW BUSINESS: Accounts Payable** - **\*\*Councilman Prince** moved to approve payment of accounts payable in the amount of \$76,082.23, seconded by Councilman Daniels and approved by roll call vote, 5-0.

**ORDINANCES & RESOLUTIONS: Ordinance No. 858** - Mr. Klem explained that this ordinance was drafted to provide regulations for manufactured homes and other structures to be moved in the City. **\*\*Councilman Daniels** moved to adopt on final reading Ordinance No. 858, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING SITE PLAN REVIEW AND REQUIRING REVIEW OF CONDITION OF RESIDENTIAL STRUCTURES PROPOSED TO BE MOVED; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Smith and approved 5-0, by roll call vote.

Ordinance No. 859 - Mr. Klem explained that this was a companion ordinance to number 858, regarding manufactured home regulations. **\*\*Councilman Smith** moved to adopt on final reading Ordinance No. 859, AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING MANUFACTURED HOMES ON INDIVIDUAL LOTS PLANNED AND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE TO BE PERMITTED AS AN OUTRIGHT USE; REPEALING ORDINANCE NO 853; AND DECLARING AN EMERGENCY. Motion seconded by Councilman Prince and approved by roll call vote, 5-0.

Ordinance 860 - This ordinance was drafted to implement a sewer reserve fund, the current sewer reserve fund has expired. **\*\*Councilman Prince** moved to adopt Ordinance No. 860, AN ORDINANCE CREATING A SEWER RESERVE FUND FOR THE PURPOSE OF RETAINING REVENUE WITH WHICH TO UNDERTAKE WASTEWATER SYSTEM AND WATER QUALITY RELATED CAPITAL IMPROVEMENTS; AND REPEALING RESOLUTION NO. 341. Motion seconded by Councilman Stiglbauer and approved by roll call vote, 5-0.

Ordinance No. 861 - Mr. Klem explained that this ordinance was necessary for part of the process to enter into a contract for the Birch Street Project using the FAU funds. He explained that our Engineers of Record, Curran-McLeod, had designed the project and were the only ones to submit a qualification request for construction engineer. The contract is not to exceed \$35,020, and will probably take seven weeks, although the state covers the project for twelve weeks. Mr. Klem pointed out that we will actually pay on an hourly basis. **\*\*Councilman Prince** moved that Ordinance No. 861, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH CURRAN-MCLEOD, INC., FOR CONSTRUCTION ENGINEERING ON THE NORTH BIRCH STREET PROJECT; AND DECLARING AN EMERGENCY be posted and come up for final action on June 5, 1991. Motion seconded by Councilman Smith, approved 5-0.

Resolution 473 - Planner Hoffman explained that a request by the developers of the H.O.P.E. project was to amend the Comprehensive Plan to changing the zoning from Low Density Residential to Medium Density Residential for their 32 acres site at the southwest corner of S. Ivy Street and S.W. 13th Avenue. The request was recommended for approval by the Planning Commission. Mr. Hoffman reviewed the four conditions of approval as set forth by the commission: 1. applicant shall submit, as part of the PUD conditional use process, a traffic impact analysis of the area; 2. applicant shall provide park land at the scale of two to three acres for Citywide use; 3. Phase I development shall not begin until

the Ivy/Township/Knott sewer connection has been made; and 4. if construction does not occur before the three years deadline is reached then the approval is null and void and the zoning will revert back to Low Density Residential. \*\*Councilman Daniels moved to adopt Resolution No. 473, A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY TO INCLUDE TAX LOT 800 OF TAX MAP 4-1E-4A (CONSISTING OF APPROXIMATELY 32.57 ACRES) FOR MEDIUM DENSITY RESIDENTIAL LAND USE LOCATED AT THE SOUTHWEST CORNER OF S. IVY AND S.W. 13TH AVENUE. Councilman Prince seconded the motion and it was approved 5-0.

**UNFINISHED BUSINESS:** Mayor Carroll reminded the Council that several committee appointments are coming due, if the Council has any input on these, please contact City Hall.

Mayor Carroll reminded everyone of the Whiskey Hill Jazz Festival on Saturday, May 18th in Wait Park.

Swim Center Update - Scott Nelson presented a departmental update on the Swim Center: the new increased fee schedule is receiving positive action; the skylights and gutters will be installed after Memorial Day and the pool will remain open; three vacancies are on the Policy Advisory Board; lesson program is in high demand, actually more than the pool can provide; new instructors are being trained for summer classes; Adrienne Mills, Program Coordinator, will be leaving employment soon and Eric Laitinen will take over the programs; staff invited people to play volleyball outside by the pool; and a new water basketball game has been invented by Steve Lytle of their staff.

Bob Hoffman informed the Council that very soon the school districts will be submitting several applications, one for a new school and three for various remodeling and expansion projects.

Mr. Klem said that the Birch Street Project would begin on either May 24th or 28th.

**ACTION REVIEW:**

1. Resolution 472, will be forwarded to the Boundary Commission.
2. Prepare amending language regarding sidewalk obstruction.
3. Mobile homes will now be subject to the Design Review process.
4. A Sewer Reserve Fund will be set up.
5. Birch Street Project will be started with Curran-McLeod as construction engineers.
6. Committee Appointments are due.
7. Jazz Festival Saturday at Wait Park.

Attorney Kelley informed the Council that on June 5th, an Executive Session will be scheduled for 7:00 a.m.

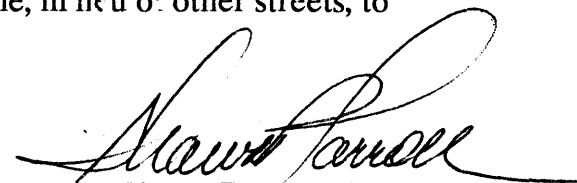
Councilman Prince thanked staff for putting up the backstop at Canby Community Park.

Councilman Stiglbauer commented on how nice N. Manzanita looked with the new overlay.

Rusty Klem noted that N. Manzanita was overlayed at this time, in lieu of other streets, to preserve the street.

Mayor Carroll adjourned the meeting at 9:25 p.m.

  
Marilyn K. Perkett, City Recorder

  
Shawn P. Carroll, Mayor